



Online lodgement

Jobs and Skills Australia
Department of Employment and Workplace Relations
GPO Box 9828
Canberra ACT 2601

Dear all

2025 Draft Core Skills Occupations List

I write on behalf of Law Firms Australia (**LFA**) in relation to the 2025 draft core skills occupations list (**the CSOL**). LFA represents multi-jurisdictional law firms, Allens, Ashurst, Clayton Utz, Corrs Chambers Westgarth, DLA Piper Australia, Herbert Smith Freehills Kramer, King & Wood Mallesons, MinterEllison, and Norton Rose Fulbright Australia. LFA is also a constituent body of the Law Council of Australia, the peak representative organisation of the Australian legal profession.

The category of interest to LFA member firms, and it may be reasonably expected, to other medium to large Australian law practices, is '271299 Judicial and Other Legal Professionals' (**the other legal professionals category**). It has been listed for consultation.


LFA submits that the other legal professionals category should be retained in the final CSOL as it is important to the meeting the needs of commercial law practices in respect of solicitors qualified to practise in a foreign jurisdiction, as well as quasi-legal roles.

1. Foreign qualified lawyers

- 1.1 The other legal professionals category is critical in respect of solicitors qualified to practise in a foreign jurisdiction, such as England and Wales, who are seeking to work in an Australian law firm but are not yet admitted to the Australian legal profession.
- 1.2 To practise Australian law, a person must hold a current Australian practising certificate.¹ Practising certificates can only be conferred on a person admitted to the Australian legal profession, and to be admitted in a Uniform Law jurisdiction, a person must obtain a compliance certificate from a relevant admitting authority.²

¹ Legal Profession Uniform Law, ss 6 and 10. The Legal Profession Uniform Law (**the Uniform Law**) applies in New South Wales, Victoria, and Western Australia, however there are provisions to the same effect in the Legal Profession Acts of the other Australian jurisdictions.

² In Uniform Law jurisdictions, either the Legal Profession Admission Board in New South Wales, the Victorian Legal Admissions Board, or the Legal Practice Board of Western Australia.


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- 1.3 The critical step for a foreign qualified lawyer in this process is the grant of a compliance certificate from a Board.³ The following prerequisites apply to the issuance of a compliance certificate:⁴
- (a) that the person has attained the academic qualifications specified under the Admission Rules (**the academic prerequisite**),
 - (b) that the person has satisfactorily completed the practical legal training requirements specified in the Admission Rules for the purposes of this section (**the PLT prerequisite**), and
 - (c) that the person is a fit and proper person to be admitted to the Australian legal profession.
- 1.4 Whilst it is open to an admitting authority to provide exemptions to a foreign qualified lawyer for the academic prerequisite or the PLT prerequisite, or both, the common practice of admitting authorities is to direct foreign qualified lawyers to complete additional study through an Australian legal institution.⁵ For instance, a foreign qualified lawyer may be directed to complete several Priestly 11 subjects (such as Australian Constitutional Law, Administrative Law, Contract Law, and Equity and Trusts) in respect of the academic prerequisite.
- 1.5 Law practices will often employ foreign qualified lawyers subject to such a direction whilst they complete the relevant additional study, on the expectation that they will then be granted admission to the Australian profession and an Australian practising certificate. During that time of study, these foreign qualified lawyers do not themselves engage in legal practice or give legal advice, but undertake general work under the supervision of Australian qualified practitioners. The other legal professional category must underpin those foreign qualified lawyers' working rights as they are unable to rely upon the solicitor category without an Australian practising certificate.
2. **Quasi-legal roles**
- 2.1 The other legal professional category also captures many important quasi-legal roles within practices. These may include roles within digital legal delivery, innovation, and risks and conflicts teams. Such roles do not involve practising law, and therefore do not require the person filling the role to be admitted to the Australian legal profession, but often require, or greatly benefit from, being performed by somebody with legal experience.

³ Uniform Law, s 19.

⁴ Uniform Law, s 17.

⁵ It should be noted for completeness:

- that foreign qualified lawyers may also seek conditional admission, but conditional admission: is only available in Uniform Law jurisdictions; is subject to a broad discretion exercised by admitting authorities, and; is not currently sought as often as full admission;
- that, in relation to the granting of exemptions, different considerations apply with respect to foreign qualified lawyers who have practised foreign law for a total of at least seven years as compared to those that have not so practised (see r 6A of the *Legal Profession Uniform Admission Rules 2015*), and
- that the Legal Services Regulatory Dialogue, established by the Australia – United Kingdom Free Trade Agreement, is considering admission issues in Australian and United Kingdom jurisdictions.

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- 2.2 If the other legal professional category is omitted from the final CSOL, it would greatly limit the ability of law practices to source and engage the best and most appropriately qualified candidates for such roles, especially in circumstances where the local availability or interest for such roles is scarce. This, in turn, would have a detrimental impact on services delivered to clients and employees at affected law practices.

Please let me know if LFA can provide any additional information that would be of assistance to JSA in its deliberations.

Yours faithfully

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