

ANNEX 4-III: ADDITIONAL COMMITMENTS TO CHAPTER 7 (TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

(I) NOTE TO SINGAPORE'S COMMITMENTS FOR MARITIME SERVICES

Where the following services are not otherwise covered by the obligation enshrined in Article 1(i)(ii) of Chapter 7 (Trade in Services), they are made available to international maritime transport operators on reasonable and non-discriminatory terms and conditions:¹

- pilotage;
- towing and tug assistance;
- provisioning, fuelling and watering;
- garbage collection and ballast waste disposal;
- port captain's services-navigation aids;
- emergency repair facilities;
- anchorage; and
- other shore-based operational services essential to ship operations, including communications, water and electrical supplies.

¹ The following services are as identified in accordance with the WTO Negotiating Group on Maritime Transport Services.

(II) RECOGNITION OF LAW DEGREES FOR ADMISSION AS QUALIFIED LAWYERS

Part 1 : Singapore's Commitments

(A) Scope and coverage

1. This Part describes and sets out the conditions for Singapore's commitments for the supply of legal services in Singapore by Singapore citizens and permanent residents (as defined by Singapore laws and regulations) who completed their law degree courses at prescribed universities in Australia and who wish to seek admission as advocates and solicitors of the Supreme Court of Singapore.

(B) Description of Singapore's commitments

2. (a) Any Singapore citizen or permanent resident who has undergone an undergraduate course in law at any one of the 10 Australian Universities listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001) and who is subsequently conferred the corresponding Bachelor of Laws degree ("LLB degree") as specified in the same Schedule shall be regarded as a qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if he or she –
 - (i) has been ranked by that university as being amongst the highest 30%, in terms of academic performance, of the total number of the graduates in the same batch who have been conferred the degree or degrees as specified in that Schedule in respect of that university; and
 - (ii) has obtained the Diploma in Singapore Law.
- (b) The 10 Australian Universities listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001) referred to in paragraph 2(a) above are the Australian National University, Flinders University, Monash University, University of Melbourne, the University of New South Wales, the University of Queensland, the University of Sydney, the University of Western Australia, Murdoch University and the University of Tasmania.
- (c) For the purpose of subparagraph (a) above, all graduates in the same university who, in the same calendar year, commenced the final year of 4-III-3 their course of study leading to the specified degree or degrees shall be regarded as belonging to the same batch. This means that in the case of the any one of the 10 Australian Universities listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001), in respect of which 2 degrees (i.e. LLB & LLB (Honours)) have been specified, all the persons graduating with the degree of the LLB and all the persons graduating with the degree of LLB (Honours) will be taken

together, for the purpose of ranking, as being in the same batch so long as they had, in the same calendar year, commenced the final year of their course which led to the conferment on them of their respective degrees.

- (d) The 10 Australian Universities listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001) shall not include any offshore campuses established by these universities outside Australia and the recognition of each of the relevant LLB degrees conferred by these universities shall be solely on the basis of attendance and completion of full-time residential LLB degree courses of at least 3 years' duration at one of these listed universities. All part-time or distance learning law courses conducted by any of these listed universities shall not be accorded recognition.
- (e) Notwithstanding the above, however –
 - (i) any Singapore citizen or permanent resident who has been conferred any one of the LLB degrees listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001) by the relevant university as listed in the same Schedule after completion of a full-time residential course in law of less than 3 years' duration or a dual degree course and the LLB degree is a component of such a dual degree course may, with the approval of the Board of Legal Education, be regarded as a qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if he or she –
 - (A) has been ranked by that university as being amongst the highest 30%, in terms of academic performance, of the total number of the graduates in the same batch (as defined in subparagraph (b) above) who have been conferred the degree or degrees as specified in that Schedule in respect of that university; and
 - (B) has obtained the Diploma in Singapore Law; or
 - (ii) any Singapore citizen or permanent resident who has been conferred a combined degree by any of these listed universities which includes a qualification in law shall be regarded as a 4-III-4 qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if the course leading to that combined degree is approved by the Board of Legal Education and the person concerned satisfies such other requirements as the Board of Legal Education may specify.
- (f) Any Singapore citizen or permanent resident who is regarded as a qualified person under subparagraphs (a) to (e) above and who wishes to be called to the Singapore Bar must serve the prescribed period of pupillage, and attend and successfully complete the Postgraduate Practical Course in Law conducted by the Board of Legal Education. Such a person must also comply with the provisions of Parts I & II of the Legal Profession Act as

well as the following rules and regulations made there under: (i) Legal Profession Rules (Cap 161, Rule 3); (ii) Legal Profession (Oral Examinations) Rules (Cap 161, Rule 4); (iii) Legal Profession (Fees for Ad Hoc Admission) Rules (Cap 161, Rule 14; (iv) Legal Profession (Qualified Persons) Rules (S357/2001); (v) Legal Profession (Recognition of Foreign Qualifications (Consolidation) Notification (Cap 161, Notification 1); and (vi) Legal Profession (Prescribed fees) Rules (S55/2000).

- (g) The list of Australian Universities in the said Schedule and the list of accepted LLB degrees conferred thereby may be amended after the entry into force of this Agreement by Singapore following consultations with Australia; Provided that the list shall not at any time contain less than 10 Australian Universities and any such amendments shall not directly or indirectly nullify the recognition already accorded to Singapore citizens and permanent residents prior to such amendments.
- (h) The 10 Australian Universities listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001) and the list of accepted LLB degrees conferred thereby may be reviewed by the Parties at the first and/or subsequent reviews of this Agreement as provided in Article 3 (Review) of Chapter 17 (Final Provisions), taking into account Singapore's prevailing or projected needs for legal services and legal professionals.

3. Australian nationals who graduated with a LLB (Hons) of at least Second Lower from the National University of Singapore shall be regarded as qualified persons for admission as advocates and solicitors of the Supreme Court of Singapore upon their completion of the prescribed period of pupillage, attendance at such courses of instruction and passing of such examinations in accordance with Parts I & II of the Legal Profession Act as well as the following rules and regulations made there under: (i) Legal Profession Rules (Cap 161, Rule 3); (ii) Legal Profession (Oral Examinations) Rules (Cap 161, Rule 4); (iii) Legal Profession (Fees for Ad Hoc Admission) Rules (Cap 161, Rule 14; (iv) Legal Profession (Qualified Persons) Rules (S357/2001); (v) Legal Profession (Recognition of Foreign Qualifications (Consolidation) Notification (Cap 161, Notification 1); and (vi) Legal Profession (Prescribed fees) Rules (S55/2000).

Part 2 : Australia's Commitments

1. Any Singapore citizen or permanent resident who has been conferred an accredited undergraduate law degree by any one of the Australian Universities, shall qualify for admission as an advocate/barrister and/or solicitor of any state or territory in Australia upon completion of the prescribed period of pupillage/practical legal training, attendance at such courses of instruction and passing of such examinations and meeting of other conditions as may be prescribed by the relevant state or territory in Australia.

2. Any Australian national or any Singapore citizen or permanent resident who graduated with a LLB (Hons) from the National University of Singapore shall qualify for admission as an advocate/barrister and/or solicitor of any state or territory in Australia upon completion of the prescribed period of pupillage/practical legal training, attendance at such courses of instruction and passing of such examinations and meeting of other conditions as may be prescribed by the relevant state or territory in Australia.

(III) WAIVER AND MODIFICATIONS OF STATUTORY CONDITIONS GOVERNING JOINT LAW VENTURES AND FORMAL LAW ALLIANCES IN SINGAPORE

Singapore undertakes to waive and modify the following statutory conditions governing joint law ventures and formal law alliances set out in the Legal Profession (International Services) Rules (2002 Revised Edition) for Australian law firms that wish to set up joint law ventures and formal law alliances with Singapore law firms in Singapore:

(i) Rule 2(1)(a)/Rule 2(1)(c): To extend legal expertise and experience requirements of the firm in a joint law venture from banking and finance work to include any of the related areas identified as “Tier 1” and “Tier 2” legal software in the 1999 Report of the Legal Services Review Committee.

(ii) Rule 2(1)(b)/Rule 13(1)(b): Reduce the total number of not less than 5 foreign lawyers required to be resident in Singapore by waiving this condition and modifying it to provide as follows: "the foreign law firm has not less than 3 foreign lawyers resident in Singapore, at least 2 of whom shall be equity partners in the foreign law firm...".

(iii) Rule 2(1)(c)/Rule 13(1)(c): Aggregate the experience requirements of the foreign lawyers in the foreign law firm by waiving this condition and modifying it to provide as follows: "the 3 foreign lawyers (referred to in Rule 2(1)(b)/Rule 13(1)(b) above) must have an aggregate of at least 15 years of relevant legal expertise and experience.....".

(iv) Rule 4(1)(g): For Australian lawyers working in joint law ventures who wish to practise Singapore law, waive and reduce the requirement of having at least 5 years to 3 years of relevant legal expertise or experience in banking or finance work or any of the related areas identified as “Tier 1” and “Tier 2” legal software in the 1999 Report of the Legal Services Review Committee.

(v): A Joint Law Venture involving an Australian law enterprise shall be allowed to practice corporate law in addition to banking and finance law.

(IV) ESTABLISHMENT OF A SINGAPORE HELP DESK BY AUSTRALIA AND INVESTMENT APPLICATION TIMELINES FOR SINGAPORE INVESTORS.

1. Australia shall establish a dedicated help desk to assist Singaporean investors with direct investment applications to acquire existing Australian businesses or establish new businesses, including purchases of property as an integral part of the business. The help desk shall:

- (i) assist investors to respond to further requests for information;
- (ii) provide information on any national interest concerns arising from these applications; and
- (iii) keep such investors up-to-date with the status of these applications.

1 Australia shall review these applications from Singaporean investors expeditiously in accordance with its laws, regulations and policies.

2 Unless an application to acquire an existing Australian business or establish a new business is denied, such application is deemed to be approved at the end of the statutory review period, or where notice of a statutory extension is given to the investor, at the end of the statutory period of extension.

(V) NOTE TO SINGAPORE'S COMMITMENTS FOR FINANCIAL SERVICES

Singapore agrees, consistent with its policy of granting more wholesale bank licenses that, from 1 August 2005, the quantitative limit on the number of wholesale bank licences is removed for Australian banks. The granting of wholesale bank licences will be subject to admission criteria as stipulated by the Monetary Authority of Singapore.