

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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Trade Negotiations Committee

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COMMUNICATION FROM AUSTRALIA

**Schedule of Australia Concerning Initial Commitments
on Trade in Services**

The following communication is circulated at the request of Australia to members of the Group of Negotiations on Services.

1. Australia circulated a revised conditional offer of specific commitments on trade in services in September 1993 (MTN.TNC/W/51/Rev.2 and Corrigendum 1) as a basis for continuing negotiations with a view to achieving the largest possible balanced package of initial commitments. Australia continues to work toward that objective.
2. The following is a further revision of that offer which takes account of the stage reached in Australia's negotiations with trading partners, as well as the negotiations on finalising the text of the General Agreement on Trade in Services (GATS).
3. This document incorporates a number of substantive changes and technical adjustments, including:
 - a broadening of the scope of the proposed commitment on the movement of natural persons as service suppliers, specifically in relation to specialists;
 - an expansion of the range of activities covered under the home country law sub-sector to include public international law together with the inclusion of an Article XVIII Additional Commitment in respect of the conditions applicable in some States for joint offices between foreign and Australian law firms;
 - a technical reworking of the section detailing proposed commitments in financial services to accord with the provisions of the "Understanding on Commitments in Financial Services"; and
 - the withdrawal of Public Telecommunications Transport Networks and Services (basic telecommunications) in the expectation that negotiations in this sector will continue beyond the current Uruguay Round timeframe.
4. At the time of preparation of this document, Australia is disappointed that there remain a number of requests made on its trading partners which have not yet been satisfactorily addressed. In addition, there are uncertainties and a lack of information regarding the approaches of certain participants to making commitments in key sectors. On this basis, and in the absence of improvements to offers by negotiating partners in areas identified by Australia as a high priority,

Australia wishes to advise that reluctantly it would not be prepared to maintain its very comprehensive offer in its entirety.

5. In this context, Australia advises that there are several areas in this Schedule which are highly conditional. Australia particularly emphasises that its preparedness to maintain its comprehensive offer on maritime transport and financial services will depend on the approaches taken by other participants to making commitments in these sectors. In addition, a major factor determining the shape and content of the final Australian Schedule will be the degree to which MFN will apply in these sectors. Australia notes in this context that a number of participants have yet to submit their revised lists of proposed MFN exemptions.

6. Of crucial importance to Australia being able to maintain its maritime offer in its current form will be the extent and level of commitments undertaken by its trading partners in this sector, particularly in respect of international shipping services. A major consideration will be the initial commitments offered by critical mass countries and whether they are consistent with the comprehensive approach contained in the ideal schedule developed as a result of extensive plurilateral negotiations. In the absence of such commitments, Australia intends to revert to its earlier maritime offer as contained in MTN.TNC/W/51/Rev.1 of November 1991.

7. Similarly, Australia's preparedness to maintain its financial services offer will depend on the nature and degree of commitments undertaken by its trading partners in this sector.

8. It should also be noted that other areas of the Schedule which are unlikely to be retained in their current form in the absence of improved offers from trading partners relate to Australian law, other environmental services, certain distribution services, date base services and the temporary entry of specialists.

9. Notwithstanding the above, Australia wishes to stress that it is prepared to go beyond the level of commitment provided in this Schedule on the condition that there are matching improvements by its trading partners in sectors of interest to Australia. Specifically, depending on the nature of responses from its trading partners to outstanding Australian requests, Australia would be prepared to consider including sector-specific commitments in the areas of construction services, computer services and research and development services.

10. In addition, any further deepening of the commitment on commercial presence would require satisfactory outcomes in negotiating areas of critical importance to Australia, particularly in agricultural and industrial market access and in other areas of major commercial and trade policy interest.

11. This Schedule is consistent with the Secretariat paper entitled "Scheduling of Initial Commitments on Trade in Services: Explanatory Note" (MTN.GNS/W/164 of 3 September 1993). The classification of sectors is based on the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering reflects the classification system used by the GATT Secretariat in MTN.GNS/W/120. The appearance of ** against individual CPC listings indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

12. Australia reserves the right to correct any errors, omissions or inaccuracies or to make modifications which may be required as a result of ongoing discussions on the scope of the GATS or in respect of approaches adopted by Australia's trading partners to horizontal commitments, as well as the nature and extent of MFN exemptions sought.

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
HORIZONTAL COMMITMENTS APPLICABLE TO SECTORS LISTED IN THE SECTORAL PART OF THE SCHEDULE		
Commercial Presence (3)	<p>Notification and examination under Australia's foreign investment policy guidelines and the Foreign Acquisitions and Takeovers Act 1975.</p> <p>In addition to the specific foreign investment policy requirement set out in those parts of this Schedule concerning financial services and international shipping, proposals for foreign interests to invest in the services identified in the Schedule are examined under the Government's policy guidelines without the need to demonstrate economic benefits or to provide for Australian equity participation and are approved unless national interest considerations arise.</p>	<p>Australia's foreign investment policy Guidelines apply to foreign-owned or controlled enterprises after establishment in Australia. At least two of the directors of a public company must be ordinarily resident in Australia.</p>
Movement of Natural Persons as Service Suppliers (4)	<p>Unbound except for measures affecting the entry and temporary stay of natural persons in the following categories:</p> <ul style="list-style-type: none"> (a) Executives and senior managers, as intracorporate transferees, for periods of initial stay up to four years. 	<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 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>

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
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Executives and senior managers being natural persons who are employees of a company operating in Australia, and who will be responsible for the entire or a substantial part of that company's operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the business, including directing the company or a department or sub-division of it, supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or sub-division of the company.

(b) Independent executives, without requiring compliance with labour market tests, for periods of initial stay up to a maximum of two years.

Independent executives being natural persons who meet the criteria of executives and senior managers who intend, or are responsible for the establishment in Australia, of a new business of a service supplier with its head of operations in the territory of another Member and which has no other representative, branch or subsidiary in Australia.

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
	(c) Service sellers, as business visitors, without requiring compliance with labour market tests, for periods of initial stay of 6 months and up to a maximum of 12 months.	<p>Service sellers being natural persons not based in Australia who are (sales) representatives of a service supplier and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier, where those representatives will not be engaged in making direct sales to the general public or in supplying services themselves.</p> <p>Applicants for business visitor visas are natural persons seeking to travel to Australia for business purposes and not intending to engage in work that might otherwise be carried out by an Australian citizen or Australian permanent resident. This requirement will be satisfied where the service seller's remuneration and financial support for the duration of the visit are derived entirely from sources outside Australia.</p>

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
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(d) Specialists, subject to individual compliance with labour market testing, for periods of initial stay up to a maximum of two years with provision of extension provided the total stay does not exceed four years.

Specialists being natural persons with trade, technical or professional skills who are responsible for or employed in a particular aspect of a company's operations in Australia. Skills are assessed in terms of the applicant's employment experience, qualifications and suitability for the position.

Labour market testing is not required for (i) natural persons who have specialised knowledge at an advanced level of a proprietary nature of the company's operations and have been employed by the company for a period of not less than two years and (ii) if the position in question is within a labour agreement in force at the time of application. A labour agreement is an agreement between the Australian Government, employers or industry organisations and unions for the entry of specialists from overseas. All other measures regarding entry, stay and work shall continue to apply, including observance of Australian conditions of work with respect to such natural persons covered by the above commitments. The above commitments do not apply in cases of labour/management dispute.

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
SECTOR-SPECIFIC COMMITMENTS		
1. BUSINESS SERVICES		
A. PROFESSIONAL SERVICES		
LEGAL SERVICES		
Home country law, including public international law (861**)	<p>(1) None (2) None (3) Natural persons practising foreign law may only join a local law firm as an employee or as a consultant and may not enter into partnership with or employ local lawyers. (4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None (2) None (3) At least one equity partner in a firm engaged in advising on foreign law matters must be a permanent resident (NSW, Victoria); at least one equity partner in a foreign law firm must be resident for a minimum period of 180 days per calendar year (Queensland). (4) None</p>
	Additional commitment on home country law	Joint offices involving revenue-sharing between foreign law firms and Australian local law firms are permitted in NSW, Victoria, Queensland and Tasmania subject to the foreign law firms satisfying certain requirements, including in relation to liability, standard of conduct and professional ethics.
Australian law (861**)	<p>(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None (2) None (3) None (4) None</p>
ACCOUNTING, AUDITING AND BOOK-KEEPING SERVICES (862)	<p>(1) None (2) None (3) Only natural persons may be registered as auditors and liquidators. (4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None (2) None (3) At least one equity partner in a firm must be a permanent resident. (4) Permanent residency requirement for auditors and liquidators.</p>
	(1) Gross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons	

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
TAXATION SERVICES (863)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Permanent residency requirement for trustees.
ARCHITECTURAL SERVICES (8671)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
ENGINEERING SERVICES (8672)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
INTEGRATED ENGINEERING SERVICES (8673)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
URBAN PLANNING (86741)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
DENTAL SERVICES (93123)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
VETERINARY SERVICES (932)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
B. COMPUTER AND RELATED SERVICES		
CONSULTANCY SERVICES RELATED TO THE INSTALLATION OF COMPUTER HARDWARE (841)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
SOFTWARE IMPLEMENTATION SERVICES (842)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
DATA PROCESSING SERVICES (843)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
DATA BASE SERVICES (844)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
MAINTENANCE AND REPAIR SERVICES OF OFFICE MACHINERY AND EQUIPMENT INCLUDING COMPUTERS (845)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
C. RESEARCH AND DEVELOPMENT SERVICES		
R&D SERVICES ON SOCIAL SCIENCES AND HUMANITIES (852)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Permanent residency requirement for psychologists (Western Australia)
D. REAL ESTATE SERVICES		
INVOLVING OWN OR LEASED PROPERTY (821)	(1) Commercial presence required (2) Commercial presence required (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
ON A FEE OR CONTRACT BASIS (822)	(1) Commercial presence required (2) Commercial presence required (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
E. RENTAL/LEASING SERVICES WITHOUT OPERATORS		
RELATING TO SHIPS (83103**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
Excludes cabotage, intrastate and offshore trades.		
RELATING TO AIRCRAFT (83104)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
RELATING TO OTHER TRANSPORT EQUIPMENT (83101, 83102, 83105)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
RELATING TO OTHER MACHINERY AND EQUIPMENT (83106-9)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
F. OTHER BUSINESS SERVICES		
ADVERTISING SERVICES (87110, 87120**, 87190)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
Covers services by advertising agencies in creating and placing advertising in periodicals, newspapers, radio and television for clients; outdoor advertising; media representation ie. 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.		
MARKET RESEARCH AND PUBLIC OPINION POLLING SERVICES (864)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
MANAGEMENT CONSULTING SERVICES (865)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
SERVICES RELATED TO MANAGEMENT CONSULTING (86601, 86609)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
Excludes arbitration and conciliation services.		
SERVICES INCIDENTAL TO AGRICULTURE, HUNTING AND FORESTRY (8811** . 8812** . 8814**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
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.		
SERVICES INCIDENTAL TO FISHING (882**) Consists of specialised consultancy services only, related to marine or freshwater fisheries, fish hatchery services. Does not include fishing.	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
SERVICES INCIDENTAL TO MINING (883**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
Consultancy on a fee or contract basis relating to mining and oil field development.		
SERVICES INCIDENTAL TO ENERGY DISTRIBUTION (887**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
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.		
PLACEMENT AND SUPPLY SERVICES OF PERSONNEL (872)	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) None
INVESTIGATION AND SECURITY (873)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
RELATED SCIENTIFIC AND TECHNICAL CONSULTING SERVICES (86752 **, 86753)	<p>(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.</p> <p>Assembly and assessment of land and geographic related information; practice of the science of measurement; use of that information for the purpose of planning and implementing the administration of the land and sea. May involve surveying activities on, above or below the surface of the land or sea.</p>	<p>(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.</p>
BUILDING-CLEANING SERVICES (874)	<p>(1) Unbound*</p> <p>(2) None (3) None (4) Unbound except as indicated in the horizontal section.</p>	<p>(1) Unbound*</p> <p>(2) None (3) None (4) None</p>
PHOTOGRAPHIC SERVICES (875)	<p>(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None (2) None (3) None (4) None</p>
CONVENTION SERVICES (87909**)	<p>(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.</p> <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>	<p>(1) None (2) None (3) None (4) None</p>

* Unbound due to lack of technical feasibility.

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
TELEPHONE ANSWERING SERVICES (87903)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
DUPLICATING SERVICES (87904)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
TRANSLATION AND INTERPRETATION SERVICES (87905)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
MAILING LIST COMPIRATION AND MAILING SERVICES (87906)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
INTERIOR DESIGN (87907)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section. Specialised consultancy services related to the post-construction design and fitting out of interior living and working spaces. Includes purchase of necessary goods.	(1) None (2) None (3) None (4) None

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>2. COMMUNICATION SERVICES</u>			
<u>C. TELECOMMUNICATIONS SERVICES</u>			
ELECTRONIC MAIL (7523**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None	
VOICE MAIL (7523**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None	
ON-LINE INFORMATION AND DATA BASE RETRIEVAL (7523**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None	
ELECTRONIC DATA INTERCHANGE (EDI) (7523**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None	

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
ENHANCED/VALUE-ADDED FACSIMILE SERVICES, INCLUDING STORE AND FORWARD, STORE AND RETRIEVE (7523**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None	
CODE AND PROTOCOL CONVERSION (7523**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None	

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
<u>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</u>		
GENERAL CONSTRUCTION WORK FOR BUILDINGS (512)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None (4) None
GENERAL CONSTRUCTION WORK FOR CIVIL ENGINEERING (513)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None (4) None
INSTALLATION AND ASSEMBLY WORK (514, 516)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None (4) None
BUILDING COMPLETION AND FINISHING WORK (517)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None (4) None

* Unbound due to lack of technical feasibility.

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
4. DISTRIBUTION SERVICES		
COMMISSION AGENTS' SERVICES (62113-62118)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
WHOLESALE TRADE SERVICES (6223-6228)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
RETAILING SERVICES (631, 63212, 6322-9)	(1) Unbound except for mail order. (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
Does not cover dispensing of pharmaceuticals.		
FRANCHISING (8929)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
5. EDUCATIONAL SERVICES		
SECONDARY EDUCATION SERVICES (922**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound for subsidies. (4) None
Covers general as well as technical and vocational education at the secondary level in private institutions.		
HIGHER EDUCATION SERVICES (923**)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) Unbound for subsidies. (4) None
Covers provision of private tertiary education services including at university level.		
OTHER EDUCATION SERVICES (929**)		(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.
Covers English language tuition.		

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
6. ENVIRONMENTAL SERVICES		
SEWAGE SERVICES (9401)	(1) Unbound * (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound * (2) None (3) None (4) None
REFUSE DISPOSAL SERVICES (9402)	(1) Unbound * (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound * (2) None (3) None (4) None
SANITATION AND SIMILAR SERVICES (9403)	(1) Unbound * (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound * (2) None (3) None (4) None
OTHER ENVIRONMENTAL SERVICES (9404**. 9405**)	(1) Unbound * (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound * (2) None (3) None (4) None
Does not include public works functions whether owned and operated by municipalities, state or federal governments or contracted out by these governments.		

* Unbound due to lack of technical feasibility.

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
7. FINANCIAL SERVICES		<p>Australia offers to undertake commitments in accordance with the "Understanding on Commitments in Financial Services" with the following limitations on market access and national treatment. These commitments are subject to the general limitations contained in the horizontal section of this Draft Schedule.</p> <p>A. INSURANCE AND INSURANCE-RELATED SERVICES</p> <p>(a) Life insurance services (8121)</p> <p>(3) Approval of non-resident life insurers is restricted to subsidiaries.</p> <p>(3) Registered foreign life insurance companies are required to have a principal officer resident in Australia.</p> <p>(1) and (3) An authorised insurance company operating in Australia as a non-incorporated entity must appoint an Australian resident as agent of the insurer.</p> <p>(3) 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 style="margin-left: 20px;">Compulsory Third Party Motor Vehicle Accident: VIC, WA, TAS, NT, ACT (monopolies); NSW, QLD, SA (licensing, premiums/policy terms).</p> <p style="margin-left: 20px;">Workers Compensation; VIC, QLD, SA (monopolies); NSW, WA, TAS (licensing, premiums/policy terms)</p>

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
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B. BANKING AND OTHER FINANCIAL SERVICES (EXCLUDING INSURANCE)(8112, 8113, 8119, 8131, 8132, 8133, 81115-81119, 81199, 81319, 81321, 81323, 81333, 81339)

(1) The investment at interest in Australia of official reserves by foreign central banks and foreign government monetary institutions is approved by the Reserve Bank provided that it obtains assurance from the investing authority that it will aim to be a stable holder of the Australian dollar and that it will consult with the Bank in the event of significant changes in its Australian dollar portfolio. Monetary institutions, responsible for both reserve assets and commercial investments, are permitted to invest in Australia up to a limit under the same conditions.

(1) and (3) A foreign bank located overseas is able to offer its services to Australian enterprises, but it is not allowed to raise funds in Australia or undertake business within Australia unless it is an authorised bank (or establishes a money market corporation, subsidiary etc.)

(1) and (3) Dealings in foreign exchange in Australia must be carried out through a dealer authorised by the Reserve Bank. Only banks, including branches of overseas banks, and financial institutions incorporated in Australia with the required minimum capital base are eligible to seek authorisation as a foreign exchange dealer.

(3) A person (including a corporation) and any associated interests may acquire no more than fifteen per cent of the voting shares of an authorised bank.

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
	<p>(3) Foreign banks satisfying prudential requirements and competition policy considerations may conduct banking in Australia. Foreign banks may undertake banking operations in Australia through an authorised branch, however, a branch may not accept "retail" deposits. A foreign bank wishing to accept "retail" deposits must seek authorisation 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 \$250 000. Deposit-taking outside of this is considered to be "retail" banking business.</p> <p>(3) Acquisition, by foreign interests, of control of any of Australia's four main banks (Commonwealth Bank of Australia, National Australia Bank, Westpac Banking Corporation and Australia and New Zealand Banking Group) is not permitted. State and Territory governments reserve the right to prohibit foreign control of State-owned or controlled banks. Banks (resident and non-resident) are prohibited from holding shares in the Commonwealth Bank of Australia and other entities may not hold more than five per cent of its issued share capital.</p>	<p>(3) The Commonwealth Bank of Australia, the Australian Industry Development Corporation, and other Commonwealth owned entities which may conduct financial operations are guaranteed by the Commonwealth Government.</p>

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
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Banks operating in Australia, whether domestically owned or foreign owned with authorised branch status, may be permitted, in certain circumstances, to hold up to 75 per cent equity in Authorised Money Market Dealers (primary dealers). The Reserve Bank imposes restrictions on relationships and dealings between authorised dealers and related banks, in particular:

authorised dealers must be independent legal entities and be separately capitalised;

authorised dealers' transactions with related entities (defined as parties which own 12.5 per cent or more of the authorised dealer) must be carried out at arm's length and not represent a disproportionate source of funding or turnover; and

authorised dealers must provide an impartial service to all participants in the money market.

(3) A number of State and Territory Governments operate central financing authorities through which the Government's wholly or partly-owned statutory authorities and business enterprises are obliged to borrow (and in some cases invest) their funds, or otherwise obtain certain financial services:

SA - South Australian Financing Authority, SA
Local Government Financing Authority.

TAS - Tascorp

NSW - Treasury Corporation.

VIC - Treasury Corporation of Victoria.

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
		<p>(3) The Australian Stock Exchange liquid capital requirements for members may have the effect of favouring membership of the Exchange by subsidiaries rather than branches of foreign companies.</p> <p>(3) An applicant must be a body corporate in order to obtain approval to conduct a stock market or a futures market as a stock exchange or a futures exchange.</p> <p>(4) The temporary entry of specialists in the operation of a financial service supplier established in Australia is permitted subject to the terms stipulated in the horizontal section.</p> <p>(1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons</p>

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
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8. HEALTH-RELATED AND SOCIAL SERVICES

OTHER HUMAN HEALTH SERVICES
(9319**)

- (1) Unbound
- (2) None
- (3) None
- (4) Unbound except as indicated in the horizontal section.

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.

- (1) Unbound
- (2) None
- (3) None
- (4) Permanent residency requirement for chiropodists (South Australia). Permanent residency requirement for podiatrists (Western Australia).

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
9. TOURISM AND TRAVEL RELATED SERVICES		
HOTELS AND RESTAURANTS (641, 642, 643)	(1) Unbound * (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound * (2) None (3) None (4) None
TRAVEL AGENCIES AND TOUR OPERATOR SERVICES (747)	(1) Commercial presence required (2) Commercial presence required (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
TOURIST GUIDE SERVICES (7472)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None

* Unbound due to lack of technical feasibility.

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES		
NEWS AGENCY SERVICES (962)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
SPORTING SERVICES (9641)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
OTHER RECREATIONAL SERVICES (9649)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section. Covers recreation park and beach services.	(1) None (2) None (3) None (4) None

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
11. TRANSPORT SERVICES MARITIME TRANSPORT SERVICES	<p>INTERNATIONAL TRANSPORT (FREIGHT AND PASSENGERS) (7211 and 7212 less cabotage and offshore transport - as defined in Attachment A)</p> <p>(1) (a) Liner Shipping: Part X of the Trade Practices Act 1974 requires that every ocean carrier who provides international liner cargo shipping services to or from Australia shall, at all times, be represented for the purposes of the Act, by a person who is an individual resident in Australia; has been appointed by the ocean carrier as the ocean carrier's agent for the purposes of the Act; and is specified in the register of ocean carrier agents as the ocean carrier's agent.</p> <p>(b) Bulk, tramp and other international shipping, including international passenger transportation: None</p>	<p>(1)(a) Part X of the Trade Practices Act 1974 allows Australian flag operators to apply to the Trade Practices Commission to examine whether conference members and non-conference operators with substantial market power are hindering Australian flag shipping operators from engaging efficiently in the provision of outward liner cargo services to an extent which is reasonable.</p> <p>(b) None</p>	<p>(1) See Note (Attachment A)</p> <p>(3)(a) Unbound</p> <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>

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
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(b) Other forms of commercial presence for the supply of international maritime transport services (as defined in Attachment A): None

(4) (a) Ships crews: Unbound except as indicated in the horizontal section.

(b) Key shore personnel: Unbound except as indicated in the horizontal section.

INTERNATIONAL RENTAL OF VESSELS WITH CREW (less cabotage and offshore transport - as defined in Attachment A)

- (1) None
- (2) None
- (3) None
- (4) Unbound except as indicated in the horizontal section.

MARITIME AUXILIARY SERVICES

MARITIME CARGO HANDLING SERVICES (as defined in Attachment A)

- (1) Unbound* except for no limitation on transhipment (board-to-board or via the quay)
- (2) None.

(2) None

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* Unbound due to lack of technical feasibility.

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
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(3) Licences/concessions are granted by port authorities on the basis of an economic needs test ***

(4) Requirement for shore labour to undertake loading and unloading of ships under the Navigation Act 1912.

STORAGE AND WAREHOUSING SERVICES (742)

- (1) Unbound *
- (2) None
- (3) None
- (4) Unbound except as indicated in the horizontal section.

MARITIME FREIGHT FORWARDING SERVICES (as defined in Attachment A)

- (1) None
- (2) None
- (3) None
- (4) Unbound except as indicated in the horizontal section.

CUSTOMS CLEARANCE SERVICES (as defined in Attachment A)

- (1) Unbound *
- (2) None
- (3) None
- (4) Unbound except as indicated in the horizontal section.

See Note (Attachment A)

*** Public utility concession or licensing procedures may apply in the case of the occupation of the public domain for the conduct of these activities.
* Unbound due to lack of technical feasibility.

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
PRESHIPMENT INSPECTION(as defined in Attachment A)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None	See Note (Attachment A)
MARITIME AGENCY SERVICES (as defined in Attachment A)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None	

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
C. AIR TRANSPORT SERVICES		
MAINTENANCE AND REPAIR OF AIRCRAFT (8868**)	<p>(1) Unbound * (2) None (3) None (4) Unbound except as indicated in the horizontal section.</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>	<p>(1) Unbound * (2) None (3) None (4) None</p>
COMPUTER RESERVATION SYSTEMS (7523**)		<p>(1) None (2) None (3) None (4) None</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 air carrier schedules, space availability and tariffs.</p>

* Unbound due to lack of technical feasibility.

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
F. ROAD TRANSPORT SERVICES		
PASSENGER TRANSPORTATION (71213, 71214, 7122)	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) None
Does not include regular urban bus services.		
FREIGHT TRANSPORTATION (71231, 71232, 71233, 71234)	(1) Unbound (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound (2) None (3) None (4) None
G. PIPELINE TRANSPORT		
TRANSPORTATION OF FUELS (7131)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
TRANSPORTATION OF OTHER GOODS (7139)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None

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

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment
<u>H. SERVICES AUXILIARY TO ALL MODES OF TRANSPORT</u>		
STORAGE AND WAREHOUSE SERVICES (742 excluding maritime)	(1) Unbound * (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) Unbound * (2) None (3) None (4) None
FREIGHT FORWARDING (748 excluding maritime)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None
PRESHIPMENT INSPECTION (749 excluding maritime)	(1) None (2) None (3) None (4) Unbound except as indicated in the horizontal section.	(1) None (2) None (3) None (4) None

* Unbound due to lack of technical feasibility.

NOTE ON MARITIME SERVICES

Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator (as defined in Definition 2 below) shall have the ability to rent or lease trucks, railway carriages, or barges and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations.

For the purposes of this schedule, "reasonable and non-discriminatory terms and conditions" means, for the purposes of multimodal transport operations, the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date.

When the following services are not otherwise covered by the obligation enshrined in Article XXXIV(c), they will be 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 collecting and ballast waste disposal; Port Captain's services; navigation aids; shore-based operational services essential to ship operations, including communications, water and electrical supplies; emergency repair facilities; [anchorage, berth and berthing services].

DEFINITIONS

1. 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.

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.

2. Multimodal Transport Operator: the person on whose behalf the bill of lading/multimodal transport document, or any other 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.

3. Other Forms of Commercial Presence for the Supply of International Maritime Transport Service: 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 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.

4. 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.

5. 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 or 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;
- 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.

6. 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.

7. 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 service is the main activity of the service provider or a usual complement of its main activity.

8. 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.

9. 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, form 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.