

TRANS-PACIFIC PARTNERSHIP AGREEMENT

OUTCOMES: PROFESSIONAL AND OTHER BUSINESS SERVICES

Australian professional service providers are important contributors to the Australian economy, with exports including world-class legal, accounting, engineering, architecture, surveying and urban planning, and research and development services.

Australian exports of professional, technical and other business services to TPP countries were valued at \$5.5 billion in 2015-16, which accounted for 56 per cent of total exports of these services (valued at \$9.9 billion in 2015-16).

The TPP provides a strong platform for continued growth in Australian exports of professional, technical and other business services. It will remove key barriers, provide for more transparent and predictable operating conditions in TPP countries, and enable suppliers to benefit from future market reforms.

TPP countries have also agreed to work cooperatively to foster enhanced recognition of professional qualifications, and improved licensing and recognition arrangements in professional services sectors.

KEY OUTCOMES

Legal services

Australian lawyers and law firms will benefit from the following commitments by TPP countries:

- Brunei Darussalam, Mexico, Malaysia, Peru and several American States (beyond those covered in our bilateral free trade agreement - Arizona, Indiana, Louisiana, Massachusetts, New Mexico, North Carolina, Missouri and Utah) have guaranteed access for Australian lawyers to provide advice on Australian, international or third party law on a fly-in, fly-out basis. This will be an enabler for exports of transnational commercial and business legal services to these TPP countries;
- Malaysia has agreed to open up its legal services sector so that:
 - Australian lawyers will be able to provide legal advice on Australian, international or third party law on a 'fly-in, fly-out' basis, following the recent removal of a ban;
 - Australian law firms will be able to practice aspects of Malaysian law through an International Partnership with a Malaysian firm or by establishing a Qualified Foreign Law Firm (a firm which may be 100 per cent foreign owned);
 - Australian lawyers will be able to practise in a Malaysian law firm, Qualified Foreign Law Firm and in an International Partnership with a Malaysian firm; and



- The benefits of any future reforms in the Malaysian legal services sector will automatically flow to Australia as a TPP commitment.
- Greater certainty regarding the operating conditions in Vietnam’s legal services sector, including clarification that Australian lawyers and legal firms can provide written legal advices and other Australian, international and third party law legal advice in Vietnam;
- Australian law firms will be able to bid for government procurement contracts for legal services in Brunei Darussalam, Canada and Peru; and
- Australian lawyers will be guaranteed the ability to temporarily enter and work in TPP countries, including the ability to transfer partners and lawyers to work in offshore offices for temporary periods and for independent Australian lawyers to work in Canada and Malaysia without being subject to labour market testing.

Construction, architecture, engineering and surveying services

Australian providers of construction, architecture, engineering and surveying services will benefit from the following commitments:

- Malaysia has agreed to remove a number of operating restrictions for architecture, engineering and quantity surveying service providers, including removal of the requirement for architects, engineers and quantity surveyors to be Malaysian citizens to provide these services in Malaysia. Future reforms of these sectors by Malaysia will be captured as a TPP commitment benefiting Australian service suppliers;
- Malaysia has agreed to lock in current market access arrangements in the construction and related engineering services sector, and guaranteed that future reforms of these sectors will be captured as a TPP commitment benefiting Australian service suppliers;
- Australia has secured first-time commitments which guarantee access arrangements for Australian engineers (including for integrated engineering services), urban planners and architects (including landscape architectural services) in Brunei Darussalam, Canada, Chile, Mexico and Peru;
- Australian architecture, engineering and other technical service suppliers will be able to bid for government procurement contracts in Brunei Darussalam, Canada, Malaysia, Mexico, Peru and Vietnam; and
- Australian construction service suppliers will be able to bid for government procurement construction projects in Brunei Darussalam, Canada, Mexico, Peru and Vietnam.
- Major new opportunities for those providers offering services in the mining and energy sectors. For more information refer to [Outcomes: Resources and Energy](#)

Accounting and auditing services

Australian providers of accounting, auditing and book-keeping services will benefit from the following commitments:

- All TPP countries have guaranteed that they will maintain existing access in accounting, auditing and book-keeping services, and will not introduce new measures that discriminate against, or limit the licenses available to, Australian service suppliers;
- Future reform in the auditing sector by Brunei Darussalam will be captured as a TPP commitment;
- Guaranteed access for Australian providers of taxation services in key markets; and
- Australian suppliers will be able to bid for government procurement contracts for accounting, auditing and book-keeping services, along with taxation services contracts, in Brunei Darussalam, Canada, Malaysia, Mexico, Peru and Vietnam.