

3 November 2016

Dr Anne Rozario
Department of Education and Training
GPO Box 9880
CANBERRA ACT 2601

By email: SOL@education.gov.au.

Dear Dr Rozario

Review of the 2017-18 Skilled Occupations List (SOL)

Thank you for providing the Law Council of Australia with the opportunity to make a submission to the annual update of the Skilled Occupation List (SOL) conducted by the Department of Education and Training.

The Law Council is the peak body representing the legal profession in Australia and speaks for the profession on matters affecting Australian immigration law and policy, and employment of foreign lawyers.

The Law Council is pleased that the occupations of *Solicitor* and *Barrister* remain on the [2016-17 SOL](#), and supports retaining those occupations in future years. The Law Council is concerned that these occupations have been included in the list of [Flagged Occupations on the SOL for 2016-17](#) which may be removed in future years subject to monitoring of the labour market.

The removal of these professions from the SOL would create a barrier for foreign lawyers seeking legal employment in Australia and law practices looking to absorb multi-jurisdictional legal skills and expertise essential to ensure international competitiveness could not hire foreign lawyers without additional cost and unnecessarily burdensome administrative procedures and requirements.

The presence of foreign lawyers increases the competitiveness of the Australian legal profession via the transfer of specialist legal skills and business cultures, and increases the export of legal services which creates employment opportunities. Australia's experience is that the gradual and ongoing absorption of foreign lawyers has seen the internationalisation of the Australian legal profession over the last 30 years where the exports in legal services have consistently grown at a level stronger than imports delivering a net growth to the Australian legal services market (see Graphic A, below).

There is a continuing requirement in our trade agreements to enable lawyers admitted to practise in other countries to provide transnational commercial and business legal services in Australia on a temporary basis (GATS Mode 4). Inability of these lawyers to enter Australia due to visa reasons could be seen as an unnecessarily burdensome 'behind-the-border' barrier that contravenes our treaty-level commitments in trade agreements.

As noted in the Law Council's submission to the review by Skills Australia in [November 2010](#), the Law Council also continues to work on addressing a critical shortage of lawyers in rural, regional and remote (RRR) areas of Australia, and aims to encourage law graduates and more experienced lawyers from Australia to take up long-term positions in these areas. The inclusion of barristers and solicitors on the SOL supports the objectives of this campaign, as foreign lawyers may be enticed to fill these skills shortages.

Please contact Ms Emma Hlubucek on 02 6246 3726 or by email (emma.hlubucek@lawcouncil.asn.au) should you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Smithers', written over a horizontal line.

Jonathan Smithers
Chief Executive Officer

Graphic A

