

FOR-OFFICIAL-USE-ONLY

AUSTRALIA

Australia's Second Revised Offer

October 2016

Trade in Services Agreement (TiSA) negotiations

Australia reserves the right to withdraw, modify, or reduce this offer in whole or part, at any time prior to the conclusion of the negotiations.

Australia's offer is subject to on-going negotiations on new and enhanced disciplines, the outcomes of which may result in changes to the scope and commitments in Australia's offer.

Australia's offer sets out any applicable conditions and qualifications on Articles X.1 [Local Presence], X.2 [Local Management and Boards of Directors] and X.3 [Local Content and Other Performance Requirements] of Annex [X] on Localisation and Article X.13 [Senior Management and Boards of Directors] of Annex [X] on Financial Services in the 'Other Limitations' column to the extent that Australia has attributed as a proponent of elements of those articles. Australia may revise its offer to take into account outcomes of negotiations on Localisation.

Australia's offer contains a list of Most-Favoured-Nation (MFN) exemptions, which may need to be updated pending the outcome of negotiations of the Most-Favoured-Nation obligation and related disciplines in the Core Text.

Australia has Section A and Section B reservations on essential security and is willing to consider removing or streamlining the reservations provided that appropriate text is included elsewhere in the Agreement to address Australia's concerns.

Australia's offer on Professional Services is scheduled in accordance with the commitments in the Annex on Professional Services, and the Legal Services model schedule circulated in April 2016.

Australia's offer on Financial Services is scheduled in accordance with the Annex [X] on Financial Services, to the extent that Australia has attributed as a proponent. The Market Access commitments with respect to Mode 1) Cross-border supply and Mode 2) Consumption abroad in this offer are limited to the services indicated in Articles X.3(1)(b) and X.3(1)(c) of the Annex, respectively. Australia may revise its offer to take into account outcomes of negotiations on financial services, including any additional disciplines which parties agree to apply to financial services commitments. Australia has included an appendix of monopolies per FS Article X.5, and will provide a further technical update confirming the contents of that list.

Australia's offer on Maritime Transport Services is scheduled in accordance with the Annex on Maritime Transport Services. Australia may revise its offer to take into account the outcomes of negotiations on maritime transport services, including in relation to any additional disciplines which parties agree to apply to maritime transport services.

Australia's offer no longer contains any 'Unbound*' entries in the 'Limitations on market access' column.

Australia has not included any terms, limitations, conditions and qualifications in relation to the following on the basis that they are services supplied in the exercise of governmental authority:

- (a) the following functions and services, which are reserved to provision by the statutory authority, Airservices Australia: airspace management, air traffic flow information, air

traffic control, traffic and flight information, navigation services, aeronautical information, and aerodrome rescue and fire-fighting services, as stipulated in the *Air Services Act 1995* (Cth), *Air Services Regulations* (Cth), *Commonwealth Authorities and Companies Act 1997* (Cth) (*CAC Act*).

- (b) Australia Post, a wholly-owned government entity, has the exclusive right to issue postage stamps and carry letters within Australia, whether the letters originated within or outside Australia. This includes:
- a. the collection within Australia of letters for delivery within Australia; and
 - b. the delivery of letters within Australia.

This does not include activities which are listed as exceptions to reserved services in the *Australian Postal Corporation Act 1989* (Cth), including:

- (i) the carriage of a letter weighing more than 250 grams; and
- (ii) the carriage of a letter within Australia for a charge or fee that is at least four times the rate of postage that is current at the time for the carriage within Australia of a standard postal article by ordinary post.

Australia reserves the right to include terms, limitations, conditions and qualifications in relation to the above in its offer should TiSA parties disagree.

Introductory Notes to Australia's schedule

National Treatment (Article I-4), Local Presence (Article X.1), Local Management and Boards of Directors (Article X.2), Local Content and Other Performance Requirements (Article X.3) and Article X.13 [FS Senior Management and Boards of Directors] do not apply to the sectors, sub-sectors, activities, or measures listed in Australia's Other Limitations column, as outlined below:

For Section A:

Each condition and qualification set out in the 'Other Limitations' column specifies:

- the Article(s) that do(es) not apply to the sectors, sub-sectors or activities covered by the condition or qualification; and
- the sectors, sub-sectors or activities in which Australia reserves the right to maintain existing, or adopt new or more inconsistent, measures that do not conform with the Article(s).

A citation in square brackets at the bottom of a condition or qualification identifies, for transparency purposes, a non-exhaustive list of existing measures.

For greater certainty, where Australia has more than one condition or qualification in its 'Other Limitations' column that could apply to a measure, each condition or qualification is to be read independently, and is without prejudice to the application of any other condition or qualification to the measure.

For Section B:

Each condition and qualification set out in the 'Other Limitations' column specifies:

- the Article(s) that do(es) not apply to the condition or qualification;
- a description setting out the measure(s) for which the condition or qualification is

- made, to which the Article(s) do(es) not apply; and
- a citation in square brackets identifying the source(s) of the measure(s) as amended, continued or renewed as of entry into force (including any subordinate measure adopted or maintained under the authority of and consistent with the source of the measure).

For greater certainty, the description element of each of Australia's condition(s) or qualification(s) in Section B is to be interpreted in accordance with the relevant cited source(s) of the measure(s).

Australia regards Local Presence (Article X.1) and National Treatment (Article I-4) as separate obligations and has not scheduled measures that are only inconsistent with Local Presence against National Treatment.

Nothing in Article I-4 (National Treatment) shall be construed to prevent Australia from adopting or maintaining a measure that prescribes special formalities in connection with the supply of a service as described in Article I-1:2(c), such as a residency requirement for registration or a requirement that a commercial presence be legally constituted under the laws or regulations of the Party, provided that these formalities do not materially impair the protections afforded by Australia to service suppliers of another Party under this Agreement.

For the avoidance of doubt, in relation to education services, nothing in this Agreement shall interfere with:

- (a) the ability of individual education and training institutions to maintain autonomy in admissions policies (including in relation to considerations of equal opportunity for students and recognition of credits and degrees), in setting tuition rates and in the development of curricula or course content;
- (b) non-discriminatory accreditation and quality assurance procedures for education and training institutions and their programmes, including the standards that must be met;
- (c) government funding, subsidies or grants, such as land grants, preferential tax treatment and other public benefits, provided to education and training institutions; or
- (d) the need for education and training institutions to comply with non-discriminatory requirements related to the establishment and operation of a facility in a particular jurisdiction.

Unless otherwise stated, all CPC references correspond to the United Nations Provisional Central Product Classification.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
I.HORIZONTAL COMMITMENTS			
Australia undertakes its specific commitments in accordance with Part II of the Agreement			
<p><u>SECTION A</u></p> <p>RESERVATIONS pursuant to Part II, Article II-2:4 and Part X, Article X.4:3.</p>		<p>Australia reserves the right to adopt or maintain any measure in the specific sectors, sub-sectors or activities listed below:</p> <ul style="list-style-type: none"> • <u>Indigenous person or organisation</u> <ul style="list-style-type: none"> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <p>Any measure according preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector.</p> <p>Any measure with respect to commercial presence that accords preferences to any Indigenous person or organisation providing for the favourable treatment of any Indigenous person or organisation.</p> <p>For the purpose of this reservation, an Indigenous person means a person of the Aboriginal or Torres Strait Islander peoples.</p> <p style="text-align: center;">[Legislation and ministerial statements at all levels of government including Australia's foreign investment policy, and the <i>Native Title Act 1993</i> (Cth)]</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<ul style="list-style-type: none"> • <u>Devolution and privatisation</u> <u>I-4 National Treatment</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> Any measure with respect to: <ul style="list-style-type: none"> - the devolution to the private sector of services provided in the exercise of governmental authority at the time that the Agreement comes into force; and - the privatisation of government owned entities or assets. • <u>Law enforcement, correctional services and social services</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> Any measure¹ with respect to the provision of law enforcement and correctional services, and the following services² to the extent that they are social 	

¹ For greater certainty, measures adopted or maintained with respect to the provision of services covered by this reservation include measures for the protection of personal information relating to health and children.

² This includes any measure with respect to: the collection of blood and its components; the distribution of blood and blood related-products, including plasma derived products; plasma fractionation services; and the procurement of blood and blood related products and services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities, public transport and public housing.</p> <ul style="list-style-type: none"> • <u>Creative arts, cultural heritage and other cultural industries, broadcasting and audiovisual services</u> <p><u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u></p> <p>Any measure with respect to:</p> <ul style="list-style-type: none"> - the creative arts³, cultural heritage⁴ and other cultural industries, including audiovisual services, entertainment services and libraries, archives, museums and other cultural services; - broadcasting and audiovisual services, including measures with respect to planning, licensing and spectrum management, and including: <ul style="list-style-type: none"> : services offered in Australia; and : international services originating from Australia. <p>[<i>Broadcasting Services Act 1992 (Cth)</i>, <i>Radiocommunications Act 1992 (Cth)</i>, <i>Income Tax Assessment Act 1936 (Cth)</i>, <i>Income Tax Assessment</i></p>	

³ ‘Creative arts’ include: the performing arts – including theatre, dance and music – visual arts and craft, literature, film, television, video, radio, creative on-line content, indigenous traditional practice and contemporary cultural expression, and digital interactive media and hybrid art work which uses new technologies to transcend discrete artform divisions.

⁴ ‘Cultural heritage’ includes: ethnological, archaeological, historical, literary, artistic, scientific or technological moveable or built heritage, including the collections which are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p><i>Act 1997 (Cth), Screen Australia Act 2008 (Cth), Broadcasting Services (Australian Content) Standard 2005, Children's Television Standards 2009, Television Program Standard 23 – Australian Content in Advertising, Commercial Radio Codes of Practice and Guidelines, Community Broadcasting Codes of Practice, International Co-Production Programs.]</i></p> <ul style="list-style-type: none"> • <u>Education services</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> Any measure with respect to primary education services (CPC 921). • <u>Gambling and betting services</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> Any measure with respect to gambling and betting services (CPC 96492). [Legislation and ministerial statements including the <i>Interactive Gambling Act 2001 (Cth)</i>] • <u>Maritime transport services</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> 	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p><u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u></p> <p>Any measure with respect to maritime cabotage services and offshore transport services⁵.</p> <p>[<i>Customs Act 1901 (Cth), Fair Work Act 2009 (Cth), Seafarers' Compensation and Rehabilitation Act 1992 (Cth), Occupational Health and Safety (Maritime Industry) Act 1993 (Cth), Income Tax Assessment Act 1936 (Cth), Coastal Trading (Revitalising Australian Shipping) Act 2012 (Cth), Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012 (Cth), Shipping Reform (Tax Incentives) Act 2012 (Cth)</i>]</p> <p><u>I-4 National Treatment</u> <u>X.1 Local Presence</u></p> <p>Any measure with respect to the registration of vessels in Australia. [<i>Shipping Registration Act 1981 (Cth)</i> Shipping Registration Regulations 1981 (Cth)]</p> <ul style="list-style-type: none"> • <u>Transport services</u> <u>I-4 National Treatment</u> <u>X.2 Local Management and Boards of Directors</u> <p>Any measure with respect to investment in federal leased airports. [<i>Airports Act 1996 (Cth); Airports (Ownership-</i></p>	

⁵ For the purposes of this reservation, **cabotage** is defined as the transportation of passengers or goods between a port located in Australia and another port located in Australia and traffic originating and terminating in the same port located in Australia. **Offshore transport** refers to shipping services involving the transportation of passengers or goods between a port located in Australia and any location associated with or incidental to the exploration or exploitation of natural resources of the continental shelf of Australia, the seabed of the Australian coastal sea and the subsoil of that seabed.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>Interests in Shares) Regulations 1996 (Cth); Airports Regulations 1997 (Cth).]</p> <ul style="list-style-type: none"> • <u>All Financial Services as referred to in [Article X.2 of Annex [X] on Financial Services of the Agreement]</u> <u>I-4 National Treatment</u> 1) Any measure with respect to all financial services other than the financial services referred to in subparagraph 1 (b) of Article X.3 of Annex [X] on Financial Services of the Agreement <i>[to the extent that Australia has attributed as a proponent]</i>; and 2) Any measure with respect to all financial services other than the financial services referred to in subparagraph 1 (c) of Article X.3 of Annex [X] on Financial Services of the Agreement <i>[to the extent that Australia has attributed as a proponent]</i>. <p><u>I-4 National Treatment</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> Any measure with respect to the guarantee by government of government-owned entities whose operations include the provision of financial services, including guarantees related to the privatisation of such entities.</p> <ul style="list-style-type: none"> • <u>Financial Services referred to in subparagraphs 1 (b) and (c) of Article X.3 of Annex [X] on Financial Services of the Agreement <i>[to the extent that Australia has attributed as a proponent]</i> [short list]</u> <u>I-4 National Treatment</u> 1), 2) Any amendment to a measure that does not 	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>increase the inconsistency of that measure with the treatment provided for in Article I-4 (National Treatment) as it existed on the date of entry into force of this Agreement.</p> <ul style="list-style-type: none"> • <u>Foreign investment</u>⁶ <u>I-4 National Treatment</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <p>Any measure with respect to the proposed acquisition by a foreign person⁷ of an interest in agricultural land⁸ where the cumulative value of agricultural land⁸ owned by the foreign person⁷ alone or together with associates, including the proposed acquisition, is above \$A 15 million;</p> <p>Any measure with respect to the proposed acquisition by a foreign person⁷ of an interest in an agribusiness⁹ where the cumulative value of the interest held by the foreign person⁷ in that agribusiness⁹, alone or together with associates, including the proposed acquisition, is above \$A 55 million.</p> <p>[Australia's Foreign Investment Framework, which comprises Australia's Foreign Investment Policy,</p>	

⁶ The terms in these reservations should be interpreted in accordance with Australia's Foreign Investment Framework as at the date of entry into force of this Agreement.

⁷ The term 'foreign person' has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

⁸ The term 'agricultural land' has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

⁹ The term 'agribusiness' has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>the <i>Foreign Acquisitions and Takeovers Act 1975 (Cth)</i> (FATA); <i>Foreign Acquisitions and Takeovers Regulations 2015 (Cth)</i>; <i>Foreign Acquisitions and Takeovers Fee Imposition Act 2015 (Cth)</i>; <i>Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015 (Cth)</i>; <i>Financial Sector (Shareholdings) Act 1998 (Cth)</i>; and Ministerial Statements]</p> <p><u>I-4 National Treatment</u> <u>X.3 Local Content and Other Performance Requirements</u></p> <p>Any measure with respect to a proposed acquisition by a foreign person¹⁰ of an interest in Australian land¹¹, other than developed commercial land or land that is used wholly and exclusively for a primary production business.</p> <p>[Australia’s Foreign Investment Framework, which comprises Australia’s Foreign Investment Policy, the <i>Foreign Acquisitions and Takeovers Act 1975 (Cth)</i> (FATA); <i>Foreign Acquisitions and Takeovers Regulation 2015 (Cth)</i>; <i>Foreign Acquisitions and Takeovers Fee Imposition Act 2015 (Cth)</i>; <i>Foreign Acquisitions and Takeovers Fee Imposition Regulation 2015 (Cth)</i>; <i>Financial Sector (Shareholdings) Act 1998 (Cth)</i>; and Ministerial Statements]</p>	

¹⁰ The term ‘foreign person’ has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

¹¹ The terms ‘Australian land’ and ‘interest in Australian land’ have the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<ul style="list-style-type: none"> <li data-bbox="1128 316 1675 564"> <p>• <u>Essential Security</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u></p> <p>Any measure that Australia considers necessary for the protection of its essential security interests.</p> <li data-bbox="1128 711 1675 960"> <p>• <u>Entry and temporary stay of natural persons</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u></p> <p>Any measure with respect to the entry and temporary stay of natural persons, except for measures concerning the categories of natural persons referred to in the market access column.</p> <li data-bbox="1128 1177 1675 1356"> <p>• <u>Subsidies</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.13 [FS] Senior Management and Boards of Directors</u></p> 	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>Any measure with respect to subsidies or grants, including government-supported loans, guarantees and insurance, to the extent it is not inconsistent with Australia's obligations under the GATS.</p> <ul style="list-style-type: none"> • <u>Taxation</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <p>Any taxation measure¹² aimed at ensuring the equitable or effective imposition or collection of indirect taxes in respect of services or service suppliers of other Parties, including any taxation measure that differentiates between persons based on their place of residence or incorporation, provided it:</p> <ul style="list-style-type: none"> (a) would not constitute a means of arbitrary or unjustifiable discrimination between Parties where like conditions prevail, or a disguised restriction on trade in services¹³ (b) is not inconsistent with Australia's obligations under the GATS. <p><u>I-4 National Treatment</u> <u>X.1 Local Presence</u></p> <p>Any measure that conditions the receipt, or continued receipt of an advantage relating to the contributions to, or income of, a pension trust, superannuation fund, or other arrangement to provide pension, superannuation, or similar benefits on a requirement that Australia maintain continuous</p>	

¹² For the purposes of this reservation and for greater certainty 'taxes' and 'taxation measure' include excise duties, but do not include import or customs duties

¹³ This reservation must be interpreted by reference to footnote 7 of Part I, Article I-9(d) as if the paragraph is not restricted to direct taxes

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		jurisdiction, regulation, or supervision over such trust, fund or other arrangement.	
<p><u>SECTION B</u></p> <p>RESERVATIONS pursuant to Part II, Article II-2:2 and Part X, Article X.4:1.</p>		<p>Australia maintains the following conditions and qualifications in all sectors in the following areas:</p> <ul style="list-style-type: none"> • <u>Regional and Local measures</u> <ul style="list-style-type: none"> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <p>All existing measures at the regional and local level of government not consistent with Articles I-4, X.1 X.2, X.3 and X.13[FS] of the Agreement.</p> • <u>Taxation</u> <ul style="list-style-type: none"> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.3 Local Content and Other Performance Requirements</u> <p>All existing taxation measures not consistent with Articles I-4, X.1 and X.3 of the Agreement.¹⁴</p> • <u>Company Directors</u> <ul style="list-style-type: none"> <u>X.2 Local Management and Boards of Directors</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <ul style="list-style-type: none"> - at least one director of a private company must be ordinarily resident in Australia; 	

¹⁴ For the purposes of this reservation and for greater certainty 'taxation measures' includes excise duties, but do not include import or customs duties

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<ul style="list-style-type: none"> - at least two directors of a public company must be ordinarily resident in Australia. [Corporations Act 2001 (Cth) Corporations Regulations 2001 (Cth)] • <u>Foreign Investment</u>¹⁵ <u>I-4 National Treatment</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <p>A. The following investments¹⁶ are subject to approval by the Australian Government and may also require notification¹⁷ to the Australian Government:</p> <ul style="list-style-type: none"> (a) a proposed investment by a foreign person¹⁸ in an entity or Australian business valued above \$A252 million¹⁹; (b) a proposed direct investment by a foreign government investor²⁰ of any interest regardless of value; (c) a proposed investment by a foreign person¹⁸ of 5 per cent or more in the media sector, regardless of the value of the investment; and (d) a proposed acquisition by a foreign person¹⁸ 	

¹⁵ For greater certainty, the terms in this reservation should be interpreted in accordance with Australia's Foreign Investment Framework as at the date of entry into force of this Agreement.

¹⁶ The term 'investment' means activities covered by Part II of the Foreign Acquisitions and Takeovers Act 1975 (Commonwealth) or, where applicable, ministerial statements on foreign investment policy. Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment.

¹⁷ The *Foreign Acquisitions and Takeovers Fees Imposition Act 2015 (Cth)* and the *Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015 (Cth)* sets the fees for foreign investment applications and notices. Fees are indexed annually on 1 July.

¹⁸ The term 'foreign person' has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

¹⁹ This is the figure as at 1 January 2016. To be indexed annually on 1 January.

²⁰ The term 'foreign government investor' has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>of an interest in developed commercial land²¹ where the value of the interest is more than \$A 252 million¹⁹, unless the land meets the conditions for the lower developed commercial land threshold of \$A 55 million^{19 22}.</p> <p>Investments may be refused, subject to orders, and/or approved subject to conditions. Foreign persons¹⁸ that do not comply with the foreign investment framework may be subject to civil and criminal penalties.</p> <p>For greater certainty, where an investment could qualify for the application of one or more of the above screening thresholds, approval and/or notification requirements apply from the lowest applicable threshold.</p> <p>Separate or additional requirements may apply to measures subject to other reservations pursuant to Part II, Article II-2:2 and Part X, Article X.4:1 and to sectors, sub-sectors or activities subject to reservations pursuant to Part II, Article II-2:4 and Part X, Article X.4:3.</p> <p>B. The acquisition of a stake in an existing financial sector company by a foreign investor, or entry into an arrangement by a foreign investor, that would lead to an unacceptable shareholding situation or to practical control²³ of an existing</p>	

²¹ The term ‘**developed commercial land**’ means commercial land that is not vacant within the meaning of the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

²² The conditions for the lower threshold are those set out in *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

²³ ‘**Unacceptable shareholding situation**’ and ‘**practical control**’ as defined in the *Financial Sector (Shareholdings) Act 1998 (Cth)*.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>financial sector company, may be refused, or be subject to certain conditions²⁴.</p> <p>[Australia's Foreign Investment Framework, which comprises Australia's Foreign Investment Policy, the <i>Foreign Acquisition and Takeovers Act 1975</i> (Cth) (FATA); <i>Foreign Acquisitions and Takeovers Regulation 2015</i> (Cth); <i>Foreign Acquisitions and Takeovers Fees Imposition Act 2015</i> (Cth); <i>Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015</i> (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements]</p>	
<p>ALL SECTORS INCLUDED IN PART II OF THIS SCHEDULE</p> <p>RESERVATIONS pursuant to Part II, Article II-1</p>	<p>Australia maintains the following terms, limitations and conditions on market access in all sectors included in Part II of this Schedule:</p> <p>3) Proposals for foreign investment are subject to notification and approval under Australia's Foreign Investment Framework as outlined in the reservations in the 'Other Limitations' column.</p> <p>1), 2), 3), 4) Any measure that Australia considers necessary for the protection of its essential security interests.</p> <p>1), 3) Any measure with respect to:</p> <p>(i) the devolution to the private sector of services provided in the exercise of governmental authority at the time that the Agreement comes into force; and</p>		

²⁴ Ministerial statements on foreign investment policy including the Treasurer's Press Release No. 28 of 9 April 1997.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>(ii) the privatisation of government owned entities or assets.</p> <p>1), 3) Any measure according preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector.</p> <p>Any measure with respect to commercial presence that accords preferences to any Indigenous person or organisation providing for the favourable treatment of any Indigenous person or organisation.</p> <p>For the purpose of this reservation, an Indigenous person means a person of the Aboriginal or Torres Strait Islander peoples.</p> <p>1) 2) 3) 4) Any measure with respect to subsidies or grants, including government-supported loans, guarantees and insurance, to the extent it is not inconsistent with Australia's obligations under the GATS.</p> <p>4) Unbound except for measures concerning the entry and temporary stay of natural persons in the following categories:</p> <p>(a) Intra-corporate transferees being natural persons who are employees of an enterprise of another Party established and lawfully and actively operating in Australia and who are transferred to fill a position in the parent, branch, subsidiary or affiliate of that enterprise in Australia, and who are:</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>(i) Executives and senior managers being natural persons who will be responsible for the entire or a substantial part of the operations of the enterprise in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.</p> <p>Entry and temporary stay is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian Government department responsible for immigration matters (as at entry into force, the address of that website was www.border.gov.au). Sponsorship requirements, including eligible occupations, may change from time to time.</p> <p>Entry is for periods of stay up to four years, with the possibility of further stay.</p> <p>(ii) Specialists, being natural persons with advanced trade, technical or professional skills and experience and knowledge of a proprietary nature of the enterprise's operations and who have been employed by that employer for not less than two years immediately preceding the date of the application for temporary entry.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>Entry and temporary stay is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian Government department responsible for immigration matters (as at entry into force, the address of that website was www.border.gov.au). Sponsorship requirements, including eligible occupations, may change from time to time.</p> <p>Entry is for periods of stay up to two years, with the possibility of further stay.</p> <p>(b) Independent executives being natural persons whose work responsibilities match the description set out below and who intend, or are responsible for, the establishment in Australia, of a new branch or subsidiary of an enterprise which has its head of operations in the territory of another Party and which has no other representative, branch or subsidiary in Australia. Independent executives will be responsible for the entire or a substantial part of the enterprise's operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>Entry and temporary stay is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian Government department responsible for immigration matters (as at entry into force, the address of that website was www.border.gov.au). Sponsorship requirements, including eligible occupations, may change from time to time.</p> <p>Entry is for periods of stay up to a maximum of two years.</p> <p>(c) Business visitors being natural persons seeking to travel to Australia for business purposes whose remuneration and financial support for the duration of the visit must be derived from sources outside Australia and who must not engage in making direct sales to the general public or in supplying the services themselves.</p> <p>Business visitors comprise:</p> <p>(i) Service sellers, as business visitors being natural persons who are not based in Australia who are sales representatives of a service supplier and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier.</p> <p>Entry is for an initial stay of 6 months and up to a maximum of 12 months.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>(ii) Business visitors, being natural persons seeking to travel to Australia for the purpose of participating in business negotiations or meetings. Entry is for periods of stay up to a maximum of three months.</p> <p>(d) Contractual service suppliers (including independent professionals/specialists). Contractual service suppliers (CSS), subject to individual compliance with labour market testing, being natural persons with trade, technical or professional skills and experience who are assessed as having the necessary qualifications, skills and work experience accepted as meeting the domestic standard in Australia for their nominated occupation, and who are:</p> <p>(i) employees of an enterprise of a Party that has concluded a contract for the supply of a service within Australia and that does not have a commercial presence within Australia; or</p> <p>(ii) engaged by an enterprise lawfully and actively operating in Australia in order to supply a service under a contract within Australia.</p> <p>Entry and temporary stay is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian Government department responsible for immigration matters (as at entry into force, the address of that website was www.border.gov.au)</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>Sponsorship requirements, including eligible occupations, may change from time to time.</p> <p>Entry is for periods of stay up to 12 months, with the possibility of further stay.</p> <p>(e) Other: Spouses of temporary entrants covered by (a), (b) and (d) shall, upon application and in accordance with Australia's laws and regulations, be granted the right of entry and temporary stay, movement and work where the stay of those temporary entrants is greater than 12 months.</p> <p>For such spouses, entry and temporary stay is for the same period as for the temporary entrant.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services	1) None		
a) Legal services ²⁵	2) None		
(i) Legal advisory and representational services in domestic law (host-country law)	3) None		
	4) Unbound except as indicated in the horizontal section.		

²⁵ For the purposes of this commitment:

‘legal advisory services’ – includes provision of advice to and consultation with clients in matters, including transactions, relationships and disputes, involving the application or interpretation of law; participation with or on behalf of clients in negotiations and other dealings with third parties in such matters; and preparation of documents governed in whole or in part by law, and the verification of documents of any kind for purposes of and in accordance with the requirements of law. Does not include advice, consultation and documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade marks attorneys.

‘legal representational services’ – includes preparation of documents intended to be submitted to courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of law; and appearance before courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of the specified body of law. (Note 1: The inclusion of representational services before administrative agencies and other duly constituted official tribunals within the context of legal services does not necessarily mean that a licensed lawyer must supply such services in all cases. The precise scope of services subject to licensing requirements is subject to the discretion of the relevant regulatory authority.) Does not include documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade marks attorneys.

‘legal arbitration, conciliation and mediation services’ – preparation of documents to be submitted to, preparation for and appearance before, an arbitrator, conciliator or mediator in any dispute involving the application and interpretation of law. Does not include arbitration, conciliation and mediation services in disputes for which the law has no bearing which fall under services incidental to management consulting. As a sub-category, international legal arbitration, conciliation or mediation services refer to the same services when the dispute involves parties from two or more countries.

‘domestic law (host country law)’ – the law of Australia.

‘foreign law’ – the law of the territories of WTO Members and other countries other than the law of Australia.

‘international law’ – includes law established by international treaties and conventions, as well as customary law.

For the purposes of these definitions:

‘arbitration’ is taken to mean a process in which the parties to a dispute present arguments and evidence to a dispute resolution practitioner (the arbitrator) who makes a determination.

‘mediation’ is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

‘conciliation’ is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the conciliator), identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role on the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of conciliation whereby resolution is attempted, and may make suggestions for terms of settlement, give expert advice on likely settlement terms, and may actively encourage the participants to reach an agreement.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>(ii) Legal advisory services in foreign law and international law and (in relation to foreign and international law only) legal arbitration, conciliation and mediation services.</p>	<p>1) None 2) None 3) None, except that: In South Australia, natural persons practising foreign law may only join a local law firm as a consultant and may not enter into partnership with or employ local lawyers. 4) Unbound except as indicated in the horizontal section.</p>		<p>Limited Licence only is required: Only registration with limited licence is required, rather than full admission/licence, in order to provide:</p> <p>(a) legal advisory services in foreign law, where licensed in the relevant foreign jurisdiction(s);</p> <p>(b) legal advisory services in international law; or</p> <p>(c) legal arbitration, conciliation and mediation services in relation to foreign and international law.</p> <p>(By contrast, a Full Licence is required for (a)(i) above (legal advisory and representational services in domestic law (host-country law)), for which full admission is required: i.e. practitioners must satisfy admission requirements, including qualification requirements, applicable to domestic legal practitioners.)</p> <p>3) Joint offices involving revenue-sharing between foreign law firms and Australian local law firms are permitted in New South Wales, Victoria, Queensland, Tasmania, Western Australia, the Australian Capital Territory and the Northern Territory subject to the foreign law firms satisfying</p>

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>b) Accounting, auditing and book-keeping services (CPC 862)</p> <p>c) Taxation services (CPC 863)</p> <p>d) Architectural services (CPC 8671)</p> <p>e) Engineering services (CPC 8672)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p><u>X.1 Local Presence</u></p> <p>1) 2) 4) A person who is not ordinarily resident in Australia may be refused registration as a company auditor or liquidator. At least one partner in a firm providing auditing services must be a registered company auditor who is ordinarily resident in Australia</p> <p>[Corporations Act 2001 (Cth)]</p>	<p>certain requirements, including in relation to liability, standard of conduct and professional ethics.</p>

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
h) Dental services (CPC 93123)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
i) Veterinary services (CPC 932)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<u>Other professional services</u> Professional services not specified above.	1) Unbound 2) Unbound 3) Unbound 4) Unbound	<u>X.1 Local Presence</u> 1) 2) 4) In order to register to practice in Australia, patent attorneys must be ordinarily resident in Australia ²⁶ . <i>[Patents Act 1990 (Cth) Patent Regulations (Cth)]</i>	
B. <u>Computer and related services</u> (CPC 84), excluding audiovisual and broadcasting content which is subject to a Section A reservation.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
C. <u>Research and development services</u> a) R&D services on natural sciences and engineering (CPC 851) b) R&D services on social sciences and humanities (CPC 852)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

²⁶ For the purposes of this reservation, a person is taken to be **ordinarily resident** in Australia if: (a) the person has his or her home in Australia; or (b) Australia is the country of his or her permanent abode even though he or she is temporarily absent from Australia. However, the person is taken not to be ordinarily resident in Australia if he or she resides in Australia for a special or temporary purpose only.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
c) Interdisciplinary R&D services (CPC 853)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
D. <u>Real Estate Services</u> a) Involving own or leased property (CPC 821) b) On a fee or contract basis (CPC 822)	1) None, except commercial presence required 2) None, except commercial presence required 3) None 4) Unbound except as indicated in the horizontal section. 1) None, except commercial presence required 2) None, except commercial presence required 3) None 4) Unbound except as indicated in the horizontal section.		
E. <u>Rental/leasing services without operators</u> a) Relating to ships (CPC 83103**) Excludes cabotage, intrastate and offshore trades b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>c) Relating to other transport equipment (CPC 83101, 83102, 83105)</p> <p>d) Relating to other machinery and equipment (CPC 83106-9)</p> <p>e) Other – leasing or rental services concerning personal or household goods (CPC 832)</p>	<p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>F. <u>Other business services</u></p> <p>a) Advertising services (CPC 87110, 87120**, 87190) Covers services by advertising agencies in creating and placing advertising in periodicals, newspapers, radio and television</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>for clients; outdoor advertising; media representation i.e. sale of time and space for various media; distribution and delivery of advertising material or samples. Does not include production or broadcast/screening of advertisements for radio, television or cinema.</p>			
<p>b) Market research and public opinion polling services (CPC 864)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>c) Management consulting services (CPC 865)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>d) Services related to management consulting (CPC 86601, 86609) Excludes arbitration and conciliation services.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
f) Services incidental to agriculture, hunting and forestry (CPC 8811**, 8812**, 8814**) Provision of advice and guidance relating to crop and livestock management on consultancy basis. Includes specialised consultancy services only, related to forestry activities, timber evaluation, forest management or planning. Does not include logging.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
g) Services incidental to fishing (CPC 882**) Consists of specialised consultancy services only, related to marine or freshwater fisheries, fish hatchery services. Does not include fishing.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	<u>I-4 National Treatment</u> 1) 3) Foreign fishing vessels ²⁷ seeking to undertake fishing activity, including any activity in support of or in preparation for any fishing activity or the processing, carrying or transshipment of fish, in the Australian Fishing Zone must be authorised. Where foreign fishing vessels are authorised they may be subject to a levy ²⁸ .	

²⁷ For the purposes of this reservation, a 'foreign fishing vessel' is one that does not meet the definition of an Australian boat under the *Fisheries Management Act 1991* (Cth), that is, an Australian-flagged boat (not owned by a foreign resident) or a boat owned by an Australian resident or corporation and built, and whose operations are based, in Australia.

²⁸ The levy charged will be in accordance with the *Foreign Fishing Licences Levy Act 1991* (Cth) or any amendments thereto.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>h) Services incidental to mining and site preparation work for mining (CPC 883, 5115)</p> <p>i) Services incidental to manufacturing (CPC 884 + 885 except for 88442)</p> <p>j) Services incidental to energy distribution (CPC 887**) Covers consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other users.</p> <p>k) Placement and supply services of personnel (CPC 872)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p>[Fisheries Management Act 1991 (Cth) Foreign Fishing Licences Levy Act 1991 (Cth)]</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
l) Investigation and security services (CPC 873)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 + 8861 - 8866)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
o) Building-cleaning services (CPC 874)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
p) Photographic services (CPC 875)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
q) Packaging services (CPC 876)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
s) Convention services (CPC 87909**) Activities of establishments engaged in provision of planning, organising, managing and marketing services for conventions and similar events (including catering and beverage services)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
t) Other: Telephone answering services (CPC 87903)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
Duplicating services (CPC 87904)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
Translation and interpretation services	1) None 2) None		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
(CPC 87905)	3) None 4) Unbound except as indicated in the horizontal section.		
Mailing list compilation and mailing services (CPC 87906)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
Specialty design services (CPC 87907)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
Other business services not elsewhere classified (CPC 87909)	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section.	<p><u>I-4 National Treatment</u></p> <p>1) 2) 4) To practice as a migration agent in Australia a person must be an Australian citizen or permanent resident or a citizen of New Zealand with a special category visa.</p> <p style="text-align: right;"><i>[Migration Act 1958 (Cth)]</i></p> <p><u>X.1 Local Presence</u></p> <p>1) 2) 4) To act as a customs broker in Australia, service suppliers must provide the service in and from Australia.</p> <p style="text-align: right;"><i>[Customs Act 1901 (Cth)]</i></p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
2. COMMUNICATION SERVICES			
<p>C. <u>Telecommunications services</u></p> <p>Covers the following sub-sectors from the Services Sectoral Classification List (W/120) and related CPC numbers 7521,7522,7523, 7529**</p> <p>a) Voice telephone services</p> <p>b) Packet-switched data transmission services</p> <p>c) Circuit-switched data transmission services</p> <p>d) Telex services</p> <p>e) Telegraph services</p> <p>f) Facsimile services</p> <p>g) Private leased circuit services</p> <p>o) <u>Other</u></p> <ul style="list-style-type: none"> - Digital cellular services - Paging services - Personal communications services - Trunked radio system services 	<p>1) None</p> <p>2) None</p> <p>3) None, except that:</p> <p>(i) An entity holding a new carrier licence must be a public body or a constitutional corporation under Australian law or a partnership where each partner is a constitutional corporation under Australian law.</p> <p>(ii) Aggregate foreign equity is restricted to no more than 35 per cent of shares of Telstra. Individual or associated group foreign investment is restricted to no more than five per cent of shares.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p><u>I-4 National Treatment</u></p> <p><u>X.2 Local Management and Boards of Directors</u></p> <p>3) Aggregate foreign equity is restricted to no more than 35 per cent of shares of Telstra. Individual or associated group foreign investment is restricted to no more than five per cent of shares.</p> <p>The Chairperson and a majority of directors of Telstra must be Australian citizens. Telstra is required to maintain its head office, main base operations and place of incorporation in Australia.</p> <p>[Telstra Corporation Act 1991 (Cth)]</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<ul style="list-style-type: none"> - Mobile data services - Services covered by the <i>Broadcasting Services Act 1992</i> (Cth) are excluded from the basic telecommunications sector 			
<ul style="list-style-type: none"> h) Electronic mail (CPC 7523**) i) Voice mail (CPC 7523**) j) On-line information and data base retrieval (CPC 7523**) 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>k) Electronic data interchange (EDI) (CPC 7523**)</p> <p>l) Enhanced/value-added facsimile services, including store and retrieve (CPC 7523**)</p> <p>m) Code and protocol conversion (CPC 7523**)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>		
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
<p>A. <u>General construction work for buildings</u> (CPC 512)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
B. <u>General construction work for civil engineering</u> (CPC 513)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
C. <u>Installation and assembly work</u> (CPC 514, 516)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
D. <u>Building completion and finishing work</u> (CPC 517)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
E. <u>Other</u> ²⁹ (CPC 511** + 515 + 518) Excludes site preparation for mining (CPC 5115)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

²⁹ Site preparation for mining (CPC 5115) is covered under F. Other Business Services - h) Services incidental to mining and site preparation work for mining (CPC 883, 5115)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
4. DISTRIBUTION SERVICES			
<p>A. <u>Commission agents' services</u> (CPC 62111, 62112**, 62113-62118)</p> <p>Includes services by commission agents, commodity brokers, auctioneers and other wholesalers who trade on behalf of others, of food products, and non-alcoholic beverages. Excludes tobacco alcoholic beverages, and firearms.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>B. <u>Wholesale trade services</u> (CPC 622**)</p> <p>Excludes wholesale trade services of unmanufactured tobacco, tobacco products, alcoholic beverages, and firearms.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>C. <u>Retailing services</u> (CPC 631**, 63211**, 63212, 6322, 6323, 6324, 6325, 6329**, 61112, 6113, 6121)</p> <p>Australia's commitments in relation to these services extend</p>	<p>1) Unbound except for mail order. 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>to cover the following services not listed in relevant CPC classifications: inventory management of goods, assembling, sorting and grading of goods, breaking bulk, re-distribution and delivery services for retailing.</p> <p>Does not cover dispensing of pharmaceuticals, retailing services of alcoholic beverages, tobacco products, and firearms.</p>			
<p>D. <u>Franchising</u> (CPC 8929)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
5. EDUCATIONAL SERVICES			
<p>B. <u>Secondary education services</u> (CPC 922**) Covers general as well as technical and vocational education at the secondary level in private institutions.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>C. <u>Higher education services</u> (CPC 923**) Covers provision of private</p>	<p>1) None 2) None 3) None</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
tertiary education services including at university level.	4) Unbound except as indicated in the horizontal section.		
E. <u>Other education services</u> (CPC 929**) Covers English language tuition.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
6. ENVIRONMENTAL SERVICES^{30, 31}			
A. <u>Wastewater management</u> (CPC 9401) This covers removal, treatment and disposal of household, commercial and industrial sewage and other waste waters including tank emptying and cleaning, monitoring, removal and treatment of solid wastes.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
B. <u>Waste management</u> (CPC 9402, 9403) This covers hazardous and non-hazardous waste collection, treatment and disposal (including incineration,	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

³⁰ Australia's commitments on environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

³¹ The classification scheme adopted on environmental services is largely based upon the scheme proposed by the European Communities (EC) in 2000 (see pages 6-7 of the EC paper "GATS 2000: Environmental Services", S/CSS/W/38), noting the exclusion outlined in footnote 30.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
composting and landfill); sweeping and snow removal, and other sanitation services.			
C. <u>Protection of ambient air and climate</u> (CPC 9404) This covers services at power stations or industrial complexes to remove air pollutants; monitoring of mobile emissions and implementation of control systems or reduction programmes.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
D. <u>Remediation and cleanup of soil and water</u> (CPC 9406**) ³² This covers cleaning- up systems in situ or mobile, emergency response, clean-up and longer term abatement of spills and natural disasters; and rehabilitation programmes (e.g. recovery of mining sites) including monitoring.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

³² Australia's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>E. <u>Noise and vibration abatement</u> (CPC 9405) This covers monitoring programmes, and installation of noise reduction systems and screens.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>F. <u>Protection of biodiversity and landscape</u> (CPC 9406**) ³³ This covers ecology and habitat protection and promotion of forests and promoting sustainable forestry.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>G. <u>Other environmental and ancillary services</u> (CPC 9409) This covers other environment protection services, including services related to environmental impact assessment.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		

³³ Australia's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>7. FINANCIAL SERVICES</p> <p>[Australia's financial services offer is subject to the negotiation of disciplines on financial services.]</p> <p>To clarify Australia's commitment with respect to Article I-3 (Market Access), juridical persons supplying financial services and constituted under the laws of Australia are subject to non-discriminatory limitations on juridical form³⁴.</p> <p>Australia' commitments with respect to Article I-1:2(a) (cross-border supply) and Article I-1:2(b) (consumption abroad) supply of financial services under this Agreement do not require Australia to permit those suppliers to do business or solicit in its territory. Australia may define "doing business" and "solicitation" for the purposes of this obligation.</p> <p>Without prejudice to other means of prudential regulation of cross-border trade in financial services, Australia may require the registration or authorisation of cross-border financial service suppliers of another Party and of financial instruments</p>			
<p>A. <u>Insurance and insurance-related services</u></p>	<p>1), 2) Unbound, except none for sub-sectors listed in X.3(1)(b) of the Annex on Financial Services [<i>to the extent that Australia has attributed as a proponent</i>].</p> <p>3) Approval of non-resident life insurers is restricted to subsidiaries incorporated under Australian law.</p> <p>Most State and Territory Governments maintain restrictions, by way of monopolies or licensing provisions and associated controls on premiums and other terms of policies, in the following areas of insurance:</p> <p>Compulsory Third Party Motor Vehicle Accident: VIC, WA, TAS, NT (monopolies); NSW, QLD, SA, ACT (licensing, premiums/ policy terms).</p> <p>Workers Compensation: SA, VIC, QLD</p>	<p><u>I-4 National Treatment</u></p> <p>3) Approval of non-resident life insurers is restricted to subsidiaries incorporated under Australian law.</p> <p>[<i>Life Insurance Act 1995 (Cth)</i>]</p>	

³⁴ For example, partnerships are generally not acceptable juridical forms for authorised depository institutions in Australia. This headnote is not itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>(monopolies); NSW, WA, TAS (licensing, premiums/ policy terms). Comcare is the monopoly provider of workers' compensation insurance to Commonwealth Government employees.</p> <p>4) Unbound except as indicated in the horizontal section.</p>		
<p>B. <u>Banking and Other financial service</u> (excluding insurance)</p>	<p>1), 2) Unbound, except none for sub-sectors listed in X.3(1)(b) of the Annex on Financial Services [<i>to the extent that Australia has attributed as a proponent</i>], other than the limitations set out below.</p> <p>1), 3) A foreign bank located overseas is able to offer its services to Australian enterprises, but is not allowed to raise deposit funds in Australia or undertake business within Australia unless it is an authorised bank (or establishes a money market corporation, subsidiary etc.). Foreign banks located overseas may, however, raise funds in Australia through the issue of debt securities provided that those securities are offered/traded in parcels of not less than \$A500,000 and the securities and any information memoranda clearly state the issuing bank is not authorised under the Banking Act in Australia.</p> <p>1), 3) A number of State and Territory Governments operate central financing authorities through which the Government's wholly or partly-owned statutory authorities</p>	<p><u>I-4 National Treatment</u></p> <p>3) Liabilities of the Commonwealth Bank, previously Commonwealth Government-owned, are covered by transitional guarantee arrangements. [<i>Commonwealth Banks Act 1959</i> (Cth)]</p> <p><u>I-4 National Treatment</u></p> <p>1, 3) A foreign bank located overseas is able to offer its services to Australian enterprises, but is not allowed to raise deposit funds in Australia or undertake business within Australia unless it is an authorised bank (or establishes a money market corporation, subsidiary etc.). Foreign banks located overseas may, however, raise funds in Australia through the issue of debt securities provided that those securities are offered/traded in parcels of not less than \$A500,000 and the securities and any information memoranda clearly state the issuing bank is not authorised under the Banking Act in Australia. [<i>Banking Act 1959</i> (Cth) <i>Payment Systems (Regulations) Act 1998</i> (Cth)]</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>and business enterprises are obliged to borrow (and in some cases invest) their funds, or otherwise obtain certain financial services:</p> <p>SA - South Australian Government Financing Authority, Local Government Finance Authority of South Australia</p> <p>TAS - Tascorp</p> <p>NSW - NSW Treasury Corporation</p> <p>VIC - Treasury Corporation of Victoria</p> <p>QLD - Queensland Treasury Corporation, Queensland Investment Corporation</p> <p>NT - Northern Territory Treasury Corporation</p> <p>WA - Western Australian Treasury Corporation</p> <p>3) A branch of a foreign bank that is authorised as a deposit taking institution in Australia (foreign ADI) is not permitted to accept initial deposits (and other funds) from individuals and non-corporate institutions of less than \$A250,000.</p> <p>A representative office of a foreign bank is not permitted to undertake any banking business, including advertising for deposits, in Australia. Such a representative office is only permitted to act as a liaison point.</p> <p>To obtain an Australian market licence, an applicant must be a body corporate.</p> <p>The responsible entity of a registered managed investment scheme must be a public company that holds an Australian financial services licence authorising it to operate a managed investment scheme.</p>	<p><u>I-4 National Treatment</u></p> <p>3) A branch of a foreign bank that is authorised as a deposit taking institution in Australia (foreign ADI) is not permitted to accept initial deposits (and other funds) from individuals and non-corporate institutions of less than \$A250,000.</p> <p>A representative office of a foreign bank is not permitted to undertake any banking business, including advertising for deposits, in Australia. Such a representative office is only permitted to act as a liaison point.</p> <p style="text-align: right;">[Banking Act 1959 (Cth) Payment Systems (Regulations) Act 1998 (Cth)]</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	4) Unbound except as indicated in the horizontal section.		
8. HEALTH-RELATED AND SOCIAL SERVICES			
<p>B. <u>Other human health services</u> (CPC 93199**) Covers podiatry and chiropody services. Includes podiatry services carried out in health clinics, and in residential health facilities other than hospitals, as well as in own consulting rooms, patients' homes or elsewhere.</p> <p><u>Other human health services</u> (CPC 93199**) Covers other human health services not covered above.</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) Unbound 2) Unbound 3) Unbound 4) Unbound</p>	<p><u>I-4 National Treatment</u> <u>X.2 Local Management and Boards of Directors</u></p> <p>3) The votes attached to significant foreign shareholdings³⁵ may not be counted in respect of the appointment, replacement or removal of more than one third of the directors of Commonwealth Serum Laboratories (CSL) who hold office at a particular time. The head office, principal facilities used by CSL and any CSL subsidiaries used to produce products derived from human plasma collected from blood or plasma donated by individuals in Australia must remain in Australia. Two-thirds of the directors of the board of CSL and the chairperson of any meeting must be Australian citizens. CSL must not seek incorporation outside of Australia.</p> <p>[Commonwealth Serum Laboratories Act 1961 (Cth)]</p>	

³⁵ For the purposes of this reservation, 'significant foreign shareholding' means a holding of voting shares in CSL in which a foreign person has a relevant interest, if the foreign person has relevant interests in at least 5 per cent of the voting shares in CSL.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotels and restaurants</u> (CPC 641, 642, 643)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
B. <u>Travel agencies and tour operator services</u> (CPC 7471) ³⁶	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
C. <u>Tourist guide services</u> (CPC 7472)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section.		
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
B. <u>News agency services</u> (CPC 962)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

³⁶ On the selling and marketing of air transport services, see Section II.11.C of this Schedule.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>D. <u>Sporting and other recreational services</u> Sporting services (CPC 9641)</p> <p>Other recreational services: Recreation park and beach services (CPC 96491)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
11. TRANSPORT SERVICES			
<p>A. <u>Maritime transport services</u> International transport (freight and passengers) (CPC 7211 and 7212 less cabotage and offshore transport - as defined in Section A reservation)</p>	<p>1) a) Liner shipping: None, except that every ocean carrier who provides international liner cargo shipping services to or from Australia must, at all times, be represented by a natural person who is resident in Australia. b) Bulk, tramp and other international shipping, including international passenger transportation: None.</p> <p>2) None</p> <p>3) a) Establishment of registered company for the purpose of operating a fleet under the national</p>	<p><u>X.1 Local Presence</u></p> <p>1) Every ocean carrier who provides international liner cargo shipping services to or from Australia must, at all times, be represented by a natural person who is resident in Australia. [<i>Competition and Consumer Act 2010 (Cth)</i>]</p> <p><u>I-4 National Treatment</u></p> <p>3) Only a person³⁷ affected by a registered conference agreement or by a registered non-</p>	

³⁷ For the purposes of this reservation, section 10.48 and 10.58 of Part X of the *Competition and Consumer Act 2010 (Cth)* list the categories of persons to whom this reservation will apply.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p><u>Maritime auxiliary services</u></p> <p>International rental of vessels with crew (less cabotage and offshore transport - as defined in Section A reservation)</p> <p>Maritime cargo handling services (as defined in Annex on Maritime Transport Services)</p>	<p>flag of Australia: nationality requirements for ownership and registration of vessels as defined by the Shipping Registration Act 1981.</p> <p>b) Other forms of commercial presence for the supply of international maritime transport services (as defined in Annex on Maritime Transport Services): None</p> <p>4) a) Ships crews: Unbound except as indicated in the horizontal section.</p> <p>b) Key shore personnel: Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) Unbound</p> <p>2) None</p> <p>3) Licences/concessions are granted by port authorities. Public utility concession or licensing procedures may apply in the case of the occupation of the public domain for the conduct of these activities.</p> <p>4) Unbound except as indicated in the horizontal section. In addition there is a requirement for shore labour to undertake loading and unloading of ships under the Navigation Act 1912.</p>	<p>conference ocean carrier with substantial market power may apply to the Australian Competition and Consumer Commission to examine whether conference members, and non-conference operators with substantial market power, are hindering other shipping operators from engaging efficiently in the provision of outward liner cargo services to an extent that is reasonable. For greater certainty, matters which are relevant to the determination of “reasonable” include Australia’s national interest and the interests of Australian shippers.</p> <p>[<i>Competition and Consumer Act 2010 (Cth)</i>]</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>Storage and warehousing services (as defined in Annex on Maritime Transport Services)</p> <p>Maritime freight forwarding services (as defined in Annex on Maritime Transport Services)</p> <p>Customs clearance services (as defined in Annex on Maritime Transport Services)</p> <p>Maritime agency services (as defined in Annex on Maritime Transport Services)</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>C. <u>Air Transport Services</u></p> <p>- Aircraft repair and maintenance services as defined in [Annex on Air</p>	<p>1) None 2) None</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>Transport Services] Article 3(a)</p> <p>This covers establishments mainly engaged in periodic maintenance and repair (routine and emergency) of airframes (including wings, doors, control surfaces) avionics, engines and engine components, hydraulics, pressurisation and electrical systems and landing gear. Includes painting, other fuselage surface treatments and repair of flight-deck (and other) transparencies. Further includes rotary and glider aircraft.</p> <p>- Selling and marketing of air transport services, as defined in [Annex on Air Transport Services] Article 3(b)</p> <p>This commitment confirms, without extending, the application to air transport services of the specific commitments made elsewhere in this Schedule in the following sections, subject to all limitations, exceptions and qualifications set out in those sections:</p>	<p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None, except: Retailing services (CPC 631**, 63211**, 63212, 61112, 6113, 6121, 6322, 6323, 6324, 6325, 6329**) are unbound except for mail order.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<ul style="list-style-type: none"> - Section II.9.B Travel agencies and tour operator services (CPC 7471), - Section II.1F(b) Market research and public opinion polling services (CPC 864), - Section II.1.F(a) Advertising services (CPC 87110, 87120**, 87190), - Section II.4 Distribution: Commission agents' services (CPC 62113-62118); Wholesale trade services (CPC 6223-6228); Retailing services (CPC 631**, 63211**, 63212, 61112, 6113, 6121, 6322, 6323, 6324, 6325, 6329**); and Franchising (CPC 8929). - Computer reservation system services, as defined in [Annex on Air Transport Services] Article 3(c) 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<ul style="list-style-type: none"> - Ground handling services, as defined in [Annex on Air Transport Services] Article 3(d) - Airport operation services, as defined in [Annex on Air Transport Services] Article 3(e) 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 		
<p><u>E. Rail transport services</u></p> <ul style="list-style-type: none"> b) Freight transportation (CPC 7112); c) pushing and towing services (CPC 7113); and e) supporting services for rail transport services (CPC 743). 	<ul style="list-style-type: none"> 1) None 2) None 3) Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no restrictions on the right to establish new networks but access to public land may not be guaranteed. Above track (rail transport services (such as trains) that operate over the rail-track infrastructure): none except that access to rail infrastructure is allocated under pro-competitive principles for safety, efficiency and the long term interests of users. 4) Unbound except as indicated in the horizontal section. 		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>F. <u>Road transport services</u></p> <p>a) Passenger transportation (CPC 71213, 71214, 7122) Does not include regular urban bus services</p> <p>b) Freight transportation (CPC 7123)</p> <p>c) Rental of commercial vehicles with operator (CPC 7124)</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>G. <u>Pipeline transport</u></p> <p>a) Transportation of fuels (CPC 7131)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
b) Transportation of other goods (CPC 7139)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
H. <u>Services auxiliary to all modes of transport</u> b) Storage and warehouse services (CPC 742) Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 742: distribution centre services and materials handling and equipment services such as container station and depot services. c) Freight transport agency services (CPC 748 excluding maritime) Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 748: customs agency services and load scheduling services (excluding maritime).	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>d) Other supporting and auxiliary transport services (CPC 749 excluding maritime)</p> <p>Australia's commitment in relation to these services extends to cover the following services in addition to those listed under CPC 749: container leasing and rental services (excluding maritime).</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		

** Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

AUSTRALIA – LIST OF MFN ARTICLE [...] EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article [...]	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual Services	Under the Australian Government Co-production programme, Australia maintains preferential co-production arrangements for film and television productions. Official co-production status, which may be granted to a co-production produced under these co-production arrangements, confers national treatment on works covered by these arrangements, including in respect of access to finance and tax concessions and simplified requirements for the temporary entry of skilled personnel into Australia for the purposes of the co-production.	Italy, UK, Canada and France and any other country where cultural co-operation might be desirable and which is prepared to exchange preferential treatment on the terms and conditions specified in the Australian co-production programme	Indefinite	To promote collaborative efforts between Australian and foreign film producers and general cultural links
Audiovisual Services	Measures taken to respond to any unreasonable measures imposed on Australian services or service suppliers by another Member	Members maintaining MFN exemptions which provide for unreasonable unilateral actions	This exemption will only be activated in the event of any other Member maintaining exemptions which provide for unreasonable unilateral action	To protect Australia from any unreasonable unilateral actions from other Members

AUSTRALIA – LIST OF MONOPOLY RIGHTS EXISTING AS AT THE DATE OF ENTRY IN TO FORCE OF THE AGREEMENT

Sector or Subsector	Description of measure

FOR-OFFICIAL-USE-ONLY

AUSTRALIA

Australia's ~~First~~ Second Revised Offer

October 2016

Trade in Services Agreement (TiSA) negotiations

Australia reserves the right to withdraw, modify, or reduce this offer in whole or part, at any time prior to the conclusion of the negotiations.

Australia's offer is subject to on-going negotiations on new and enhanced disciplines, the outcomes of which may result in changes to the scope and commitments in Australia's offer.

Australia's offer sets out any applicable ~~limitations- conditions and qualifications~~ on Articles X.1 [Local Presence], X.2 [Local Management and Boards of Directors] and X.3 [Local Content and Other Performance Requirements] of Annex [X] on Localisation and Article X.13 [Senior Management and Boards of Directors] of Annex [X] on Financial Services in the 'Other Limitations' column to the extent that Australia has attributed as a proponent of elements of those articles. Australia may revise its offer to take into account outcomes of negotiations on Localisation.

Australia's offer contains a list of Most-Favoured-Nation (MFN) exemptions, which may need to be updated pending the outcome of negotiations of the Most-Favoured-Nation obligation and related disciplines in the Core Text.

~~Australia has struck through its Section A reservation on foreign investment relating to essential security and is willing to remove the reservation provided that appropriate text is included elsewhere in the Agreement to address Australia's concerns in relation to new disciplines.~~

Australia has Section A and Section B reservations on essential security and is willing to consider removing or streamlining the reservations provided that appropriate text is included elsewhere in the Agreement to address Australia's concerns.

Australia's offer on Professional Services is scheduled in accordance with the commitments in the Annex on Professional Services, and the Legal Services model schedule circulated in April 2016.

Australia's offer on Financial Services is scheduled in accordance with the Annex [X] on Financial Services, to the extent that Australia has attributed as a proponent. The Market Access commitments with respect to Mode 1) Cross-border supply and Mode 2) Consumption abroad in this offer are limited to the services indicated in Articles X.3(1)(b) and X.3(1)(c) of the Annex, respectively. Australia may revise its offer to take into account outcomes of negotiations on financial services, including any additional disciplines which parties agree to apply to financial services commitments. Australia has included an appendix of monopolies per FS Article X.5, and will provide a further technical update confirming the contents of that list.

Australia's offer on Maritime Transport Services is scheduled in accordance with the Annex on Maritime Transport Services. Australia may revise its offer to take into account the outcomes of negotiations on maritime transport services, including in relation to any additional disciplines which parties agree to apply to maritime transport services.

Australia's offer no longer contains any 'Unbound*' entries in the 'Limitations on market access' column.

Australia has not included any terms, limitations, conditions and qualifications in relation to

the following on the basis that they are services supplied in the exercise of governmental authority:

(a) the following functions and services, which are reserved to provision by the statutory authority, Airservices Australia: airspace management, air traffic flow information, air traffic control, traffic and flight information, navigation services, aeronautical information, and aerodrome rescue and fire-fighting services, as stipulated in the *Air Services Act 1995 (Cth)*, *Air Services Regulations (Cth)*, *Commonwealth Authorities and Companies Act 1997 (Cth) (CAC Act)*.

(b) Australia Post, a wholly-owned government entity, has the exclusive right to issue postage stamps and carry letters within Australia, whether the letters originated within or outside Australia. This includes:

- a. the collection within Australia of letters for delivery within Australia; and
- b. the delivery of letters within Australia.

This does not include activities which are listed as exceptions to reserved services in in the *Australian Postal Corporation Act 1989 (Cth)*, including:

- (i) the carriage of a letter weighing more than 250 grams; and
- (ii) the carriage of a letter within Australia for a charge or fee that is at least four times the rate of postage that is current at the time for the carriage within Australia of a standard postal article by ordinary post.

Australia reserves the right to include terms, limitations, conditions and qualifications in relation to the above in its offer should TiSA parties disagree.

Introductory Notes to Australia's schedule

~~Each reservation scheduled in the 'Other Limitations' column includes a description setting out the scope of the sector, sub-sector or activity, for the measure for which National Treatment (Article I.4), Local Presence (Article X.1), Local Management and Boards of Directors (Article X.2) and Local Content and Other Performance Requirements (Article X.3) and Article X.13 [Senior Management and Boards of Directors] of Annex [X] on Financial Services do not apply.~~

~~Where applicable, each reservation also includes a citation identifying the source of the measure. A citation in square brackets at the bottom of a reservation means the measure as amended, continued or renewed as of the date of entry into force of this Agreement and includes any subordinate measure adopted or maintained thereunder. National Treatment (Article I.4), Local Presence (Article X.1), Local Management and Boards of Directors (Article X.2) and Local Content and Other Performance Requirements (Article X.3) and Article X.13 [Senior Management and Boards of Directors] of Annex [X] on Financial Services do not apply to the measures, sectors, sub-sectors, or activities identified in the description element of each reservation. The citation is included for transparency purposes only.~~

National Treatment (Article I.4), Local Presence (Article X.1), Local Management and Boards of Directors (Article X.2), Local Content and Other Performance Requirements (Article X.3) and Article X.13 [FS Senior Management and Boards of Directors] do not apply

to the sectors, sub-sectors, activities, or measures listed in Australia's Other Limitations column, as outlined below:

For Section A:

Each condition and qualification set out in the 'Other Limitations' column specifies:

- the Article(s) that do(es) not apply to the sectors, sub-sectors or activities covered by the condition or qualification; and
- the sectors, sub-sectors or activities in which Australia reserves the right to maintain existing, or adopt new or more inconsistent, measures that do not conform with the Article(s).

A citation in square brackets at the bottom of a condition or qualification identifies, for transparency purposes, a non-exhaustive list of existing measures.

For greater certainty, where Australia has more than one condition or qualification in its 'Other Limitations' column that could apply to a measure, each condition or qualification is to be read independently, and is without prejudice to the application of any other condition or qualification to the measure.

For Section B:

Each condition and qualification set out in the 'Other Limitations' column specifies:

- the Article(s) that do(es) not apply to the condition or qualification;
- a description setting out the measure(s) for which the condition or qualification is made, to which the Article(s) do(es) not apply; and
- a citation in square brackets identifying the source(s) of the measure(s) as amended, continued or renewed as of entry into force (including any subordinate measure adopted or maintained under the authority of and consistent with the source of the measure).

For greater certainty, the description element of each of Australia's condition(s) or qualification(s) in Section B is to be interpreted in accordance with the relevant cited source(s) of the measure(s).

Australia regards Local Presence (Article X.1) and National Treatment (Article I-4) as separate obligations and has not scheduled measures that are only inconsistent with Local Presence against National Treatment.

Nothing in Article I-4 (National Treatment) shall be construed to prevent Australia from adopting or maintaining a measure that prescribes special formalities in connection with the supply of a service as described in Article I-1:2(c), such as a residency requirement for registration or a requirement that a commercial presence be legally constituted under the laws or regulations of the Party, provided that these formalities do not materially impair the protections afforded by Australia to service suppliers of another Party under this Agreement.

For the avoidance of doubt, in relation to education services, nothing in this Agreement shall interfere with:

- (a) the ability of individual education and training institutions to maintain autonomy in admissions policies (including in relation to considerations of equal opportunity for

students and recognition of credits and degrees), in setting tuition rates and in the development of curricula or course content;

(b) non-discriminatory accreditation and quality assurance procedures for education and training institutions and their programmes, including the standards that must be met;

(c) government funding, subsidies or grants, such as land grants, preferential tax treatment and other public benefits, provided to education and training institutions; or

(d) the need for education and training institutions to comply with non-discriminatory requirements related to the establishment and operation of a facility in a particular jurisdiction.

Unless otherwise stated, all CPC references correspond to the United Nations Provisional Central Product Classification.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>I.HORIZONTAL COMMITMENTS</p> <p>Australia undertakes its specific commitments in accordance with Part II of the Agreement</p>			
<p><u>SECTION A</u></p> <p>RESERVATIONS pursuant to Part II, Article II-2:4 and Part X, Article X.4:3.</p>		<p>Australia reserves the right to adopt or maintain any measure in the specific sectors, sub-sectors or activities listed below:</p> <ul style="list-style-type: none"> • <u>Indigenous person or organisation</u> <ul style="list-style-type: none"> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <p>Any measure according preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector.</p> <p>Any measure with respect to commercial presence that accords preferences to any Indigenous person or organisation providing for the favourable treatment of any Indigenous person or organisation.</p> <p>For the purpose of this reservation, an Indigenous person means a person of the Aboriginal or Torres Strait Islander peoples.</p> <p style="text-align: center;">[Legislation and ministerial statements at all levels of government including Australia's foreign investment policy, and the <i>Native Title Act 1993</i> (Cth)]</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<ul style="list-style-type: none"> • <u>Devolution and privatisation</u> <u>I-4 National Treatment</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> Any measure with respect to: <ul style="list-style-type: none"> - the devolution to the private sector of services provided in the exercise of governmental authority at the time that the Agreement comes into force; and - the privatisation of government owned entities or assets. • <u>Law enforcement, correctional services and social services</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> Any measure¹ with respect to the provision of law enforcement and correctional services, and the following services² to the extent that they are social 	

¹ For greater certainty, measures adopted or maintained with respect to the provision of services covered by this reservation include measures for the protection of personal information relating to health and children.

² This includes any measure with respect to: the collection of blood and its components; the distribution of blood and blood related-products, including plasma derived products; plasma fractionation services; and the procurement of blood and blood related products and services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities, public transport and public housing.</p> <ul style="list-style-type: none"> • <u>Creative arts, cultural heritage and other cultural industries, broadcasting and audiovisual services</u> <p><u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u></p> <p>Any measure with respect to:</p> <ul style="list-style-type: none"> - the creative arts³, cultural heritage⁴ and other cultural industries, including audiovisual services, entertainment services and libraries, archives, museums and other cultural services; - broadcasting and audiovisual services, including measures with respect to planning, licensing and spectrum management, and including: <ul style="list-style-type: none"> : services offered in Australia; and : international services originating from Australia. <p>[<i>Broadcasting Services Act 1992 (Cth)</i>, <i>Radiocommunications Act 1992 (Cth)</i>, <i>Income Tax Assessment Act 1936 (Cth)</i>, <i>Income Tax Assessment</i></p>	

³ ‘Creative arts’ include: the performing arts – including theatre, dance and music – visual arts and craft, literature, film, television, video, radio, creative on-line content, indigenous traditional practice and contemporary cultural expression, and digital interactive media and hybrid art work which uses new technologies to transcend discrete artform divisions.

⁴ ‘Cultural heritage’ includes: ethnological, archaeological, historical, literary, artistic, scientific or technological moveable or built heritage, including the collections which are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p><i>Act 1997 (Cth), Screen Australia Act 2008 (Cth), Broadcasting Services (Australian Content) Standard 2005, Children’s Television Standards 2009, Television Program Standard 23 – Australian Content in Advertising, Commercial Radio Codes of Practice and Guidelines, Community Broadcasting Codes of Practice, International Co-Production Programs.]</i></p> <ul style="list-style-type: none"> • <u>Education services</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> Any measure with respect to primary education services (CPC 921). Any measure with respect to the supply of educational services (CPC 92) through commercial presence. • <u>Gambling and betting services</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> Any measure with respect to gambling and betting services (CPC 96492). [Legislation and ministerial statements including the <i>Interactive Gambling Act 2001 (Cth)</i>] 	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<ul style="list-style-type: none"> <li data-bbox="1131 308 1675 496"> <p>• <u>Maritime transport services</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> Any measure with respect to maritime cabotage services and offshore transport services⁵.</p> <p>[<i>Customs Act 1901 (Cth), Fair Work Act 2009 (Cth), Seafarers' Compensation and Rehabilitation Act 1992 (Cth), Occupational Health and Safety (Maritime Industry) Act 1993 (Cth), Income Tax Assessment Act 1936 (Cth), Coastal Trading (Revitalising Australian Shipping) Act 2012 (Cth), Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012 (Cth), Shipping Reform (Tax Incentives) Act 2012 (Cth)</i>]</p> <p><u>I-4 National Treatment</u> <u>X.1 Local Presence</u> Any measure with respect to the registration of vessels in Australia. [<i>Shipping Registration Act 1981 (Cth)</i> Shipping Registration Regulations 1981 (Cth)]</p> <li data-bbox="1131 1166 1675 1259"> <p>• <u>Transport services</u> <u>I-4 National Treatment</u> <u>X.2 Local Management and Boards of Directors</u></p> 	

⁵ For the purposes of this reservation, **cabotage** is defined as the transportation of passengers or goods between a port located in Australia and another port located in Australia and traffic originating and terminating in the same port located in Australia. **Offshore transport** refers to shipping services involving the transportation of passengers or goods between a port located in Australia and any location associated with or incidental to the exploration or exploitation of natural resources of the continental shelf of Australia, the seabed of the Australian coastal sea and the subsoil of that seabed.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>Any measure with respect to investment in federal leased airports. [Airports Act 1996 (Cth); Airports (Ownership-Interests in Shares) Regulations 1996 (Cth); Airports Regulations 1997 (Cth).]</p> <ul style="list-style-type: none"> • Financial services <u>I-4 National Treatment</u> <u>1), 2) Any measures with respect to all financial services as referred to in [Article X.2 of Annex [X] on Financial Services of the Agreement] other than the financial services referred to in subparagraphs 1 (b) and (c) of Article X.3 of Annex [X] on Financial Services of the Agreement.</u> • All Financial Services as referred to in [Article X.2 of Annex [X] on Financial Services of the Agreement] <u>I-4 National Treatment</u> <u>1) Any measure with respect to all financial services other than the financial services referred to in subparagraph 1 (b) of Article X.3 of Annex [X] on Financial Services of the Agreement [to the extent that Australia has attributed as a proponent]; and</u> <u>2) Any measure with respect to all financial services other than the financial services referred to in subparagraph 1 (c) of Article X.3 of Annex [X] on Financial Services of the Agreement [to the extent that Australia has attributed as a proponent].</u> <p><u>I-4 National Treatment</u> <u>X.13 [FS] Senior Management and Boards of Directors</u></p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>Any measure with respect to the guarantee by government of government-owned entities; <u>whose operations include the provision of financial services</u>, including guarantees related to the privatisation of such entities; which may conduct financial operation.</p> <ul style="list-style-type: none"> • <u>Financial Services referred to in subparagraphs 1 (b) and (c) of Article X.3 of Annex [X] on Financial Services of the Agreement [to the extent that Australia has attributed as a proponent] [short list]</u> <p><u>I-4 National Treatment</u> 1), 2) <u>Any amendment to a measure that does not increase the inconsistency of that measure with the treatment provided for in Article I-4 (National Treatment) as it existed on the date of entry into force of this Agreement.</u></p> <p><u>I-4 National Treatment</u> 1) A foreign bank located overseas is able to offer its services to Australian enterprises, but is not allowed to raise deposit funds in Australia or undertake business w ithin Australia unless it is an authorised bank (or establishes a money market corporation, subsidiary etc.). Foreign banks located overseas may, however, raise funds in Australia through the issue of debt securities provided that those securities are offered/traded in parcels of not less than \$A500,000 and the securities and any information memoranda clearly state the issuing bank is not authorised under the Banking Act in Australia.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<ul style="list-style-type: none"> • <u>Foreign investment⁶</u> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <p>Any measure with respect to <u>the proposed acquisition proposals by a foreign persons⁷ and foreign government investors, of an interest to invest in Australian agricultural land⁸ or where the cumulative value of agricultural land⁸ owned by the foreign person⁷ alone or together with associates, including the proposed acquisition, is above \$A 15 million;</u></p> <p><u>Any measure with respect to the proposed acquisition by a foreign person⁷ of an interest in an agribusiness⁹ where the cumulative value of the interest held by the foreign person⁷ in that agribusiness⁹, alone or together with associates, including the proposed acquisition, is above \$A 55 million.</u></p> <p><u>[Australia's Foreign Investment Framework, which comprises Australia's Foreign Investment</u></p>	

⁶ The terms in these reservations should be interpreted in accordance with Australia's Foreign Investment Framework as at the date of entry into force of this Agreement.

⁷ The term 'foreign person' has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

⁸ The term 'agricultural land' has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

⁹ The term 'agribusiness' has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>Policy, which consists of the Foreign Acquisitions and Takeovers Act 1975 (Cth); (FATA); (Cth); Foreign Acquisitions and Takeovers Regulations 2015 (Cth); Foreign Acquisitions and Takeovers Fee Imposition Act 2015 (Cth); Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015 (Cth); Financial Sector (Shareholdings) Act 1998 (Cth); Foreign Acquisitions and Takeovers Regulations 1989 (Cth); and Ministerial Statements]</p> <p><u>I-4 National Treatment</u> <u>X.3 Local Content and Other Performance Requirements</u></p> <p>Any measure with respect to a proposed <u>an acquisition</u> by a foreign persons¹⁰ <u>foreign persons</u> and foreign government investors to invest <u>an interest</u> in Australian urban land¹¹ <u>land</u> (including interests that arise via leases, financing and profit sharing arrangements, and the acquisition of interests in urban land corporations and trusts), other than developed non-residential commercial real estate land or land that is used wholly and exclusively for a primary production business.</p> <p>[Australia's Foreign Investment Framework, which comprises Australia's Foreign Investment Policy, which consists of the Foreign Acquisitions and Takeovers Act 1975 (Cth) (FATA); (Cth); Foreign Acquisitions and Takeovers Regulation</p>	

¹⁰ The term 'foreign person' has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

¹¹ The terms 'Australian ~~urban land~~' and 'interest in Australian land' have the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>2015 (Cth); Foreign Acquisitions and Takeovers Fee Imposition Act 2015 (Cth); Foreign Acquisitions and Takeovers Fee Imposition Regulation 2015 (Cth); Financial Sector (Shareholdings) Act 1998 (Cth); Foreign Acquisitions and Takeovers Regulations 1989 (Cth); and Ministerial Statements]</p> <ul style="list-style-type: none"> • <u>Essential Security</u> <ul style="list-style-type: none"> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <p>Any measure that the Australian Government considers necessary for the protection of its essential security interests.</p> • <u>Entry and temporary stay of natural persons</u> <ul style="list-style-type: none"> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <p>Any measure with respect to the entry and temporary stay of natural persons, except for measures concerning the categories of natural</p> 	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>persons referred to in the market access column.</p> <ul style="list-style-type: none"> • <u>Subsidies</u> <ul style="list-style-type: none"> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <p><u>Any measure with respect to subsidies or grants, including government-supported loans, guarantees and insurance, to the extent it is not inconsistent with Australia's obligations under the GATS.</u></p> • <u>Taxation</u> <ul style="list-style-type: none"> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <p><u>Any taxation measure¹² aimed at ensuring the equitable or effective imposition or collection of indirect taxes in respect of services or service suppliers of other Parties, including any taxation measure that differentiates between persons based on their place of residence or incorporation, provided it:</u></p> <ul style="list-style-type: none"> <u>(a) would not constitute a means of arbitrary or unjustifiable discrimination between Parties where like conditions prevail, or a disguised restriction on trade in services¹³</u> <u>(b) is not inconsistent with Australia's obligations under the GATS.</u> 	

¹² For the purposes of this reservation and for greater certainty 'taxes' and 'taxation measure' include excise duties, but do not include import or customs duties

¹³ This reservation must be interpreted by reference to footnote 7 of Part I, Article I-9(d) as if the paragraph is not restricted to direct taxes

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p><u>I-4 National Treatment</u> <u>X.1 Local Presence</u></p> <p><u>Any measure that conditions the receipt, or continued receipt of an advantage relating to the contributions to, or income of, a pension trust, superannuation fund, or other arrangement to provide pension, superannuation, or similar benefits on a requirement that Australia maintain continuous jurisdiction, regulation, or supervision over such trust, fund or other arrangement.</u></p>	
<p><u>SECTION B</u></p> <p>RESERVATIONS pursuant to Part II, Article II-2:2 and Part X, Article X.4:1.</p>		<p>Australia maintains limitations <u>the following conditions and qualifications</u> in all sectors in the following areas:</p> <ul style="list-style-type: none"> • <u>Regional and Local measures</u> <ul style="list-style-type: none"> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.3 Local Content and Other Performance Requirements</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <p>All existing measures at the regional <u>and local</u> level of government not consistent with Articles I-4, X.1 X.2, X.3 and X.13[FS] of the Agreement.</p> <ul style="list-style-type: none"> • <u>Taxation</u> <ul style="list-style-type: none"> <u>I-4 National Treatment</u> <u>X.1 Local Presence</u> <u>X.3 Local Content and Other Performance Requirements</u> <p><u>All existing taxation measures not consistent with</u></p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p><u>Articles I-4, X.1 and X.3 of the Agreement.</u>¹⁴</p> <ul style="list-style-type: none"> • <u>Company Directors</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <ul style="list-style-type: none"> - at least one director of a private company must be ordinarily resident in Australia; - at least two directors of a public company must be ordinarily resident in Australia. [Corporations Act 2001 (Cth) Corporations Regulations 2001 (Cth)] • <u>Foreign Investment</u>¹⁵ <u>I-4 National Treatment</u> <u>X.2 Local Management and Boards of Directors</u> <u>X.13 [FS] Senior Management and Boards of Directors</u> <p><u>A. The following investments¹⁶ are subject to activities-require-notification-and approval from-by the Australian Government and may also require notification¹⁷ to the Australian Government:</u></p> <p><u>(a) a proposed acquisitions-investment by a foreign persons¹⁸ of-substantial-interests-in an</u></p>	

¹⁴ For the purposes of this reservation and for greater certainty 'taxation measures' includes excise duties, but do not include import or customs duties

¹⁵ For greater certainty, the terms in this reservation should be interpreted in accordance with Australia's Foreign Investment Framework as at the date of entry into force of this Agreement.

¹⁶ The term 'investment' means activities covered by Part II of the Foreign Acquisitions and Takeovers Act 1975(Commonwealth) or, where applicable, ministerial statements on foreign investment policy. Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment.

¹⁷ The Foreign Acquisitions and Takeovers Fees Imposition Act 2015 (Cth) and the Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015 (Cth) sets the fees for foreign investment applications and notices. Fees are indexed annually on 1 July.

¹⁸ The term 'foreign person' has the meaning set out in the Foreign Acquisitions and Takeovers Act 1975 (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>entity or Australian businesses with total assets valued above at more than \$A252 million¹⁹;</p> <p>proposed acquisitions by foreign persons of substantial interests in offshore companies whose Australian subsidiaries or gross assets are valued at more than \$A252 million;</p> <p>(b) a proposed direct investments by a foreign government investor²⁰, of any interest regardless of the value of the investment;</p> <p>(c) a proposed investments by a foreign person¹⁸s of 5 per cent or more in the media sector, regardless of the value of the investment; and</p> <p>(d) a proposed acquisitions by a foreign person¹⁸s of an interests in developed commercial-Australian-urban land²¹ where the value of the interest is more than \$A 252 million¹⁹, unless the land meets the conditions for the lower developed commercial land threshold of \$A 55 million^{19 22}. (including interests that arise via leases, financing and profit sharing arrangements and the acquisitions of interests in urban land corporations and trusts) that involve the:</p> <p>: — proposed acquisition of developed non-residential commercial real estate where the property is valued at \$A5 million or more and is subject to heritage listing; or</p>	

¹⁹ This is the figure as at 1 January 2016. To be indexed annually on 1 January.

²⁰ The term ‘foreign government investor’ has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

²¹ The term ‘~~Australian-urban~~ developed commercial land’ has the meaning commercial land that is not vacant within the meaning set out in ~~of~~ the *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

²² The conditions for the lower threshold are those set out in *Foreign Acquisitions and Takeovers Act 1975 (Cth)* and *Foreign Acquisitions and Takeovers Regulation 2015 (Cth)*.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p>proposed acquisition of developed non-residential commercial real estate where the property is valued at \$A55 million or more and is not subject to heritage listing;</p> <p>proposals where any doubt exists as to whether they are notifiable.</p> <p>Notified investments may be refused, subject to interim orders, and/or approved subject to compliance with certain conditions. Foreign persons¹⁸ that do not comply with the foreign investment framework may be subject to civil and criminal penalties.</p> <p><u>For greater certainty, where an investment could qualify for the application of one or more of the above screening thresholds, approval and/or notification requirements apply from the lowest applicable threshold.</u></p> <p>Separate or additional requirements may apply to measures subject to other reservations pursuant to Part II, Article II-2:2 and Part X, Article X.4:1 and to sectors, sub-sectors or activities subject to reservations pursuant to Part II, Article II-2:4 and Part X, Article X.4:3.</p> <p><u>B. The acquisition of a stake in an existing financial sector company by a foreign investor, or entry into an arrangement by a foreign investor, that would lead to an unacceptable shareholding situation or to practical control²³ of an existing</u></p>	

²³ 'Unacceptable shareholding situation' and 'practical control' as defined in the *Financial Sector (Shareholdings) Act 1998 (Cth)*.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		<p><u>financial sector company, may be refused, or be subject to certain conditions²⁴.</u></p> <p><u>[Australia's Foreign Investment Framework, which comprises Australia's Foreign Investment Policy, which includes the Foreign Acquisition and Takeovers Act 1975 (Cth) (FATA); Foreign Acquisitions and Takeovers Regulations 1989 2015 (Cth); Foreign Acquisitions and Takeovers Fees Imposition Act 2015 (Cth); Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015 (Cth); Financial Sector (Shareholdings) Act 1998 (Cth); and Ministerial Statements]</u></p>	
<p>ALL SECTORS INCLUDED IN PART II OF THIS SCHEDULE</p> <p><u>RESERVATIONS pursuant to Part II, Article II-1</u></p>	<p><u>Australia maintains the following terms, limitations and conditions on market access in all sectors included in Part II of this Schedule:</u></p> <p>3) Proposals for foreign investment are subject to notification and approval under Australia's <u>Foreign Investment Policy Framework as outlined in the reservations in the 'Other Limitations' column.</u></p> <p><u>1), 2), 3), 4) Any measure that Australia considers necessary for the protection of its essential security interests.</u></p> <p>1), 3) Any measure with respect to:</p> <p>(i) the devolution to the private sector of services provided in the exercise of governmental authority at the time that the Agreement comes</p>		

²⁴ Ministerial statements on foreign investment policy including the Treasurer's Press Release No. 28 of 9 April 1997.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>into force; and</p> <p>(ii) the privatisation of government owned entities or assets.</p> <p>1), 3) Any measure according preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector.</p> <p>Any measure with respect to commercial presence that accords preferences to any Indigenous person or organisation providing for the favourable treatment of any Indigenous person or organisation.</p> <p>For the purpose of this reservation, an Indigenous person means a person of the Aboriginal or Torres Strait Islander peoples.</p> <p><u>1) 2) 3) 4) Any measure with respect to subsidies or grants, including government-supported loans, guarantees and insurance, to the extent it is not inconsistent with Australia's obligations under the GATS.</u></p> <p>4) Unbound except for measures concerning the entry and temporary stay of natural persons in the following categories:</p> <p>(a) Intra-corporate transferees <u>being natural persons who are employees of an enterprise of another Party established and lawfully and actively operating in Australia and who are transferred to fill a position in the parent, branch, subsidiary or</u></p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p><u>affiliate of that enterprise in Australia, and who areas:</u></p> <p>(i) Executives and senior managers being natural persons who are employees of an enterprise of another Party established and operating lawfully and actively in Australia, and who will be responsible for the entire or a substantial part of the operations of the enterprise in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.</p> <p>Entry and temporary stay is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian Government department responsible for immigration matters (as at entry into force, the address of that website was www.border.gov.au). Sponsorship requirements, including eligible occupations, may change from time to time.</p> <p>Entry is for periods of stay up to four years, with the possibility of further stay.</p> <p>(ii) Specialists, being natural persons with advanced trade, technical or professional skills and</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>experience and knowledge of a proprietary nature of the enterprise's operations are employees of an enterprise of another Party established and operating lawfully and actively in Australia and who have been employed by that employer for not less than two years immediately preceding the date of the application for temporary entry.</p> <p>Entry and temporary stay is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian Government department responsible for immigration matters (as at entry into force, the address of that website was www.border.gov.au). Sponsorship requirements, including eligible occupations, may change from time to time.</p> <p>Entry is for periods of stay up to two years, with the possibility of further stay.</p> <p>(b) Independent executives being natural persons whose work responsibilities match the description set out below and who intend, or are responsible for, the establishment in Australia, of a new branch or subsidiary of an enterprise which has its head of operations in the territory of another Party and which has no other representative, branch or subsidiary in Australia. Independent executives will be responsible for the entire or a substantial part of the enterprise's operations in Australia, receiving general supervision or direction principally from higher</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.</p> <p>Entry and temporary stay is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian Government department responsible for immigration matters (as at entry into force, the address of that website was www.border.gov.au). Sponsorship requirements, including eligible occupations, may change from time to time.</p> <p>Entry is for periods of stay up to a maximum of two years.</p> <p>(c) Business visitors being natural persons seeking to travel to Australia for business purposes whose remuneration and financial support for the duration of the visit must be derived from sources outside Australia and who must not engage in making direct sales to the general public or in supplying the services themselves.</p> <p>Business visitors comprise:</p> <p>(i) Service sellers, as business visitors being natural persons who are not based in Australia who are</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>sales representatives of a service supplier and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier.</p> <p>Entry is for an initial stay of 6 months and up to a maximum of 12 months.</p> <p>(ii) Business visitors, being natural persons seeking to travel to Australia for the purpose of participating in business negotiations or meetings.</p> <p>Entry is for periods of stay up to a maximum of three months.</p> <p>(d) Contractual service suppliers (including independent professionals/specialists).</p> <p>Contractual service suppliers (CSS), <u>subject to individual compliance with labour market testing</u>, being natural persons with trade, technical or professional skills and experience who are assessed as having the necessary qualifications, skills and work experience accepted as meeting the domestic standard in Australia for their nominated occupation, and who are:</p> <p>(i) employees of an enterprise of a Party that has concluded a contract for the supply of a service within Australia and that does not have a commercial presence within Australia; or</p> <p>(ii) engaged by an enterprise lawfully and actively operating in Australia in order to supply a service under a contract within Australia.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>Entry and temporary stay is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian Government department responsible for immigration matters (as at entry into force, the address of that website was www.border.gov.au) Sponsorship requirements, including eligible occupations, may change from time to time.</p> <p>Entry is for periods of stay up to 12 months, with the possibility of further stay.</p> <p>(e) Other: Spouses of temporary entrants covered by (a), (b) and (d) <u>shall, upon application and in accordance with Australia's laws and regulations, be granted the right of entry and temporary stay, movement and workare</u> aeoorded equivalent rights where <u>the</u> stay of those temporary entrants is greater than 12 months.</p> <p>For such spouses, entry and <u>temporary</u> stay is for the same period as for the temporary entrant.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services	1) None		
a) Legal services ²⁵	2) None		
(i) Legal advisory and representational services in domestic law (host-country law)	3) None		
	4) Unbound except as indicated in the horizontal section.		

²⁵ For the purposes of this commitment-reservation:

‘legal advisory services’ – includes provision of advice to and consultation with clients in matters, including transactions, relationships and disputes, involving the application or interpretation of law; participation with or on behalf of clients in negotiations and other dealings with third parties in such matters; and preparation of documents governed in whole or in part by law, and the verification of documents of any kind for purposes of and in accordance with the requirements of law. Does not include advice, consultation and documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade marks attorneys.

‘legal representational services’ – includes preparation of documents intended to be submitted to courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of law; and appearance before courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of the specified body of law. (Note 1: The inclusion of representational services before administrative agencies and other duly constituted official tribunals within the context of legal services does not necessarily mean that a licensed lawyer must supply such services in all cases. The precise scope of services subject to licensing requirements is subject to the discretion of the relevant regulatory authority.) Does not include documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade marks attorneys.

‘legal arbitration, conciliation and mediation services’ – preparation of documents to be submitted to, preparation for and appearance before, an arbitrator, conciliator or mediator in any dispute involving the application and interpretation of law. Does not include arbitration, conciliation and mediation services in disputes for which the law has no bearing which fall under services incidental to management consulting. As a sub-category, international legal arbitration, conciliation or mediation services refer to the same services when the dispute involves parties from two or more countries.

‘domestic law (host country law)’ – the law of Australia.

‘foreign law’ – the law of the territories of WTO Members and other countries other than the law of Australia.

‘international law’ – includes law established by international treaties and conventions, as well as customary law.

For the purposes of these definitions:

‘arbitration’ is taken to mean a process in which the parties to a dispute present arguments and evidence to a dispute resolution practitioner (the arbitrator) who makes a determination.

‘mediation’ is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

‘conciliation’ is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the conciliator), identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role on the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of conciliation whereby resolution is attempted, and may make suggestions for terms of settlement, give expert advice on likely settlement terms, and may actively encourage the participants to reach an agreement.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>(ii) Legal advisory services in foreign law and international law and (in relation to foreign and international law only) legal arbitration, conciliation and mediation services.</p>	<p>1) None 2) None 3) None, except that: In South Australia, natural persons practising foreign law may only join a local law firm as a consultant and may not enter into partnership with or employ local lawyers. 4) Unbound except as indicated in the horizontal section.</p>		<p>Limited Licence only is required: Only registration with limited licence is required, rather than full admission/licence, in order to provide:</p> <p>(a) legal advisory services in foreign law, where licensed in the relevant foreign jurisdiction(s); (b) legal advisory services in international law; or (c) legal arbitration, conciliation and mediation services in relation to foreign and international law.</p> <p>(By contrast, a Full Licence is required for (a)(i) above (legal advisory and representational services in domestic law (host-country law)), for which full admission is required: i.e. practitioners must satisfy admission requirements, including qualification requirements, applicable to domestic legal practitioners.)</p> <p>3) Joint offices involving revenue-sharing between foreign law firms and Australian local law firms are permitted in New South Wales, Victoria, Queensland, Tasmania, Western Australia, the Australian Capital Territory and the Northern Territory subject to the foreign law firms satisfying</p>

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
b) Accounting, auditing and book-keeping services (CPC 862)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	<u>X.1 Local Presence</u> 3) 1) 2) 4) -A person who is not ordinarily resident in Australia may be refused registration as a company auditor or liquidator. At least one partner in a firm providing auditing services must be a registered company auditor who is ordinarily resident in Australia <i>[Corporations Act 2001 (Cth)]</i>	certain requirements, including in relation to liability, standard of conduct and professional ethics.
c) Taxation services (CPC 863)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
d) Architectural services (CPC 8671)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
e) Engineering services (CPC 8672)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
h) Dental services (CPC 93123)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
i) Veterinary services (CPC 932)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
<u>Other professional services</u> Professional services not specified above.	1) Unbound 2) Unbound 3) Unbound	<u>X.1 Local Presence</u> 1) 2) 4) 3) In order to register to practice in Australia, patent attorneys must be ordinarily resident in	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	4) Unbound	Australia ²⁶ . [Patents Act 1990 (Cth) Patent Regulations (Cth)]	
B. <u>Computer and related services (CPC 84)</u> , excluding audiovisual and broadcasting content which is subject to a Section A reservation.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
C. <u>Research and development services</u> a) R&D services on natural sciences and engineering (CPC 851) b) R&D services on social sciences and humanities (CPC 852) c) Interdisciplinary R&D services (CPC 853)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the		

²⁶ For the purposes of this reservation, a person is taken to be **ordinarily resident** in Australia if: (a) the person has his or her home in Australia; or (b) Australia is the country of his or her permanent abode even though he or she is temporarily absent from Australia. However, the person is taken not to be ordinarily resident in Australia if he or she resides in Australia for a special or temporary purpose only.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	horizontal section.		
<p>D. <u>Real Estate Services</u></p> <p>a) Involving own or leased property (CPC 821)</p> <p>b) On a fee or contract basis (CPC 822)</p>	<p>1) None, except Ccommercial presence required</p> <p>2) None, except Ccommercial presence required</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None, except Ccommercial presence required</p> <p>2) None, except Ccommercial presence required</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		
<p>E. <u>Rental/leasing services without operators</u></p> <p>a) Relating to ships (CPC 83103**) Excludes cabotage, intrastate and offshore trades</p> <p>b) Relating to aircraft (CPC 83104)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>c) Relating to other transport equipment (CPC 83101, 83102, 83105)</p> <p>d) Relating to other machinery and equipment (CPC 83106-9)</p> <p>e) Other – leasing or rental services concerning personal or household goods (CPC 832)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		
<p>F. <u>Other business services</u></p> <p>a) Advertising services (CPC 87110, 87120**, 87190)</p> <p>Covers services by advertising agencies in creating and placing advertising in periodicals, newspapers, radio and television for clients; outdoor advertising; media representation i.e. sale of time and space for various media; distribution and delivery</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
of advertising material or samples. Does not include production or broadcast/screening of advertisements for radio, television or cinema.			
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
c) Management consulting services (CPC 865)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
d) Services related to management consulting (CPC 86601, 86609) Excludes arbitration and conciliation services.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>f) Services incidental to agriculture, hunting and forestry (CPC 8811**, 8812**, 8814**) Provision of advice and guidance relating to crop and livestock management on consultancy basis. Includes specialised consultancy services only, related to forestry activities, timber evaluation, forest management or planning. Does not include logging.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>g) Services incidental to fishing (CPC 882**) Consists of specialised consultancy services only, related to marine or freshwater fisheries, fish hatchery services. Does not include fishing.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	<p><u>I-4 National Treatment</u> 1) 3) Foreign fishing vessels²⁷ seeking to undertake fishing activity, including any activity in support of or in preparation for any fishing activity or the processing, carrying or transshipment of fish, in the Australian Fishing Zone must be authorised. Where foreign fishing vessels are authorised they may be subject to a levy²⁸. <i>[Fisheries Management Act 1991 (Cth) Foreign Fishing Licences Levy Act 1991 (Cth)]</i></p>	
<p>h) Services incidental to mining and site preparation work for mining</p>	<p>1) None 2) None</p>		

²⁷ For the purposes of this reservation, a 'foreign fishing vessel' is one that does not meet the definition of an Australian boat under the *Fisheries Management Act 1991 (Cth)*, that is, an Australian-flagged boat (not owned by a foreign resident) or a boat owned by an Australian resident or corporation and built, and whose operations are based, in Australia.

²⁸ The levy charged will be in accordance with the *Foreign Fishing Licences Levy Act 1991 (Cth)* or any amendments thereto.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
(CPC 883, 5115)	3) None 4) Unbound except as indicated in the horizontal section.		
i) Services incidental to manufacturing (CPC 884 + 885 except for 88442)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
j) Services incidental to energy distribution (CPC 887**) <p>Covers consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other users.</p>	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
k) Placement and supply services of personnel (CPC 872)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
l) Investigation and security services (CPC 873)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 + 8861 - 8866)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
o) Building-cleaning services (CPC 874)	1) Unbound ² 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
p) Photographic services (CPC 875)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
q) Packaging services (CPC 876)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
s) Convention services (CPC 87909**) Activities of establishments engaged in provision of planning, organising, managing and marketing services for conventions and similar events (including catering and beverage services)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
t) Other: Telephone answering services (CPC 87903)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
Duplicating services (CPC 87904)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
Translation and interpretation services	1) None 2) None		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
(CPC 87905)	3) None 4) Unbound except as indicated in the horizontal section.		
Mailing list compilation and mailing services (CPC 87906)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
Interior-Specialty design services (CPC 87907)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
Specialised consultancy services related to the post-construction design and fitting-out of interior living and working spaces. Includes purchase of necessary goods.			
Other business services not elsewhere classified (CPC 87909)	1) Unbound 2) Unbound 3) Unbound 4) Unbound <u>except as indicated in the horizontal section.</u>	<u>I-4 National Treatment</u> 1) 2) 4) 3) To practice as a migration agent in Australia a person must be an Australian citizen or permanent resident or a citizen of New Zealand with a special category visa. [Migration Act 1958 (Cth)] <u>X.1 Local Presence</u> 1) 2) 4) 3) To act as a customs broker in Australia, service suppliers must provide the service in and	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
		from Australia. [Customs Act 1901 (Cth)]	
2. COMMUNICATION SERVICES			
<p>C. <u>Telecommunications services</u></p> <p>Covers the following sub-sectors from the Services Sectoral Classification List (W/120) and related CPC numbers 7521,7522,7523, 7529**</p> <p>a) Voice telephone services</p> <p>b) Packet-switched data transmission services</p> <p>c) Circuit-switched data transmission services</p> <p>d) Telex services</p> <p>e) Telegraph services</p> <p>f) Facsimile services</p> <p>g) Private leased circuit services</p> <p>o) <u>Other</u></p> <ul style="list-style-type: none"> - Digital cellular services - Paging services - Personal communications 	<p>1) None</p> <p>2) None</p> <p>3) None, except that:</p> <p>(i) An entity holding a new carrier licence must be a public body or a constitutional corporation under Australian law or a partnership where each partner is a constitutional corporation under Australian law.</p> <p>(ii) Aggregate foreign equity is restricted to no more than 35 per cent of shares of Telstra. Individual or associated group foreign investment is restricted to no more than five <u>per</u> cent of shares.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p><u>I-4 National Treatment</u></p> <p><u>X.2 Local Management and Boards of Directors</u></p> <p>3) Aggregate foreign equity is restricted to no more than 35 per cent of shares of Telstra. Individual or associated group foreign investment is restricted to no more than five <u>per</u> cent of shares.</p> <p>The Chairperson and a majority of directors of Telstra must be Australian citizens. Telstra is required to maintain its head office, main base operations and place of incorporation in Australia.</p> <p>[Telstra Corporation Act 1991 (Cth)]</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
services <ul style="list-style-type: none"> - Trunked radio system services - Mobile data services - Services covered by the <i>Broadcasting Services Act 1992</i> (Cth) are excluded from the basic telecommunications sector 			
h) Electronic mail (CPC 7523**) i) Voice mail (CPC 7523**) j) On-line information and data base retrieval (CPC 7523**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
k) Electronic data interchange (EDI) (CPC 7523**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
l) Enhanced/value-added facsimile services, including store and retrieve (CPC 7523**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
m) Code and protocol conversion (CPC 7523**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. <u>General construction work for buildings</u> (CPC 512)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
B. <u>General construction work for civil engineering</u> (CPC 513)	1) Unbound [*] 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
C. <u>Installation and assembly work</u> (CPC 514, 516)	1) Unbound [*] 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
D. <u>Building completion and finishing work</u> (CPC 517)	1) Unbound [*] 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
E. <u>Other</u> ²⁹ (CPC 511** + 515 + 518) <u>Excludes site preparation for mining (CPC 5115)</u>	1) Unbound [*] 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
4. DISTRIBUTION SERVICES			

²⁹ Site preparation for mining (CPC 5115) is covered under F. Other Business Services - h) Services incidental to mining and site preparation work for mining (CPC 883, 5115)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>A. <u>Commission agents' services</u> (CPC 62111, 62112**, 62113-62118)</p> <p>Includes services by commission agents, commodity brokers, auctioneers and other wholesalers who trade on behalf of others, of food products, and non-alcoholic beverages. Excludes tobacco alcoholic beverages, and firearms.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>B. <u>Wholesale trade services</u> (CPC 6221**, 6222**, 6223-6228**)</p> <p>Wholesale trade services of agricultural raw materials and live animals. Excludes wholesale trade services of unmanufactured tobacco, tobacco products, alcoholic beverages, and firearms.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>C. <u>Retailing services</u> (CPC 631**, 63211**, 63212, 6322, 6323, 6324, 6325, 6329**, 61112, 6113, 6121)</p>	<p>1) Unbound except for mail order. 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>Australia's commitments in relation to these services extend to cover the following services not listed in relevant CPC classifications: inventory management of goods, assembling, sorting and grading of goods, breaking bulk, re-distribution and delivery services for retailing.</p> <p>Does not cover dispensing of pharmaceuticals, retailing services of alcoholic beverages, tobacco products, and firearms.</p>			
<p>D. <u>Franchising</u> (CPC 8929)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>5. EDUCATIONAL SERVICES</p>			
<p>B. <u>Secondary education services</u> (CPC 922**) Covers general as well as technical and vocational education at the secondary level in private institutions.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
C. <u>Higher education services</u> (CPC 923**) <p>Covers provision of private tertiary education services including at university level.</p>	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
E. <u>Other education services</u> (CPC 929**) <p>Covers English language tuition.</p>	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
6. ENVIRONMENTAL SERVICES^{30,31}			
A. <u>Wastewater management</u> (CPC 9401) <p>This covers removal, treatment and disposal of household, commercial and industrial sewage and other waste waters including tank emptying and cleaning, monitoring, removal and treatment of solid wastes.</p>	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
B. <u>Waste management</u> (CPC 9402, 9403)	1) None 2) None		

³⁰ Australia's commitments on environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

³¹ The classification scheme adopted on environmental services is largely based upon the scheme proposed by the European Communities (EC) in 2000 (see pages 6-7 of the EC paper "GATS 2000: Environmental Services", S/CSS/W/38), noting the exclusion outlined in footnote 30.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>This covers hazardous and non-hazardous waste collection, treatment and disposal (including incineration, composting and landfill); sweeping and snow removal, and other sanitation services.</p>	<p>3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>C. <u>Protection of ambient air and climate</u> (CPC 9404) This covers services at power stations or industrial complexes to remove air pollutants; monitoring of mobile emissions and implementation of control systems or reduction programmes.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>D. <u>Remediation and cleanup of soil and water</u> (CPC 9406**) ³² This covers cleaning- up systems in situ or mobile, emergency response, clean-up and longer term abatement of spills and natural disasters; and rehabilitation programmes (e.g. recovery of mining sites) including monitoring.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		

³² Australia's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>E. <u>Noise and vibration abatement</u> (CPC 9405) This covers monitoring programmes, and installation of noise reduction systems and screens.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>F. <u>Protection of biodiversity and landscape</u> (CPC 9406**) ³³ This covers ecology and habitat protection and promotion of forests and promoting sustainable forestry.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>G. <u>Other environmental and ancillary services</u> (CPC 9409) This covers other environment protection services, including services related to environmental impact assessment.</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		

³³ Australia's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>7. FINANCIAL SERVICES [Australia's financial services offer is subject to the negotiation of disciplines on financial services.]</p> <p>To clarify Australia's commitment with respect to Article I-3 (Market Access), juridical persons supplying financial services and constituted under the laws of Australia are subject to non-discriminatory limitations on juridical form³⁴.</p> <p><u>Australia's commitments with respect to Article I-1:2(a) (cross-border supply) and Article I-1:2(b) (consumption abroad) supply of financial services under this Agreement do not require Australia to permit those suppliers to do business or solicit in its territory. Australia may define "doing business" and "solicitation" for the purposes of this obligation.</u></p> <p><u>Without prejudice to other means of prudential regulation of cross-border trade in financial services, Australia may require the registration or authorisation of cross-border financial service suppliers of another Party and of financial instruments.</u></p>			
<p>A. <u>Insurance and insurance-related services</u></p>	<p>1), 2) Unbound, except none for sub-sectors listed in X.3(1)(b) of the Annex on Financial Services [<i>to the extent that Australia has attributed as a proponent</i>].</p> <p>3) Approval of non-resident life insurers is restricted to subsidiaries incorporated under Australian law.</p> <p>Most State and Territory Governments maintain restrictions, by way of monopolies or licensing provisions and associated controls on premiums and other terms of policies, in the following areas of insurance:</p> <p>Compulsory Third Party Motor Vehicle Accident: VIC, WA, TAS, NT (monopolies); NSW, QLD, SA, ACT (licensing, premiums/</p>	<p><u>I-4 National Treatment</u></p> <p>3) Approval of non-resident life insurers is restricted to subsidiaries incorporated under Australian law. <i>[Life Insurance Act 1995 (Cth)]</i></p>	

³⁴ For example, partnerships are generally not acceptable juridical forms for authorised depository institutions in Australia. This headnote is not itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>policy terms).</p> <p>Workers Compensation: SA, VIC, QLD (monopolies); NSW, WA, TAS (licensing, premiums/ policy terms).</p> <p>Comcare is the monopoly provider of workers' compensation insurance to Commonwealth Government employees.</p> <p>4) Unbound except as indicated The temporary entry of specialists in the operation of an insurance service supplier established in Australia is permitted subject to the terms stipulated in the horizontal section.</p>		
<p>B. <u>Banking and Other financial service</u> (excluding insurance)</p>	<p>1), 2) Unbound, except none for sub-sectors listed in X.3(1)(b) of the Annex on Financial Services [<i>to the extent that Australia has attributed as a proponent</i>], other than the limitations set out below.</p> <p>1), 3) A foreign bank located overseas is able to offer its services to Australian enterprises, but is not allowed to raise deposit funds in Australia or undertake business within Australia unless it is an authorised bank (or establishes a money market corporation, subsidiary etc.). Foreign banks located overseas may, however, raise funds in Australia through the issue of debt securities provided that those securities are offered/traded in parcels of not less than \$A500,000 and the securities and any information memoranda clearly state the issuing bank is not authorised under the Banking Act in Australia.</p>	<p><u>I-4 National Treatment</u></p> <p>3) Liabilities of the Commonwealth Bank, previously Commonwealth Government-owned, are covered by transitional guarantee arrangements. [<i>Commonwealth Banks Act 1959 (Cth)</i>]</p> <p><u>I-4 National Treatment</u></p> <p><u>1. 3)</u> A foreign bank located overseas is able to offer its services to Australian enterprises, but is not allowed to raise deposit funds in Australia or undertake business within Australia unless it is an authorised bank (or establishes a money market corporation, subsidiary etc.). Foreign banks located overseas may, however, raise funds in Australia through the issue of debt securities provided that those securities are offered/traded in parcels of not less than \$A500,000 and the securities and any information memoranda clearly state the issuing bank is not authorised under the Banking Act in Australia.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>1), 3) A number of State and Territory Governments operate central financing authorities through which the Government's wholly or partly-owned statutory authorities and business enterprises are obliged to borrow (and in some cases invest) their funds, or otherwise obtain certain financial services:</p> <p>SA - South Australian Government Financing Authority, Local Government Finance Authority of South Australia</p> <p>TAS - Tascorp</p> <p>NSW - NSW Treasury Corporation</p> <p>VIC - Treasury Corporation of Victoria</p> <p>QLD - Queensland Treasury Corporation, Queensland Investment Corporation</p> <p>NT - Northern Territory Treasury Corporation</p> <p>WA - Western Australian Treasury Corporation</p> <p>3) A branch of a foreign bank that is authorised as a deposit taking institution in Australia (foreign ADI) is not permitted to accept initial deposits (and other funds) from individuals and non-corporate institutions of less than \$A250,000.</p> <p>A representative office of a foreign bank is not permitted to undertake any banking business, including advertising for deposits, in Australia. Such a representative office is only permitted to act as a liaison point.</p> <p>To obtain an Australian market licence, an applicant must be a body corporate.</p>	<p><u>[Banking Act 1959 (Cth)]</u></p> <p><u>Payment Systems (Regulations) Act 1998 (Cth)]</u></p> <p><u>I-4 National Treatment</u></p> <p>3) A branch of a foreign bank that is authorised as a deposit taking institution in Australia (foreign ADI) is not permitted to accept initial deposits (and other funds) from individuals and non-corporate institutions of less than \$A250,000.</p> <p>A representative office of a foreign bank is not permitted to undertake any banking business, including advertising for deposits, in Australia. Such a representative office is only permitted to act as a liaison point.</p> <p>[Banking Act 1959 (Cth)]</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
	<p>The responsible entity of a registered managed investment scheme must be a public company that holds an Australian financial services licence authorising it to operate a managed investment scheme.</p> <p>4) Unbound except as indicated The temporary entry of specialists in the operation of a financial service supplier established in Australia is permitted subject to the terms stipulated in the horizontal section.</p>	<p><i>Payment Systems (Regulations) Act 1998 (Cth)]</i></p>	
8. HEALTH-RELATED AND SOCIAL SERVICES			
<p>B. <u>Other human health services</u> (CPC 93199**) Covers podiatry and chiropody services. Includes podiatry services carried out in health clinics, and in residential health facilities other than hospitals, as well as in own consulting rooms, patients' homes or elsewhere.</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p><u>Other human health services</u> (CPC 93199**) Covers other human health services not covered above.</p>	<p>1) Unbound 2) Unbound 3) Unbound 4) Unbound</p>	<p><u>I-4 National Treatment</u> <u>X.2 Local Management and Boards of Directors</u> 3) The votes attached to significant foreign shareholdings³⁵ may not be counted in respect of the appointment, replacement or removal of more than one third of the directors of Commonwealth Serum Laboratories (CSL) who hold office at a particular time. The head office, principal facilities used by CSL and any CSL subsidiaries used to produce products derived from human plasma collected from blood or plasma donated by individuals in Australia must remain in Australia. Two-thirds of the directors of the board of CSL and the chairperson of any meeting must be Australian citizens. CSL must not seek incorporation outside of Australia. <i>[Commonwealth Serum Laboratories Act 1961 (Cth)]</i></p>	
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p>			
<p>A. <u>Hotels and restaurants</u> (CPC 641, 642, 643)</p>	<p>1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		

³⁵ For the purposes of this reservation, ‘significant foreign shareholding’ means a holding of voting shares in CSL in which a foreign person has a relevant interest, if the foreign person has relevant interests in at least 5 per cent of the voting shares in CSL.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
B. <u>Travel agencies and tour operator services</u> (CPC 7471) ³⁶	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
C. <u>Tourist guide services</u> (CPC 7472)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section.		
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
B. <u>News agency services</u> (CPC 962)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

³⁶ On the selling and marketing of air transport services, see Section II.11.C of this Schedule.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>D. <u>Sporting and other recreational services</u> Sporting services (CPC 9641)</p> <p>E. Other recreational services: Recreation park and beach services (CPC 96491)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
11. TRANSPORT SERVICES			
<p>A. <u>Maritime transport services</u> International transport (freight and passengers) (CPC 7211 and 7212 less cabotage and offshore transport - as defined in Section A reservation)</p>	<p>1) a) Liner shipping: None, except that every ocean carrier who provides international liner cargo shipping services to or from Australia must, at all times, be represented by a natural person who is resident in Australia. b) Bulk, tramp and other international shipping, including international passenger transportation: None. 2) None 3) a) Establishment of registered company for the</p>	<p><u>X.1 Local Presence</u> 1) Every ocean carrier who provides international liner cargo shipping services to or from Australia must, at all times, be represented by a natural person who is resident in Australia. [<i>Competition and Consumer Act 2010 (Cth)</i>]</p> <p><u>I-4 National Treatment</u> 3) Only a person³⁷ affected by a registered</p>	

³⁷ For the purposes of this reservation, section 10.48 and 10.58 of Part X of the *Competition and Consumer Act 2010 (Cth)* list the categories of persons to whom this reservation will apply.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p><u>Maritime auxiliary services</u> International rental of vessels with crew (less cabotage and offshore transport - as defined in Section A reservation)</p> <p>Maritime cargo handling services (as defined in Annex on Maritime Transport Services)</p>	<p>purpose of operating a fleet under the national flag of Australia: nationality requirements for ownership and registration of vessels as defined by the Shipping Registration Act 1981.</p> <p>↔ b) Other forms of commercial presence for the supply of international maritime transport services (as defined in Annex on International Maritime Transport Services): None</p> <p>4) a) Ships crews: Unbound except as indicated in the horizontal section. b) Key shore personnel: Unbound except as indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) Unbound[*] 2) None 3) Licences/concessions are granted by port authorities. Public utility concession or licensing procedures may apply in the case of the occupation of the public domain for the conduct of these activities. 4) Unbound except as indicated in the horizontal section. In addition there is a requirement for shore labour to undertake loading and unloading of ships under the Navigation Act 1912.</p>	<p>conference agreement or by a registered non-conference ocean carrier with substantial market power may apply to the Australian Competition and Consumer Commission to examine whether conference members, and non-conference operators with substantial market power, are hindering other shipping operators from engaging efficiently in the provision of outward liner cargo services to an extent that is reasonable. For greater certainty, matters which are relevant to the determination of “reasonable” include Australia’s national interest and the interests of Australian shippers.</p> <p>[<i>Competition and Consumer Act 2010 (Cth)</i>]</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>Storage and warehousing services (as defined in Annex on Maritime Transport Services)</p> <p>Maritime freight forwarding services (as defined in Annex on Maritime Transport Services)</p> <p>Customs clearance services (as defined in Annex on Maritime Transport Services)</p> <p>Maritime agency services (as defined in Annex on Maritime Transport Services)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		
<p>C. <u>Air Transport Services</u></p> <p>- Aircraft repair and maintenance services as defined in [Annex on Air</p>	<p>1) None</p> <p>2) None</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>Transport Services] Article 3(a)</p> <p>This covers establishments mainly engaged in periodic maintenance and repair (routine and emergency) of airframes (including wings, doors, control surfaces) avionics, engines and engine components, hydraulics, pressurisation and electrical systems and landing gear. Includes painting, other fuselage surface treatments and repair of flight-deck (and other) transparencies. Further includes rotary and glider aircraft.</p> <p>- Selling and marketing of air transport services, as defined in [Annex on Air Transport Services] Article 3(b)</p> <p>This commitment confirms, without extending, the application to air transport services of the specific commitments made elsewhere in this Schedule in the following sections, subject to all limitations, exceptions and qualifications set out in those sections:</p>	<p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None, except: Retailing services (CPC 631**, 63211**, 63212, 61112, 6113, 6121, 6322, 6323, 6324, 6325, 6329**) are unbound except for mail order.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<ul style="list-style-type: none"> - Section II.9.B Travel agencies and tour operator services (CPC 7471), - Section II.1F(b) Market research and public opinion polling services (CPC 864), - Section II.1.F(a) Advertising services (CPC 87110, 87120**, 87190), - Section II.4 Distribution: Commission agents' services (CPC 62113-62118); Wholesale trade services (CPC 6223-6228); Retailing services (CPC 631**, 63211**, 63212, 61112, 6113, 6121, 6322, 6323, 6324, 6325, 6329**); and Franchising (CPC 8929). - Computer reservation system services, as defined in [Annex on Air Transport Services] Article 3(c) 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<ul style="list-style-type: none"> - Ground handling services, as defined in [Annex on Air Transport Services] Article 3(d) - Airport operation services, as defined in [Annex on Air Transport Services] Article 3(e) 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 		
<p><u>E. Rail transport services</u></p> <ul style="list-style-type: none"> b) Freight transportation (CPC 7112); c) pushing and towing services (CPC 7113); and e) supporting services for rail transport services (CPC 743). 	<ul style="list-style-type: none"> 1) None 2) None 3) Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no restrictions on the right to establish new networks but access to public land may not be guaranteed. Above track (rail transport services (such as trains) that operate over the rail-track infrastructure): none except that access to rail infrastructure is allocated under pro-competitive principles for safety, efficiency and the long term interests of users. 4) Unbound except as indicated in the horizontal section. 		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>F. <u>Road transport services</u></p> <p>a) Passenger transportation (CPC 71213, 71214, 7122) Does not include regular urban bus services</p> <p>b) Freight transportation (CPC 7123)</p> <p>c) Rental of commercial vehicles with operator (CPC 7124)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		
<p>G. <u>Pipeline transport</u></p> <p>a) Transportation of fuels (CPC 7131)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
b) Transportation of other goods (CPC 7139)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
H. <u>Services auxiliary to all modes of transport</u> b) Storage and warehouse services (CPC 742) Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 742: distribution centre services and materials handling and equipment services such as container station and depot services. c) Freight transport agency services (CPC 748 excluding maritime) Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 748: customs agency services and load scheduling services (excluding maritime).	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Other Limitations	Additional commitments
<p>d) Other supporting and auxiliary transport services (CPC 749 excluding maritime)</p> <p>Australia's commitment in relation to these services extends to cover the following services in addition to those listed under CPC 749: container leasing and rental services (excluding maritime).</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		

~~* Unbound due to lack of technical feasibility~~

** Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

AUSTRALIA – LIST OF MFN ARTICLE [...] EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article [...]	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual Services	Under the Australian Government Co-production programme, Australia maintains preferential co-production arrangements for film and television productions. Official co-production status, which may be granted to a co-production produced under these co-production arrangements, confers national treatment on works covered by these arrangements, including in respect of access to finance and tax concessions and simplified requirements for the temporary entry of skilled personnel into Australia for the purposes of the co-production.	Italy, UK, Canada and France and any other country where cultural co-operation might be desirable and which is prepared to exchange preferential treatment on the terms and conditions specified in the Australian co-production programme	Indefinite	To promote collaborative efforts between Australian and foreign film producers and general cultural links
Audiovisual Services	Measures taken to respond to any unreasonable measures imposed on Australian services or service suppliers by another Member	Members maintaining MFN exemptions which provide for unreasonable unilateral actions	This exemption will only be activated in the event of any other Member maintaining exemptions which provide for unreasonable unilateral action	To protect Australia from any unreasonable unilateral actions from other Members

AUSTRALIA – LIST OF MONOPOLY RIGHTS EXISTING AS AT THE DATE OF ENTRY IN TO FORCE OF THE AGREEMENT

<u>Sector or Subsector</u>	<u>Description of measure</u>