

AN OVERSEAS LAWYER'S GUIDE TO WORKING IN AUSTRALIA

Australia is an attractive destination for lawyers looking for professional opportunities in a diverse and thriving legal market, as well as a great quality of life. The legal market offers excellent opportunities in a variety of practice areas, world class training and development, high quality, complex, challenging legal work and enhanced employability at home or in other jurisdictions. The warm climate, diverse population, vibrant cities, natural beauty and lifestyle make Australia a popular choice. This guide focuses on some of the benefits, challenges and practical steps to consider when planning a move to Australia.

WHERE IN AUSTRALIA?

The legal market for overseas lawyers is concentrated in the state capitals of Sydney, Melbourne, Perth and Brisbane. There are a diverse range of firms but it is generally the full service international law practices, top tier Australian firms, as well as strong mid-tier and specialist firms that are interested in overseas lawyers.

In each of these cities an international quality of work is available and great opportunities exist across most practice areas. The decision of where to relocate will obviously be based on personal preference, individual circumstances and potentially your field of practice.

The focus and strength of the local economies will influence the roles on offer. Sydney and

Melbourne as larger financial centres are popular with all major international firms in Australia and have opportunities across most practice areas.

Perth and Brisbane have a wide range of opportunities but also a higher demand for energy, resources and projects specialists due to the strong energy and natural resources industries in these states.

There is less demand for overseas lawyers in the other state and territory capitals of Adelaide, Darwin and Canberra because they have smaller legal markets.



A useful resource to research the firms and types of practices in each state is Doyles Guide

WHAT PRACTICE AREAS ARE OF INTEREST?

- ✓ Banking and finance, project finance, debt capital markets and other finance streams
- ✓ Commercial disputes
- ✓ Corporate, M&A, ECM, private equity
- ✓ Energy
- ✓ Environmental Law
- ✓ Insolvency and restructuring
- ✓ IT and data privacy
- ✓ Projects and construction (back and front-end)
- ✓ Real estate


However, candidates in other areas such as employment and IP should not be deterred from considering Australia, as firms may well make room for the right candidate.

The in-house legal market is also substantial in Australia. Recruitment in this sector is always vacancy led. The demand is mostly in the corporate and commercial transactional and advisory fields, with other areas of strong interest in real estate, construction, energy and insurance. Local experience is usually preferred but strong overseas candidates can be considered.

WHY FOGARTY SEARCH?

Working with a recruiter who has a deep understanding of the market, understands your requirements and expectations and is well connected, is crucial to ensure the best outcomes are achieved.

Our team has decades of experience and when working with us, you can be sure you will receive honest and accurate advice when making such an important move.

 **Here is an example of what some have said about their experience when dealing with Fogarty Search**





HOW TO BECOME QUALIFIED IN AUSTRALIA

To become qualified and admitted as an Australian lawyer, overseas lawyers need to go through an admission process. The specific requirements to be admitted vary slightly between the different states and territories. However, the process we typically see for lawyers from other common law jurisdictions (such as the UK, New Zealand, South Africa, Canada and the USA) is for qualifications to be assessed by the relevant authority in each state, to ensure specific academic qualifications have been attained. Applicants may be required to undertake additional legal studies or exams in subjects that may include Australian Constitutional Law, Property Law, Administrative Law, Ethics & Professional Conduct.

State requirements

For detailed information on the requirements for each state please use the following links:

[Victoria](#)

[New South Wales](#)

[Queensland](#)

[South Australia](#)

[Western Australia](#)

Prior to becoming admitted here, you will work under a title such as “Foreign Legal Consultant” and your work will need to be reviewed and sent out signed by a locally admitted lawyer, usually a partner.

VISA REQUIREMENTS

You will need a visa with work rights to work in Australia until you become an Australian citizen or permanent resident. Visas are applied for by your employer and will generally last 4 years. After this period you can apply for residency and then citizenship 12 months afterwards.

Partners or spouses may also be eligible to apply for a visa allowing them to live and work in Australia.

This is a very general overview and not advice. It is highly recommended to seek advice from a lawyer or Migration Agent to establish your exact rights and entitlements.

[More detailed information can be found on the Department of Home Affairs website](#)



SALARIES AND SUPERANNUATION

The level of salary will obviously depend on your level of PQE, as well as where you want to work and potentially your specialism. Every country has its own market rate salary. So, comparing for example, a New York salary and a potential salary in Australia will most likely see a major variation in earnings. However, should you join a top law firm in any location you are right to assume that you will be well rewarded in the context of the local market. To find out what salary you could expect please feel free to contact us for tailored advice.

Superannuation, commonly known as 'Super', is a compulsory financial contribution made by employers on your behalf to an investment fund for your retirement.

You can nominate the fund these contributions will be added to or your employer will contribute to a default fund, if you do not make a choice.

Generally, this money can only be accessed once you've reached retirement or have left the country permanently. The current Super rates can be found on the ATO website.

When you're made an offer of employment, the remuneration is typically referred to as a salary 'package'. This is the combined total of your annual salary and Super. You should always check whether or not the offer you are made includes or excludes Super.

 [View the current Super rates](#)

COST OF LIVING

The cost of living in Australia is lower than in many other jurisdictions such as London, New York, Dubai, Singapore or Hong Kong, although it varies between regions. Sydney is the most expensive city to live in, especially when rent is factored in. In comparison to Melbourne, the difference in cost of living in different international cities is set out in the table below.

	Consumer Prices difference in comparison to Melbourne	Rent Prices difference in comparison to Melbourne
London	+10%	+42%
Singapore	+11%	+53%
Sydney	+0.5%	+27%
New York	+24%	+60%
Hong Kong	-4%	+34%
Dublin	+1%	+30%

Source: Numbeo August 2023

ACCOMMODATION

The Australian rental market can be very competitive, especially in the more popular areas of each city. The area or suburb where you decide to live will obviously depend on your personal circumstances, lifestyle choices and financial position.

Sydney is the most expensive city to rent accommodation and the median weekly rent for a 1 bedroom apartment in each state is shown below as a comparison.

City	Median rent (AU\$ per week)
Sydney	\$726
Canberra	\$649
Brisbane	\$614
Perth	\$604
Melbourne	\$553
Adelaide	\$548

Source: Corelogic Quarterly Report October 23

Researching before you make a financial commitment is definitely recommended and 2 useful websites for buying and renting properties are:

www.realestate.com.au

www.domain.com.au

INCOME TAX IN AUSTRALIA

When working in Australia you will need a Tax File Number (TFN) which is used for tax and superannuation purposes. Applying for a TFN is a relatively simple process and details can be found on the ATO website.

Tax rates in Australia start with a tax free band at the lowest level of income.

[Details on applying for a Tax File Number](#)

[Information on the current tax rates](#)

MEDICARE, MEDICARE LEVY AND HEALTH INSURANCE

Australia has a private and public health system (Medicare). There are reciprocal health care agreements with some countries including the Republic of Ireland, UK and New Zealand which will cover emergency care and any illness or injury that can't wait until you return home.

However, generally unless you are an Australian (or New Zealand) citizen or an Australian resident it is likely a condition of your visa to take out private health insurance. This can give you faster access to non-emergency medical care in some circumstances, more choice of healthcare provider and it will usually cover at least one ambulance call out which would not be covered by Medicare.

There is also an additional tax called the Medicare Levy payable if you don't have private health cover once you earn over a certain level of income. In reality at higher levels of salaries most people will take out private health cover.

[Details about the Medicare Levy](#)



OTHER FAQs

What are the hours like?

While many international lawyers move to Australia as a lifestyle choice, you will still be expected to work hard. The market standard billable expectation is circa 7hrs per day. Some firms, typically the major global players may expect higher billings and some of the mid-tier and smaller firms may expect less.

How much holiday can I expect?

The standard annual paid holiday allowance is 20 days. Any unused days can normally be carried forward to the next year (check your employment contract). Each state has its own public holidays in addition to the nationwide ones, New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day and Christmas Day. In total, you can expect about 11 public holidays throughout the year. It is also common for some employers, especially law firms, to close over the Christmas and New Year's period. This will use up some of your holiday allowance.



Full details of each state's holidays can be found here

Any other questions?

For further information or for specific questions relating to your circumstances, please feel free to contact us.

All information contained in this guide is general advice only and it is strongly recommended you contact a Migration Agent, lawyer or tax advisor to clarify your position especially in relation to tax, visas and healthcare.



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