

**Agreement Establishing the ASEAN–Australia–New Zealand Free
Trade Area**

**NEW ZEALAND'S SCHEDULE OF MOVEMENT OF NATURAL
PERSONS COMMITMENTS**

1. New Zealand's commitments under Chapter 9 (Movement of Natural Persons), and under Article 3 (National Treatment) and Article 4 (Market Access) of Chapter 8 (Trade in Services), in relation to the supply by a service supplier of one Party through presence of natural persons of a Party in the territory of another Party apply only in relation to the categories of persons set out below.

2 In accordance with Articles 3, 4 and 8 (National Treatment, Market Access and Schedules of Specific Commitments) of Chapter 8 (Trade in Services), for the categories of persons set out in this Schedule, New Zealand specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of New Zealand.

Entry in the following categories only	Conditions (including duration of stay)
<p>Business Visitors</p> <p><u>Definition:</u> A natural person of a Party whose remuneration and financial support is derived entirely from sources outside New Zealand and is seeking temporary entry to New Zealand for business purposes, such as:</p> <ul style="list-style-type: none"> (i) for the purpose of negotiating and concluding the sale of goods or services but is not engaged in making direct sales to the general public or in supplying goods or services themselves; or (ii) as an investor, or duly authorised representative of an investor, for the purpose of establishing, expanding, monitoring, or disposing of an 	<p>Entry for a period not exceeding in aggregate three months in any calendar year.</p>

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<p>investment, but not with the intention of establishing or operating any business on the business visitor's own account.</p>	
<p>Intra-corporate transferees</p> <p><u>Definition:</u> An executive, manager or a specialist:</p> <p>(a) who is an employee of a goods supplier, service supplier or investor of a Party with a commercial presence in New Zealand; and</p> <p>(b) whose salary and any related payments are paid entirely by the service supplier or enterprise that employs the intra-corporate transferee.</p>	<p>Executives:</p> <p><u>Definition:</u> A natural person of a Party who primarily directs the management of an enterprise, exercises wide latitude in decision making and receives only general supervision or direction from higher level executives, the board of directors or stockholders of the enterprise. An executive would not directly perform tasks related to the actual provision of the service or the operation of the enterprise.</p> <p>Entry for a period of initial stay up to a maximum of three years for executives who have been employed by their employer for at least twelve months prior to their proposed transfer to New Zealand.</p> <p>Managers:</p> <p><u>Definition:</u> A natural person who will be responsible for or directs the entire or a substantial part of the operations of the enterprise in New Zealand, receiving general supervision or</p>

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	<p>direction principally from higher level executives, the board of directors or stockholders of the enterprise; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the entire or a substantial part of the operations of the enterprise.</p> <p>Entry for a period of initial stay up to a maximum of three years for managers who have been employed by their employer for at least twelve months prior to their proposed transfer to New Zealand.</p> <p>Specialists</p> <p><u>Definition:</u> A natural person with advanced trade, technical or professional skills within an organisation who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organisation's service, research equipment, techniques or management. Such specialists are responsible for or employed in a particular aspect of an organisation's operations in New Zealand. Skills are assessed in terms of the applicant's employment experience, qualifications,</p>

Entry in the following categories only	Conditions (including duration of stay)
	<p>and suitability for the position.</p> <p>Entry for a period of initial stay up to a maximum of three years.</p>
<p>Installers/Serviceers</p> <p><u>Definition:</u> A natural person who is an installer or servicer of machinery and/or equipment, where such installation and/or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>	<p>Entry for periods not exceeding three months in any twelve-month period.</p>
<p>Independent Service Suppliers (Self-employed Services suppliers working on a contractual basis, without a requirement for commercial presence)</p> <p>In the following category only:</p> <p>A. Independent Professionals: <u>Definition:</u> Self-employed natural persons with advanced technical or professional skills, without the requirement for a commercial presence, working under a valid contract in New Zealand. Independent professionals</p>	<p>In respect of the services sectors set out in New Zealand's Schedule of Specific Services Commitments (Annex 3) only and subject to economic needs tests, entry for a period of stay up to a maximum of 12 months.</p>

Entry in the following categories only	Conditions (including duration of stay)
<p>must also have (i) a qualification resulting from three or more years of formal post-secondary school education leading to a recognised degree or diploma and (ii) six or more years of experience. Both (i) and (ii) must be in the field in which the Independent Professionals wish to supply their professional services¹.</p>	

3 Notwithstanding the commitments set out above, New Zealand remains unbound in cases of labour/management disputes, and also with respect to ships' crews.

4. With respect to audiovisual services, the New Zealand Immigration policy, based on the Immigration Act 1987 and the Immigration Regulations 1999, stipulates a special procedure for the granting of visas to entertainers, performing artists and associated support personnel for work purposes. To be eligible for a work visa or work permit, such applicants must come within the policy guidelines agreed to between the Minister of Immigration, independent promoters, agents or producers and the relevant performing artists' unions.

5. All the commitments in respect of the presence of natural persons made in New Zealand's Schedule of Specific Commitments in the WTO (as currently set out in GATS/SC/62), including any requirements, regulations and additional commitments, apply to the services suppliers of the other Parties.

¹ These qualifications must be recognised by the appropriate New Zealand authority where under New Zealand law such recognition is a condition of the provision of that service in New Zealand.