

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

AUSTRALIA'S SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3) Under Australia's foreign investment policy, which comprises the <i>Foreign Acquisitions and Takeovers Act 1975 (FATA)</i>; Foreign Acquisitions and Takeovers Regulations; and Ministerial Statements, the following investment activities require notification and prior approval from the Australian Government:</p> <ul style="list-style-type: none"> • acquisitions by 'foreign persons'¹ of 'substantial interests'² in existing Australian businesses with total assets of \$A50 million or more; • proposals by 'foreign persons' to take over offshore companies whose Australian subsidiaries or 	<p>3) Australia's foreign investment policy guidelines apply to foreign-owned or controlled enterprises after establishment in Australia.</p> <p>At least two of the directors of a public company must be ordinarily resident in Australia.</p> <p>Unbound for current and future measures at the federal, state or local government levels according rights or preferences to any indigenous person or organisation 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. For the purposes of this</p>	

¹ The term "foreign person" has the meaning set out in the Foreign Acquisitions and Takeovers Act 1975

² The term "substantial interest" has the meaning set out in the Foreign Acquisitions and Takeovers Act 1975

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>gross assets account for 50 per cent or more of the target company's global assets and are valued at \$A50 million or more;</p> <ul style="list-style-type: none"> • proposals by 'foreign persons' to take over offshore companies whose Australian subsidiaries or gross assets account for less than 50 per cent of the target company's global assets and are valued at more than \$A200 million; • proposals by 'foreign persons' to establish new businesses in Australia involving a total investment of \$A10 million or more; • direct investments by foreign governments or their agencies, irrespective of size; • proposed acquisitions by 'foreign persons' of interests in urban land (including interests that arise via 	<p>Schedule, an indigenous person means a person of the Aboriginal race of Australia or a descendant of an indigenous inhabitant of the Torres Strait Islands.</p> <p>Unbound for subsidies for research and development.</p>	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>leases, financing and profit sharing arrangements and the acquisitions of interests in urban land corporations and trusts) that involve the:</p> <ul style="list-style-type: none"> - 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; - proposed acquisition of developed non-residential commercial real estate where the property is valued at \$A50 million or more and is not subject to heritage listing; - proposed acquisition of accommodation facilities irrespective of value; - proposed acquisition of vacant urban real estate irrespective of value; - proposed acquisition of residential real estate irrespective of value; or 		

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> • 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). <p>Notified investments may be refused, subject to interim orders, and/or approved subject to compliance with certain conditions.</p> <p>Banking</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>		

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
a) Legal services ³			

³ In this section, the following terms have the meanings set out in the “Joint Statement on Legal Services” submitted to the WTO (TN/S/W/37 and S/CSC/W/46 of 24 February 2005) (“Joint Statement”), which are as shown:

“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. (As defined at 3.A(i) of Joint Statement.)

“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. (Footnote 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. (As defined at 3.A(ii) of Joint Statement.)

“legal arbitration and conciliation/mediation services” – preparation of documents to be submitted to, preparation for and appearance before, arbitrators, or mediators in any dispute involving the application and interpretation of law. Does not include arbitration and conciliation/mediation services in disputes for which the law has not a bearing which fall under services incidental to management consulting. As a sub-category, international legal arbitration and conciliation/mediation services refers to the same services when the dispute involves parties from two or more countries. (As defined at 3.A(iii) of Joint Statement.)

“domestic law (host country law)” – the law of Australia. (Derived from definition at 3.B(i) of Joint Statement.)

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
i) Legal advisory and representational services in domestic law (host-country law)	1) None 2) None 3) None	1) None 2) None 3) None	
ii) Legal advisory services in foreign law and international law and (in relation to foreign and international law only) legal arbitration and conciliation/mediation services.	1) None 2) None 3) 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 SA.	1) None 2) None 3) None	Limited Licence only is required: Only registration with limited licence is required, rather than full admission/licence, in order to provide: (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 and conciliation/mediation

“foreign law” – the law of the territories of AANZFTA Parties and other countries other than the law of Australia. (Derived from definition at 3.B(ii) of Joint Statement.)

“international law” – includes law established by international treaties and conventions, as well as customary law. (As defined at 3.B(iii) of Joint Statement.)

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			<p>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 NSW, Victoria, Queensland, Tasmania, WA, the ACT and the NT subject to the foreign law firms</p>

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			satisfying certain requirements, including in relation to liability, standard of conduct and professional ethics.
b) Accounting, auditing and book-keeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None, except that natural persons trading as auditors or liquidators must be resident. In relation to company auditing services, at least one equity partner in a firm must be ordinarily resident in Australia.	
c) Taxation services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Dental services (CPC 93123)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Veterinary services (CPC 932)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Services supplied by registered nurses and registered midwives (CPC 93191**)	1) Unbound 2) Unbound 3) Unbound	1) Unbound 2) Unbound 3) Unbound	
B. <u>Computer and related services</u> (CPC 84), excluding measures relating to content covered by CPC 844 and 849	1) None 2) None 3) None .	1) None 2) None 3) None .	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. <u>Research and development services</u></p> <p>b) R&D services on social sciences and humanities (CPC 852)</p>	<p>1) None 2) None 3) None</p>	<p>1) None, except a permanent residency requirement for psychologists (Western Australia). 2) None 3) None</p>	
<p>D. <u>Real Estate Service</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) Commercial presence required 2) Commercial presence required 3) None</p> <p>1) Commercial presence required 2) Commercial presence required 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</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>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Relating to other transport equipment (CPC 83101, 83102, 83105)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Relating to other machinery and equipment (CPC 83106-9)	1) None 2) None 3) None	1) None 2) None 3) None	
F. <u>Other business services</u>			
a) Advertising services (CPC 87110, 87120**, 87190)	1) None 2) None 3) None	1) None 2) None 3) None	
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			

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
delivery 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	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Services related to management consulting (CPC 86601, 86609) Excludes arbitration and conciliation services	1) None 2) None 3) None	1) None 2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 8811**, 8812**, 8814**)	1) None 2) None 3) None	1) None 2) None 3) None	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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> <p>g) Services incidental to fishing (CPC 882**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>Consists of specialised consultancy services only, related to marine or freshwater fisheries, fish hatchery services. Does not include fishing.</p> <p>h) Services incidental to mining and site preparation work for mining (CPC 883, 5115)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
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	1) None 2) None 3) None	1) None 2) None 3) None	
k) Placement and supply services of personnel (CPC 872)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
l) Investigation and security (CPC 873)	1) None 2) None 3) None	1) None 2) None 3) None	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
o) Building-cleaning services (CPC 874)	1) Unbound * 2) None 3) None	1) Unbound* 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
s) Convention services (CPC 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>	1) None 2) None 3) None	1) None 2) None 3) None	
t) Other: Telephone answering services(CPC 87903)	1) None 2) None 3) None	1) None 2) None 3) None	
Duplicating services (CPC 87904)	1) None 2) None	1) None 2) None	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
Translation and interpretation services (CPC 87905)	1) None 2) None 3) None	1) None 2) None 3) None	
Mailing list compilation and mailing services (CPC 87906)	1) None 2) None 3) None	1) None 2) None 3) None	
Interior design (CPC 87907) Specialised consultancy services related to the post-construction design and fitting out of interior living and working spaces. Includes purchase of necessary goods.	1) None 2) None 3) None	1) None 2) None 3) None	
2. COMMUNICATION SERVICES			
C. <u>Telecommunications services</u> Covers the following sub-sectors			

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
from the Services Sectoral Classification List (W/120) and related CPC numbers 7521,7522,7523, 7529**			
(a) Voice telephone services	1) None	1) None	
(b) Packet-switched data transmission services	2) None	2) None	
(c) Circuit-switched data transmission services	3) None, except that: 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. ii) The maximum aggregate foreign ownership allowed in Telstra is 35 per cent. The maximum individual foreign ownership allowed in Telstra is 5 per cent.	3) None, except that the Chairperson and majority of directors of Telstra must be Australian citizens. Telstra must maintain its head office, main base of operations and place of incorporation in Australia.	
(d) Telex services			
(e) Telegraph services			
(f) Facsimile services			
(g) Private leased circuit services			
(o) <u>Other</u>			
Digital Cellular services			
Paging services			

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Personal Communications Services			
Trunked Radio System Services			
Mobile Data Services			
Services covered by the Broadcasting Services Act 1992 are excluded from the basic telecommunications sector			
h) Electronic mail (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Voice mail (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
j) On-line information and data base retrieval (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
k) Electronic data interchange (EDI) (CPC 7523**)	1) None 2) None	1) None 2) None	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
l) Enhanced/value-added facsimile services, including store and retrieve (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
m) Code and protocol conversion (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. <u>General construction work for buildings</u> (CPC 512)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
B. <u>General construction work for civil engineering</u> (CPC 513)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
C. <u>Installation and assembly work</u> (CPC 514, 516)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
D. <u>Building completion and finishing work</u> (CPC 517)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. <u>Other</u> (CPC 511 + 515 + 518)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
4. DISTRIBUTION SERVICES			
A. <u>Commission agents' services</u> (CPC 62113-62118)	1) None 2) None 3) None	1) None 2) None 3) None	
B. <u>Wholesale trade services</u> (CPC 6223-6228)	1) None 2) None 3) None	1) None 2) None 3) None	
C. <u>Retailing services</u> (CPC 631, 63212, 6322, 6323, 6324, 6325, 6329, 61112, 6113, 6121) Australia's commitments in relation to these services extend to cover the following services not listed in relevant CPC	1) Unbound except for mail order 2) None 3) None	1) None 2) None 3) None	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>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.</p>			
D. <u>Franchising</u> (CPC 8929)	1) None 2) None 3) None	1) None 2) None 3) None	
5. EDUCATIONAL SERVICES			
B. <u>Secondary education services</u> (CPC 922**) <p>Covers general as well as technical and vocational education at the secondary level in private institutions</p>	1) None 2) None 3) None	1) None 2) None 3) Unbound	
C. <u>Higher education services</u> (CPC 923**) <p>Covers provision of private</p>	1) None 2) None 3) None	1) None 2) None 3) Unbound	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
tertiary education services including at university level			
<p><u>E. Other education services</u> (CPC 929**)</p> <p>Covers tuition and testing in English and other languages. Tuition in cuisine and traditional therapies (including massage, acupuncture), music, dance and martial arts.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) Unbound</p>	
6. ENVIRONMENTAL SERVICES ⁴			
<p><u>A. Wastewater management</u> (CPC 9401)</p> <p>This covers removal, treatment and disposal of household, commercial and industrial sewage and other waste waters including tank emptying and cleaning, monitoring, removal</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

⁴ Australia's commitments on environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
and treatment of solid wastes.			
<p>B. <u>Waste management</u> (CPC 9402, 9403)</p> <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>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>C. <u>Protection of ambient air and climate</u> (CPC 9404)</p> <p>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</p>	<p>1) None 2) None 3) None</p>	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. <u>Remediation and cleanup of soil and water</u> (CPC 9406**) ⁵</p> <p>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</p>	<p>1) None 2) None 3) None</p>	
<p>E. <u>Noise and vibration abatement</u> (CPC 9405)</p> <p>This covers monitoring programmes, and installation of noise reduction systems and screens.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>F. <u>Protection of biodiversity and landscape</u> (CPC 9406**) ⁶</p> <p>This covers ecology and habitat protection and promotion of</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

⁵ Australia's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services.

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

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
forests and promoting sustainable forestry.			
G. <u>Other environmental and ancillary services</u> (CPC 9409) This covers other environment protection services, including services related to environmental impact assessment.	1) None 2) None 3) None	1) None 2) None 3) None	
<p>7. FINANCIAL SERVICES</p> <p>Australia undertakes its specific commitments on financial services in accordance with the World Trade Organisation's (WTO) "Understanding on Commitments in Financial Services" (hereinafter referred to as the "Understanding").</p> <p>The obligations under the Understanding are addressed in this Schedule additionally to those covered by Article 3 (National Treatment), Article 4 (Market Access) and Article 5 (Additional Commitments) of the Trade in Services Chapter of this Agreement, as well as the Annex on Financial Services to this Chapter.</p> <p>The market access commitments with respect to "cross-border supply" and "consumption abroad" (as described in paragraph (s) of Article 2 (Definitions) of the Trade in Services Chapter) bound in this Schedule are limited to the services indicated in paragraphs B.3 and B.4 of the Understanding, respectively.</p> <p>These specific commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments" section of this Schedule.</p>			

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. <u>Insurance and insurance-related services</u></p>	<p>3) Approval of non-resident life insurers is restricted to subsidiaries.</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 (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>3) Sub-national guarantees are provided to some State and Territory Insurance Offices.</p>	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Banking and Other financial services</u> (excluding insurance) ⁷	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.		
	3) Foreign banks may undertake banking operations in Australia through locally incorporated	3) Commonwealth owned entities which may conduct financial operations are guaranteed by the	

⁷ Including remittance centres and remittance centre services

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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 \$A250,000. Deposit-taking outside of this is considered to be "retail" banking business.</p>	<p>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>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</p>	<p>1), 3)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</p>	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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>guarantees to some of the assets and liabilities of former State-owned or controlled banks.</p>	
	<p>3) 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</p>		

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	financial services licence authorising it to operate a managed investment scheme.		
8. HEALTH-RELATED AND SOCIAL SERVICES			
<p>B. <u>Other human health services</u> (CPC 93199**)</p> <p>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</p>	<p>1) Unbound 2) None 3) None</p>	
9. TOURISM AND TRAVEL RELATED SERVICES			
<p>A. <u>Hotels and restaurants</u> (CPC 641, 642, 643)</p>	<p>1) Unbound* 2) None 3) None</p>	<p>1) Unbound* 2) None 3) None</p>	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Travel agencies and tour operator services</u> (CPC 7471)	1) Commercial presence required 2) None 3) None	1) None 2) None 3) None	
C. <u>Tourist guide services</u> (CPC 7472)	1) None 2) None 3) None	1) None 2) None 3) None	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
B. <u>News agency services</u> (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
D. <u>Sporting and other recreational services</u>			
Sporting services (CPC 9641)	1) None 2) None 3) None	1) None 2) None 3) None	
Other recreational services	1) None 2) None	1) None 2) None	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 96491) Covers recreation park and beach services	3) None	3) None	
11. TRANSPORT SERVICES			
A. <u>Maritime transport services</u>			The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: pilotage, towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; Port Captain's services; navigation aids (a); shore-based operational services

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			<p>essential to ship operations, including communications water and electrical supplies; emergency repair facilities; anchorage, berth and berthing services.</p> <p>(a): except for Queensland, where vessels of 35 m and above must pay conservancy fees to fund navigational aids, while this obligation applies only to Australian vessels of 50m and above.</p> <p>Where road, rail and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability, on reasonable and non-discriminatory</p>

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			terms and conditions, to rent, hire or charter trucks, railway carriages, ships and related equipment for the purpose of onward forwarding of international cargoes carried by sea, or have access to and use of these forms of transport services for the purpose of providing multimodal transport services.
International transport (freight and passengers) (CPC 7211 and 7212 less cabotage and offshore transport - as defined in Note to Schedule)	1) a) Liner Shipping: None, see Note to Schedule. 1) b) Bulk, tramp and other international shipping, including international passenger transportation: None.	1) a) None, see Note to Schedule. 1) b) None 2) None	See Note to Schedule

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	2) None		
	<p>3) a) 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>3) b) Other forms of commercial presence for the supply of international maritime transport services (as defined in Note to Schedule): None</p>	<p>3) a) Unbound</p> <p>3) b) None</p>	See Note to Schedule
<p><u>Maritime auxiliary services</u></p> <p>International rental of vessels with crew (less cabotage and offshore transport - as defined in Note to Schedule)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime cargo handling services (as described in Note to Schedule)	1) Unbound* 2) None 3) None, except Unbound in South Australia. 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.	1) Unbound* 2) None 3) None	
Storage and warehousing services (CPC 742)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Maritime freight forwarding services (as defined in Note to Schedule)	1) None 2) None 3) None	1) None 2) None 3) None	
Customs clearance services (as described in Note to Schedule)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Preshipment inspection (as defined in Note to Schedule)	1) None 2) None 3) None	1) None 2) None 3) None	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime agency services (as described in Note to Schedule)	1) None 2) None 3) None	1) None 2) None 3) None	
C. <u>Air Transport Services</u>			
d) Maintenance and repair of aircraft (CPC 8868**) <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>	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Computer reservation systems (CPC 7523**)	1) None 2) None	1) None 2) None	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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 air carrier schedules, space availability and tariffs.</p>	3) None	3) None	
<p><u>E. Rail transport services</u></p> <p>b) Freight transportation (CPC 7112);</p> <p>c) Pushing and towing services (CPC 7113); and</p> <p>e) Supporting services for rail</p>	<p>1) None</p> <p>2) None</p> <p>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</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
transport services (CPC 743).	<p>right to establish new networks but access to public land may not be guaranteed.</p> <p>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.</p>		
<p>F. <u>Road transport services</u></p> <p>a) Passenger transportation (CPC 71213, 71214, 7122)</p> <p>Does not include regular urban bus services</p> <p>b) Freight transportation (CPC 7123)</p>	<p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
c) Rental of commercial vehicles with operator (CPC 7124)	1) None 2) None 3) None	1) None 2) None 3) None	
G. <u>Pipeline transport</u>			
a) Transportation of fuels (CPC 7131)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Transportation of other goods (CPC 7139)	1) None 2) None 3) None	1) None 2) None 3) None	
H. <u>Services auxiliary to all modes of transport</u>			
a) Cargo-handling services in relation to rail, road and air transport only (CPC 741**)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
(Note also that maritime cargo handling services are dealt with under "Maritime Services"			

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
above)			
<p>b) Storage and warehouse services (CPC 742 excluding maritime)</p> <p>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 (excluding maritime).</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	
<p>c) Freight transport agency services (CPC 748 excluding maritime)</p> <p>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</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
maritime).			
d) Other supporting and auxiliary transport services (CPC 749 excluding maritime) 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).	1) None 2) None 3) None	1) None 2) None 3) None	

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

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 only, 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 Parties 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 interchange (subject to the provisions of the Annex on Telecommunications);
 - 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 citizen) and has been appointed by the ocean carrier as the ocean carrier's agent for the purposes of Part X.
