

Letter from Minister Mustapa to Minister Robb regarding legal services

4 February 2016

The Honourable Andrew Robb
Minister for Trade and Investment
Australia

Dear Minister Robb,

In connection with the signing on 4 February 2016 of the Trans-Pacific Partnership Agreement (the “TPP Agreement”), I have the honour to confirm the following mutual understandings reached between the Government of Malaysia and Government of Australia during the course of negotiations on the TPP Agreement:

Review of the Malaysia-Australia Free Trade Agreement (MAFTA)

Under the upcoming review of the Malaysia-Australia Free Trade Agreement (MAFTA), Malaysia will extend to Australia commitments on legal services, under the Temporary Movement of Natural Persons Chapter of MAFTA. These commitments will provide certainty for the following categories of suitably qualified Australian business persons to enter Malaysia and practice in a Qualified Foreign Law Firm, International Partnership with a Malaysian law firm or a Malaysian law firm, or to provide legal services on a fly-in, fly-out basis, at all times as provided for and defined in the *Legal Profession Act 1976* and other relevant measures and Bar Council guidelines, without being subject to quotas or economic needs tests:

- . persons who are self-employed or who are employees of an Australian law firm, registered by the Bar Council to practice in a Qualified Foreign Law Firm, International Partnership with a Malaysian law firm or a Malaysian law firm with length of stay of up to 12 months or for the duration of the contract, whichever is less; and
- . legal professionals, whether self-employed or who are employees of an Australian law firm, providing legal services on a fly-in, fly-out basis, for up to 60 days in any one calendar year.

I have the further honour to propose that this letter, and your letter in reply confirming these mutual understandings, constitute a Memorandum of Understanding between the Government of Malaysia and the Government of Australia which will come into effect on the date of signature of this letter.

Yours Sincerely

Dato’ Sri Mustapa Mohamed
Minister of International Trade and Industry
Malaysia

Response from Minister Robb to Minister Mustapa

4 February 2016

YB Dato' Sri Mustapa bin Mohamed
Minister of International Trade and Industry
Malaysia

Dear Minister Mustapa

I have the honour to acknowledge receipt of your letter of 4 February 2016 which reads as follows:

“In connection with the signing on 4 February 2016 of the Trans-Pacific Partnership Agreement (the “TPP Agreement”), I have the honour to confirm the following mutual understandings reached between the Government of Malaysia and Government of Australia during the course of negotiations on the TPP Agreement:

Review of the Malaysia-Australia Free Trade Agreement (MAFTA)

Under the upcoming review of the Malaysia-Australia Free Trade Agreement (MAFTA), Malaysia will extend to Australia commitments on legal services, under the Temporary Movement of Natural Persons Chapter of MAFTA. These commitments will provide certainty for the following categories of suitably qualified Australian business persons to enter Malaysia and practice in a Qualified Foreign Law Firm, International Partnership with a Malaysian law firm or a Malaysian law firm, or to provide legal services on a fly-in, fly-out basis, at all times as provided for and defined in the *Legal Profession Act 1976* and other relevant measures and Bar Council guidelines, without being subject to quotas or economic needs tests:

- persons who are self-employed or who are employees of an Australian law firm, registered by the Bar Council to practice in a Qualified Foreign Law Firm, International Partnership with a Malaysian law firm or a Malaysian law firm with length of stay of up to 12 months or for the duration of the contract, whichever is less; and
- legal professionals, whether self-employed or who are employees of an Australian law firm, providing legal services on a fly-in, fly-out basis, for up to 60 days in any one calendar year.

I have the further honour to propose that this letter, and your letter in reply confirming these mutual understandings, constitute a Memorandum of Understanding between the Government of Malaysia and the Government of Australia which will come into effect on the date of signature of this letter.”

I have the further honour to confirm that the above reflects the mutual understandings reached between the Government of Australia and the Government of Malaysia during the course of the negotiations of the TPP Agreement, and that your letter and this letter in reply constitute a Memorandum of Understanding between the Government of Australia and the Government of Malaysia.

Yours sincerely

Andrew Robb
Minister for Trade and Investment
Australia