

**ANNEX 8**

**SCHEDULES OF COMMITMENTS ON  
SERVICES AND INVESTMENT**

## **Schedule of Commitments of Australia**

## SCHEDULE OF COMMITMENTS AUSTRALIA

Market access and national treatment measures listed in the limitations column condition all sector-specific commitments.	
Sector or Sub-sector	Limitations
<b>I. HORIZONTAL COMMITMENTS</b>	
ALL THAI NATIONALS	<p><b>TEMPORARY ENTRY</b></p> <p>Thai nationals will be permitted to enter Australia and work without labour market testing under the following conditions:</p> <ul style="list-style-type: none"> <li>• business visitors will be permitted to enter and stay for up to three months</li> <li>• service sellers will be permitted to enter and to stay initially for six months, with a maximum stay of 12 months</li> <li>• intra-corporate transferees will be permitted to enter and stay initially for up to four years with a total period of up to 10 years</li> <li>• contractual service suppliers will be permitted to enter and stay for up to three years. Specialist Thai chefs entering as contractual service suppliers will be permitted to enter and stay for up to four years**</li> <li>• executives and managers of a business with its head of operations in Thailand seeking to establish a subsidiary in Australia will be permitted to enter and stay initially for up to four years</li> <li>• spouses and dependents of intra-corporate transferees will be permitted to enter, stay and work for the period of the intra-corporate transferee's visa.</li> </ul> <p>To obtain entry into Australia under any of these categories, Thai nationals will have to fulfil the documentary and other requirements as notified by the Parties from time to time.</p> <p>Temporary entry of Thai nationals into Australia is otherwise unbound.</p> <p>Australia will support discussions between the Thai profession and relevant Australian professional bodies with a view to establishing a standard for recognition of Thai qualifications for traditional Thai massage therapists. The results of these discussions could be incorporated in the next round of negotiations on services and investment, scheduled to take place within three years after entry into force of the Agreement.</p> <p>** A specialist Thai chef means an individual who has gained National Skills Standard qualifications for: (i) Thai Cooking Certificate 1 and who has five years of practical experience, (ii) Thai Cooking Certificate 2 and who has four years of practical experience; (iii) or Thai Cooking Certificate 3 and who has three years of practical experience.</p>
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p><b>FOREIGN DIRECT INVESTMENT, INCLUDING COMMERCIAL PRESENCE</b></p> <p>Consistently with Australia's foreign investment policy**, the following investment activities require prior approval from the Australian Government:</p> <ul style="list-style-type: none"> <li>• acquisitions by 'foreign interests' of 'substantial interests' in existing Australian businesses with total assets of \$A 50 million or more;</li> </ul>

Market access and national treatment measures listed in the limitations column condition all sector-specific commitments.

Sector or Sub-sector	Limitations
	<ul style="list-style-type: none"> <li>• proposals by 'foreign interests' to take over offshore companies whose Australian subsidiaries or assets are valued at \$A 50 million or more, or account for more than 50 per cent of the target company's global assets;</li> <li>• proposals by 'foreign interests' to establish new businesses in Australia involving a total investment of \$A 10 million or more;</li> <li>• direct investments by foreign governments or their agencies, irrespective of size;</li> <li>• acquisitions by 'foreign interests' of interests in urban land (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: <ul style="list-style-type: none"> <li>- acquisition of developed non-residential commercial real estate, where the property is subject to heritage listing, valued at \$A 5 million or more;</li> <li>- acquisition of developed non-residential commercial real estate, where the property is not subject to heritage listing, valued at \$A 50 million or more;</li> <li>- acquisition of accommodation facilities irrespective of value;</li> <li>- acquisition of vacant urban real estate irrespective of value;</li> <li>- acquisition of residential real estate irrespective of value; or</li> </ul> </li> <li>• proposals where any doubt exists as to whether they are notifiable. (Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment).</li> </ul> <p>A 'foreign interest' is defined as:</p> <ul style="list-style-type: none"> <li>• a natural person not ordinarily resident in Australia;</li> <li>• a corporation in which a natural person not ordinarily resident in Australia or a foreign corporation holds a controlling interest;</li> <li>• a corporation in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate controlling interest;</li> <li>• the trustee of a trust estate in which a natural person not ordinarily resident in Australia or a foreign corporation holds a substantial interest; or</li> <li>• the trustee of a trust estate in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate substantial interest.</li> </ul> <p>A 'substantial interest' occurs when a single foreigner (and any associates) has 15 per cent or more of the ownership of any corporation, business or trust.</p> <p>An 'aggregate substantial interest' occurs when several foreigners (and any associates) have, in aggregate, 40 per cent or more ownership of any corporation, business or trust.</p> <p>A 'controlling interest' will be as defined in section 9 of the <i>Foreign Acquisitions and Takeovers Act</i>.</p> <p>A 'substantial interest in a trust estate' will be as defined in section 9A of the <i>Foreign Acquisitions and Takeovers Act</i>.</p> <p>Proposals may be refused, or approved subject to the parties meeting certain conditions.</p>

Market access and national treatment measures listed in the limitations column condition all sector-specific commitments.

Sector or Sub-sector	Limitations
	<p>Already established foreign-owned or controlled enterprises in Australia are also subject to the requirements of Australia's foreign investment policy guidelines as set out above.</p> <p><b>Resident directors</b></p> <p>At least two directors of a public company must be ordinarily resident in Australia.</p> <p><b>Media sector</b></p> <p>All proposals by 'foreign interests' for direct investment in the media sector irrespective of size are subject to prior approval under the Government's foreign investment policy. Notification requirements also apply to proposals involving the acquisition of portfolio shareholdings above certain thresholds.</p> <p><b>Newspapers</b></p> <p>Foreign investment in mass circulation national, metropolitan, suburban and provincial newspapers is restricted. Proposals by 'foreign interests' to acquire shareholdings above certain thresholds in an existing newspaper or the establishment of a new newspaper are subject to notification requirements and case-by-case examination.</p> <p><b>Banking</b></p> <p>Foreign investment in the banking sector needs to be consistent with the <i>Banking Act 1959</i>, the <i>Financial Sector (Shareholdings) Act 1998</i> and banking policy, including prudential requirements. Any proposed foreign takeover or acquisition of an Australian bank will be considered on a case-by-case basis and judged on its merits.</p> <p><b>Broadcasting services</b></p> <p>Under Australia's foreign investment policy, proposals by a 'foreign interest' to acquire an interest in an existing broadcasting service or to establish a new broadcasting service are subject to notification requirements and case-by-case examination.</p> <p>While proposals by 'foreign interests' for investment in a broadcasting service (existing or new) are subject to examination under foreign investment policy, a number of criteria, as set out in the <i>Broadcasting Service Act 1992 (BSA)</i>, must also be satisfied.</p> <p>Under the <i>BSA</i>, foreign investment in commercial television broadcasting services is restricted. A foreign person is prohibited from being in a position to exercise control of a commercial television licence. The <i>BSA</i> outlines when such control is deemed to exist and also restricts the number of directors of each commercial television licensee that may be foreign persons. Financial arrangements designed to avoid equity limits are treated as if they were directly covered.</p> <p><b>Australian domestic airlines</b></p> <p>Proposals by 'foreign interests' to acquire up to 100 per cent of the equity in an Australian domestic airline are notifiable in accordance with the standard notification requirements set out in Australia's foreign investment policy.</p>

Market access and national treatment measures listed in the limitations column condition all sector-specific commitments.

Sector or Sub-sector	Limitations
	<p><b>Australian international airlines</b></p> <p>Under Australia's foreign investment policy, proposals by 'foreign interests' to acquire interests in Australian international airlines are notifiable and subject to case-by-case examination in accordance with the standard notification requirements set out in Australia's foreign investment policy. Under the <i>Air Navigation Act 1920</i>, total foreign ownership of an Australian international airline (other than Qantas) is restricted to a maximum of 49 per cent. Under the <i>Qantas Sale Act 1992</i>, total foreign ownership of Qantas is restricted to a maximum of 49 per cent in aggregate, with an individual holding limited to 25 per cent and aggregate ownership by foreign airlines limited to 35 per cent.</p> <p><b>Australian airports</b></p> <p>Foreign investment proposals for acquisitions of interests in Australian airports are subject to case-by-case examination in accordance with standard notification requirements in the <i>Foreign Acquisitions and Takeovers Act</i> and the separate ownership restrictions of the <i>Airports Act 1996</i> that limit total foreign ownership in individual leased Federal airports to a maximum of 49 per cent.</p> <p><b>INDIGENOUS PERSONS AND ORGANISATIONS</b></p> <p>Australia reserves the right to adopt or maintain any measure according preferences to any indigenous person or organisation or providing for the more favourable treatment of any indigenous person or organisation in relation to the acquisition, establishment or operation of any commercial or industrial undertaking in the service sector. In addition, Australia reserves the right to adopt or maintain any measure with respect to investment that accords preferences to any indigenous person or organisation or provides for the more favourable treatment of any indigenous person or organisation.</p> <p>For the purpose of this exception, an indigenous person means a person of the Aboriginal race of Australia or a descendent of an indigenous inhabitant of the Torres Strait Islands.</p> <p><b>LOCAL GOVERNMENT MEASURES</b></p> <p>Australia reserves the right to adopt or maintain any measure administered at the local government level unless that measure is applied on a discriminatory basis with the intention of nullifying or impairing the benefits accruing to Thailand under the terms of the Agreement.</p> <p>** Australia's foreign investment policy comprises the <i>Foreign Acquisitions and Takeovers Act 1975</i>, the <i>Foreign Acquisition and Takeovers Regulations</i> and ministerial statements. Full details are available at <a href="http://www.firb.gov.au">www.firb.gov.au</a>.</p>

Sector or Sub-sector	Limitations
<p><b>II. SECTOR-SPECIFIC COMMITMENTS</b></p> <p>Notes: Commitments in this schedule are subject to the general limitations contained in the "Horizontal Commitments" section of this schedule.</p> <p>* Denotes that a sector-specific commitment for cross-border supply is unbound due to lack of technical feasibility.</p> <p>** Denotes that the service or services specified constitute(s) only a part of the total range of activities covered by the CPC Code.</p>	
<p><b>1. BUSINESS SERVICES</b></p>	
<p>A. <u>Professional Services</u></p>	
<p>a) Legal services</p> <p>Advisory services in home-country law, third-country law and international law. International commercial arbitration services. Other alternative dispute resolution services (861**)</p>	<p>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 in Western Australia and South Australia. Otherwise unbound except as indicated in the horizontal section.</p>
<p>b) Accounting, auditing and book-keeping services (862)</p>	<p>Only natural persons may be registered as auditors and liquidators. At least one equity partner in a firm must be a permanent resident. Otherwise unbound except as indicated in the horizontal section.</p>
<p>c) Taxation services (863)</p>	<p>No limitations.</p>
<p>d) Architectural services (8671)</p>	<p>No limitations.</p>
<p>e) Engineering services (8672)</p>	<p>No limitations.</p>
<p>f) Integrated engineering services (8673)</p>	<p>No limitations.</p>
<p>g) Urban planning and landscape architectural services (8674)</p>	<p>No limitations.</p>

Sector or Sub-sector	Limitations
<p>B. <u>Computer and related services</u> (84), excluding measures relating to content covered by 844 and 849</p> <p>(covers consultancy services related to the installation of computer hardware, software implementation services, data processing services and maintenance and repair of office machinery and equipment including computers.)</p>	No limitations.
<p>C. <u>Research and development services</u></p>	
<p>a) R&amp;D services on social sciences and humanities (852)</p>	Permanent residency requirement for psychologists (Western Australia).
<p>D. <u>Real Estate Services</u></p>	
<p>a) Involving own or leased property (821)</p> <p>b) On a fee or contract basis (822)</p>	Commercial presence required.
<p>E. <u>Rental/leasing services without operators</u></p>	
<p>Relating to:</p> <p>a) Ships (83103**) Excludes cabotage, intrastate and offshore trades</p> <p>b) Aircraft (83104)</p> <p>c) Other transport equipment (83101, 83102, 83105)</p> <p>d) Other machinery and equipment (83106-9)</p>	No limitations.
<p>F. <u>Other business services</u></p>	



Sector or Sub-sector	Limitations
<p>a) Advertising services (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 of advertising material or samples. Does not include production or broadcast/screening of advertisements for radio, television or cinema.</p>	No limitations.
<p>b) Market research and public opinion polling services (864)</p>	No limitations.
<p>c) Management consulting services (865)</p>	No limitations.
<p>d) Services related to management consulting (86601, 86609)</p> <p>Excludes arbitration and conciliation services</p>	No limitations.
<p>f) Services incidental to agriculture, hunting and forestry (8811**, 8812**, 8814**)</p> <p>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>	No limitations.
<p>g) Services incidental to fishing (882**)</p> <p>Consists of specialised consultancy services only, related to marine or freshwater fisheries, fish hatchery services. Does not include fishing.</p>	No limitations.

Sector or Sub-sector	Limitations
h) Services incidental to mining and site preparation work for mining (883, 5115)	No limitations.
j) Services incidental to energy distribution (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>	No limitations.
k) Placement and supply services of personnel (872)	Unbound for cross-border supply.
l) Investigation and security (873)	No limitations.
m) Related scientific and technical consulting services (8675)	No limitations.
n) Building-cleaning services (874)	*No limitations.
o) Photographic services (875)	No limitations.
p) Convention services (87909**) <p>Activities of establishments engaged in provision of planning, organising, managing and marketing services for conventions and similar events (including catering and beverage services)</p>	No limitations.
q) Other: <p>Telephone answering services (87903)</p>	No limitations.
Duplicating services (87904)	No limitations.

Sector or Sub-sector	Limitations
<p>Translation and interpretation services (87905)</p>	<p>No limitations.</p>
<p>Mailing list compilation and mailing services (87906)</p>	<p>No limitations.</p>
<p>Interior design (87907)</p> <p>Specialised consultancy services related to the post-construction design and fitting out of interior living and working spaces. Includes purchase of necessary goods.</p>	<p>No limitations.</p>
<p>Maintenance and repair services of transport machinery and equipment (6112)</p> <p>Maintenance and repair services of motor vehicles (61120)</p>	<p>No limitations.</p>

Sector or Sub-sector	Limitations
<b>2. COMMUNICATION SERVICES</b>	
<p>C. <u>Telecommunications services</u></p> <p>Covers the following sub-sectors from the Services Sectoral Classification List and related CPC numbers 7521, 7522, 7523, 7529**</p>	
<p>(a) Voice telephone services<sup>1</sup></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 services</u></p> <p>Digital Cellular</p> <p>Paging</p> <p>Personal Communications</p> <p>Trunked Radio System Services</p> <p>Mobile Data Services<sup>2</sup></p> <p>Services covered by the Broadcasting Services Act 1992 are excluded from the basic telecommunications sector</p>	<p>An entity holding a new carrier licence must be a public body or a constitutional corporation under Australian law.</p> <p>The Australian Government owns a controlling share of the first licensed general carrier, Telstra. Aggregate foreign equity in Telstra is limited to 35 percent of one-third of the non-government owned shares of Telstra (approximately 11.7 percent). Individual or associated group foreign investment is limited to 5 percent of one-third of the non-government owned shares of Telstra (approximately 1.7 percent).</p> <p>Entry of natural persons unbound except as indicated in horizontal section.</p>
<p>h) Electronic mail<sup>2</sup> (7523**)</p>	<p>No limitations.</p>

<sup>1</sup> Includes satellite voice and data transmission, but not broadcasting services.

<sup>2</sup> Email includes the value-added content of Short Messaging Service (SMS) and Multimedia Messaging Service (MMS). The data transmission component of SMS and MMS comes under basic telecommunications. In addition, the multimedia content of MMS is deemed an audio-visual service.

<b>Sector or Sub-sector</b>	<b>Limitations</b>
i) Voice mail (7523**)	No limitations.
j) On-line information and data base retrieval (7523**)	No limitations.
k) Electronic data interchange (EDI)	No limitations.
l) Enhanced/value-added facsimile services, including store and retrieve	No limitations.
m) Code and protocol conversion (7523**)	No limitations.

Sector or Sub-sector	Limitations
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>	
<p>A. General construction work for buildings (512)</p> <p>B. General construction work for civil engineering (513)</p> <p>C. Installation and assembly work(514, 516)</p> <p>D. Building completion and finishing work (517)</p>	<p>*No limitations.</p>

Sector or Sub-sector	Limitations
<b>4. DISTRIBUTION SERVICES</b>	
A. Commission agents' services (62113-62118)	No limitations.
B. Wholesale trade services (6223-6228)	No limitations.
C. Retailing services (631, 63212, 6322-9)  Does not cover dispensing of pharmaceuticals	No limitations.
D. Franchising (8929)	No limitations.

Sector or Sub-sector	Limitations
<b>5. EDUCATIONAL SERVICES</b>	
<p>B. Secondary education services (922**)</p> <p>Covers general as well as technical and vocational education at the secondary level in private institutions</p>	<p>Commercial presence unbound with respect to national treatment measures. No other limitations.</p>
<p>C. Higher education services (923**)</p> <p>Covers provision of private tertiary education services including at university level</p>	<p>Commercial presence unbound with respect to national treatment measures. No other limitations.</p>
<p>E. Other education services (929**)</p> <p>Covers English language tuition and tuition in Thai cuisine, Thai language and Thai traditional massage</p>	<p>For English language tuition, commercial presence unbound with respect to national treatment measures. No other limitations.</p>



Sector or Sub-sector	Limitations
<b>6. ENVIRONMENTAL SERVICES</b>	
A. Wastewater management (9401)	*No limitations.
B. Solid/hazardous waste management (9402, 9403)	*No limitations.
C. Protection of ambient air and climate (9404)	*No limitations.
D. Remediation and cleanup of soil and water (9406**)  Treatment, remediation of contaminated/polluted soil and water	*No limitations.
E. Noise and vibration abatement (9405)	*No limitations.
F. Protection of biodiversity and landscape (9406**)  Nature and landscape protection services	*No limitations.
G. Other environmental and ancillary services (94090)	*No limitations.

Sector or Sub-sector	Limitations
<b>7. FINANCIAL SERVICES</b>	
This sector is unbound except as specifically set out below.	
<p>A. <u>Insurance and insurance-related services.</u></p> <p>Covers such financial services as defined in the Annex on Financial Services in the GATS.</p>	<p><u>Commercial presence</u> for financial service suppliers is permitted subject to any terms, conditions and procedures for authorisation of the establishment and expansion of a commercial presence that Australia may apply from time to time and the limitations below.</p> <p>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> <ul style="list-style-type: none"> <li>• Compulsory Third Party Motor Vehicle Accident: Victoria, Western Australia, Tasmania, Northern Territory (monopolies); New South Wales, Queensland, South Australia, Australian Capital Territory (licensing, premiums/policy terms).</li> <li>• Workers Compensation: South Australia, Victoria, Queensland (monopolies); New South Wales, Western Australia, Tasmania (licensing, premiums/policy terms).</li> </ul> <p>Comcare is the monopoly provider of workers' compensation insurance to Commonwealth Government employees.</p> <p>Sub-national guarantees are provided to some State and Territory Insurance Offices.</p> <p>An authorised general (non-life) insurance company operating in Australia as a non-incorporated entity must appoint an Australian resident as agent of the insurer.</p> <p>Registered foreign life insurance companies are required to have a local agent resident in Australia.</p>
<p>1. Insurance of risks relating to:</p> <p>a. maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising therefrom; and</p> <p>b. goods in international transit.</p>	<p><u>Cross-border supply</u> as a principal, through an intermediary or as an intermediary is permitted. <u>Consumption abroad</u> is permitted. Otherwise unbound.</p>

Sector or Sub-sector	Limitations
<p>2. Reinsurance and retrocession and the services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.</p>	
<p>B. <u>Banking and Other financial services</u> (excluding insurance)</p> <p>Covers such financial services as defined in the Annex on Financial Services in the GATS.</p>	<p><u>Commercial presence</u> for financial service suppliers is permitted subject to any terms, conditions and procedures for authorisation of the establishment and expansion of a commercial presence that Australia may apply from time to time and the limitations listed below.</p> <p>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 \$A 500,000 and the securities and any information memoranda clearly state the issuing bank is not authorised under the <i>Banking Act</i> in Australia.</p> <p>Foreign banks may undertake banking operations in Australia through locally incorporated subsidiaries and/or an authorised branch. However, a branch may not accept "retail" deposits. A foreign bank wishing to accept "retail" deposits must seek authorization as a locally incorporated subsidiary for that purpose. Foreign bank branches may accept deposits (and other funds) in any amount from incorporated entities, non-residents and their own employees. Deposits (and other funds) may only be accepted from other sources where the initial deposit (or other funds) is greater than \$A 250,000. Deposit-taking outside of this is considered to be "retail" banking business.</p> <p>Commonwealth owned entities which may conduct financial operations are guaranteed by the Commonwealth Government. While the Commonwealth sold its remaining shareholding in the Commonwealth Bank of Australia (CBA) on 19 July 1996, a transitional Commonwealth guarantee has been provided to all of the liabilities of the CBA. The length of time that the guarantee applies depends on the characteristic of the liability. Transitional guarantees also apply to the former Commonwealth-owned Australian Industry Development Corporation.</p> <p>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 style="padding-left: 40px;">South Australia - South Australian Government Financing Authority, Local Government Finance Authority of South Australia  Tasmania - Tascorp  New South Wales - NSW Treasury Corporation  Victoria - Treasury Corporation of Victoria  Queensland - Queensland Treasury Corporation, Queensland Investment Corporation  Northern Territory - Northern Territory Treasury Corporation  Western Australia - Western Australian Treasury Corporation</p> <p>The financial operations of some State or Territory owned entities may be guaranteed by the State or Territory Governments. A number of State and Territory Governments have also provided transitional guarantees to some of</p>

Sector or Sub-sector	Limitations
	<p>the assets and liabilities of former State-owned or controlled banks.</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>
<ol style="list-style-type: none"> <li>1. Acceptance of deposits and other repayable funds from the public</li> <li>2. Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction</li> <li>3. Financial leasing</li> <li>4. All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts</li> <li>5. Guarantees and commitments</li> <li>6. Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: <ol style="list-style-type: none"> <li>a. Money market instruments (including cheques, bills, certificates of deposits)</li> <li>b. Foreign exchange</li> <li>c. Derivative products including, but not limited to, futures and options</li> <li>d. Exchange rate and interest rate instruments, including products such as swaps, forward rate agreements</li> </ol> </li> </ol>	<p><u>Consumption abroad</u> is permitted. Otherwise unbound.</p>

Sector or Sub-sector	Limitations
<p>e. Transferable securities</p> <p>f. Other negotiable instruments and financial assets, including bullion.</p> <p>7. Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues</p> <p>8. Money broking</p> <p>9. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services</p> <p>10. Settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments</p> <p>11. Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services</p> <p>12. Advisory, intermediation and other auxiliary financial services on all the activities listed in 1 - 11 above, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.</p>	

Sector or Sub-sector	Limitations
<p>Provision and transfer of financial information and financial data processing.</p> <p>Advisory and other auxiliary services, excluding intermediation, relating to the services listed in 1 to 11 above (for which consumption abroad is permitted) including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.</p>	<p><u>Cross-border supply</u> is permitted. Otherwise unbound.</p>

Sector or Sub-sector	Limitations
<b>8. HEALTH-RELATED AND SOCIAL SERVICES</b>	
<p>B. <u>Other human health services</u> (93199**)</p> <p>Covers podiatry and chiropody services. Includes podiatry services carried out in health clinics, residential health facilities other than hospitals, as well as in own consulting rooms, patients homes or elsewhere</p>	<p>Permanent residency requirement for: chiropodists (South Australia) and podiatrists (Western Australia).</p>

Sector or Sub-sector	Limitations
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>	
A. <u>Hotels and restaurants</u> (641, 642, 643)	*No limitations.
B. <u>Travel agencies and tour operator services</u> (7471)	Commercial presence required.
C. <u>Tourist guide services</u> (7472)	No limitations.



Sector or Sub-sector	Limitations
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>	
B. <u>News agency services</u> (962)	No limitations.
D. <u>Sporting and other recreational services</u>	
Sporting services (9641)	No limitations.
Other recreational services (96491)  Covers recreation park and beach services	No limitations.

Sector or Sub-sector	Limitations
<b>11. TRANSPORT SERVICES</b>	
A. <u>Maritime transport services</u>	
International transport (freight and passengers) (7211 and 7212 less cabotage and offshore transport – as defined in Note to Schedule)	<p>See Note to Schedule. No limitations on Liner Shipping, Bulk, tramp and other international shipping, including international passenger transportation.</p> <p>Establishment of registered company for the 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>No limitations on other forms of commercial presence for the supply of international maritime transport services (as defined in Note to Schedule).</p> <p>Ships crews and key shore personnel: unbound.</p>
<u>Maritime auxiliary services</u>	
International rental of vessels with crew (less cabotage and offshore transport - as defined in Note to Schedule)	No limitations.
Maritime cargo handling services (as described in Note to Schedule)	<p>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>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>
Storage and warehousing services (742)	*No limitations.
Maritime freight forwarding services (as defined in Note to Schedule)	No limitations.
Customs clearance services (as described in Note to Schedule)	*To act as a customs broker in Australia, service providers must provide the service in and from Australia. Unbound for cross-border supply and consumption abroad.
Pre-shipment inspection (as defined in Note to Schedule)	No limitations.
Maritime agency services (as described	No limitations.

Sector or Sub-sector	Limitations
in Note to Schedule)	
C. <u>Air Transport Services</u>	
<p>Ground handling services:</p> <ul style="list-style-type: none"> <li>- Airport operation services (7461 - excludes cargo handling)</li> <li>- Cargo handling (74110 and 74190 air transport sector only)</li> <li>- Other supporting services for air transport (7469 – excludes airport and terminal fire-fighting services)</li> </ul>	*No limitations.
<p>d) Maintenance and repair of aircraft (8868**)</p> <p>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>	*No limitations.
<p>Computer reservation systems (7523**)</p> <p>Activities of establishments engaged in providing and maintaining computer reservation to other enterprises engaged in the provision of travel agency services, including transport and accommodation booking, tour and travel wholesaling/retailing - to establishments engaged in providing reservation services (such as travel agencies etc.). CRS services related to air carriers include the provision of information on</p>	No limitations.

Sector or Sub-sector	Limitations
air carrier schedules, space availability and tariffs.	
F. <u>Road transport services</u>	
a) Passenger transportation (71213, 71214, 7122)  Does not include regular urban bus services	No limitations. Cross-border supply unbound.
b) Freight transportation (71231, 71232, 71233, 71234)	No limitations. Cross-border supply unbound.
G. <u>Pipeline transport</u>	
Transportation of:  a) fuels (7131) b) other goods (7139)	No limitations.
H. <u>Services auxiliary to all modes of transport</u>	
b) Storage and warehouse services (742 excluding maritime)	*No limitations. .
c) Freight Forwarding (748 excluding maritime)	No limitations.
d) Pre-shipment inspection (749 excluding maritime)	No limitations. .

## **NOTE TO SCHEDULE: MARITIME TRANSPORT SERVICES**

### **DEFINITIONS**

1. Multimodal Transport Operator: the person on whose behalf the bill of lading/multimodal document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.
2. Cabotage: for the purposes of this Schedule, 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.
3. 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.
4. Other Forms of Commercial Presence for the Supply of International Maritime Transport Services: for the purposes of this Schedule, means the ability for international maritime transport service suppliers of other Members to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. This commitment shall not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery.

These activities include:

- marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
  - the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;
  - the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
  - the provision of business information by any means, including computerised information systems and electronic data;
  - the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
  - acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
5. International Rental of Vessels with Crew: rental and/or leasing services of all types of sea-going vessels with crew (such as tankers, bulk dry cargo vessels, cargo and freight vessels) for the purpose of international trade.
  6. Maritime Cargo Handling Services: activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring of terminal operator companies. The activities covered include the organisation and supervision of: the loading/discharging of cargo to/from a

ship; the lashing/unlashing of cargo; and, the reception/delivery and safekeeping of cargoes in the wharf area before shipment or after discharge. The organisation and supervision includes the arrangements for (1) engaging skilled labour (dockers), (2) using all the necessary equipment for on-board or shore use and the appropriate storage space, whether by ownership, rental or otherwise, (3) the checking of parcels and markings, the weighing and measuring of cargo (upon request of the owner), and (4) the administrative duties as well as the responsibility related to the services. Container terminal operators can furthermore be appointed for stuffing/stripping containers and e.g. the survey and supply of electricity to containers.

7. Maritime Freight Forwarding Services: the organisation and monitoring of shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.
8. Customs Clearance Services: activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through-transport of cargoes, whether this is the main activity of the service provider or a usual complement of its main activity.
9. Preshipment Inspection: all services performed on a fee or contract basis involved in the verification of the quality, quantity, price (including currency exchange rate and financial terms), and/or the customs classification of goods to be exported. Does not include customs or quarantine inspection.
10. Maritime Agency Services: activities consisting in representing, within a given geographic area, as an agent, the business interests of one or more shipping line or shipping companies, for the following purposes:
  - marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information
  - acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

#### Note on Liner Shipping

Part X of the Trade Practices Act 1974 provides for exemptions from Australian anti-trust legislation so that liner shipping conferences can operate in and out of Australia. Part X requires that every ocean carrier who provides international liner cargo shipping services to or from Australia shall, at all times be represented by a person who is an individual resident in Australia (but not necessarily an Australian national) and has been appointed by the ocean carrier as the ocean carrier's agent for the purposes of Part X.

## **INVESTMENT IN NON-SERVICE SECTORS**

<b>Sector or Sub-sector</b>	<b>Limitations</b>
<b>MINING</b>	
<u>Mining</u> Covers all mining sub-sectors	Subject to non-conforming measures at regional level of government. No other limitations.
<b>MANUFACTURING</b>	
<u>Manufacturing</u> Covers all manufacturing sub-sectors	Subject to non-conforming measures at regional level of government. No other limitations.

