

Foreign Lawyers and the Uniform Law

This fact sheet identifies the key points for foreign lawyers under the Legal Profession Uniform Law.

INFORMATION FOR FOREIGN LAWYERS

Entitlement to engage in legal practice

Australian-registered foreign lawyers are entitled to practise foreign law in Victoria under the Uniform Law.

Other foreign lawyers who are not registered are also entitled to practise foreign law in Victoria, but may only do so in accordance with part 3.4 of the Uniform Law.

Foreign lawyers are not entitled to practise Australian law in Victoria.

Practice without registration

Foreign lawyers may, generally, practise foreign law in Victoria for a limited period without needing an Australian registration certificate. That is, during one or more periods that do not exceed 90 days in aggregate in any period of 12 months, or any period imposed under the *Migration Act 1958* (Cth).

This entitlement is not available to a foreign lawyer:

- who maintains an office in Victoria for the purpose of practising foreign law in Australia; or
- who is a partner, director or other principal of a Victorian law practice; or
- whose Australian registration certificate has been cancelled and a new certificate has not been subsequently granted; or
- while his or her registration certificate is suspended.

Scope of practice

Foreign lawyers may only provide the following legal services in Australia:

- doing work, or transacting business, concerning the law of a foreign country where the lawyer is registered or authorised by that country's registration authority;

- legal services in relation to proceedings before bodies other than courts (being proceedings in which the relevant body need not apply the rules of evidence and in which knowledge of foreign law is considered to be essential by the Victorian Legal Services Board);
- legal services in relation to arbitration proceedings or conciliation, mediation and other forms of consensual dispute resolution;
- legal services of a kind specified in the Uniform Rules.

Fidelity cover

Australian-registered foreign lawyers may be authorised to receive trust money. If so authorised, the lawyer must make an annual fidelity fund contribution unless he or she is not (and reasonably expects not to be) an associate of a law practice during the currency of his or her registration certificate.

Professional indemnity insurance

If they do not hold an approved insurance policy for Victoria, Australian-registered foreign lawyers will need to give clients a written disclosure statement, stating:

- whether or not the lawyer is covered by other professional indemnity insurance; and
- if covered, the nature and extent of that insurance.

Transition to Uniform Law

Registration certificates granted under the *Legal Profession Act 2004*, and expressed to be operative on or after the day on which the Uniform Law commenced, were taken to be an Australian registration certificate granted in Victoria under the Uniform Law.