

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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COMMUNICATION FROM AUSTRALIA

Conditional Offer of Australia Concerning Initial Commitments

The attached communication is circulated at the request of the delegation of Australia.

COMMUNICATION FROM AUSTRALIA

GENERAL AGREEMENT ON TRADE IN SERVICES

The Australian Government attaches great importance to the successful conclusion of a General Agreement on Trade in Services with relevant sectoral annexes. In addition, it is the position of the Australian Government that initial commitments need to enter into force at the same time as the General Agreement of Trade in Services. It is in this context that the Australian Government is putting forward at this stage, despite the lack of agreement on certain key provisions in the draft text of the Agreement, the following preliminary and conditional offer.

AUSTRALIA'S INITIAL OFFER ON SERVICES

The following is Australia's initial offer to bind levels of market access and national treatment in the area of services. The offer is conditional and without commitment.

This offer applies only to the services inscribed in the attached schedule and to the extent described therein. An explanatory note regarding sectoral coverage is also attached.

The Australian Government reserves the right to withdraw, modify or reduce this offer, in whole or in part, at any time prior to the conclusion of the services negotiations. The offer is conditional upon a number of factors, primarily the satisfactory negotiation of a final text of the General Agreement on Trade in Services, including agreement on comprehensive sectoral coverage and a strong, generally applicable, most-favoured-nation obligation.

With respect to financial services, including insurance, Australia is prepared to enter into negotiations on commitments, subject to the adoption of a satisfactory financial services annex.

The Australian Government remains willing to negotiate commitments in the context of the proposed phase of negotiations involving an exchange of concessions. In addition to the conditions outlined above, willingness to participate in negotiations leading to a possible exchange of trade concessions will depend on satisfactory procedures being agreed for such negotiations. Australia's contemplation of bindings will also be subject to adequate participation by others and their preparedness to provide mutually acceptable offers in areas of interest to Australia.

Foreign investment

Nothing in the attached schedule shall affect the right of the Australian Government to regulate foreign investment in accordance with relevant legislation and policies applicable from time to time.

Details of relevant legislation and foreign investment policy guidelines are publicly available in accordance with Article III of the draft General Agreement on Trade in Services.

Temporary residence

The Australian Government reserves the right to regulate the entry of individual foreign services personnel associated with the provision of a service in accordance with national immigration regulations and procedures applicable from time to time.

Details of the requirement and processing guidelines pertaining to temporary entry into Australia are publicly available in accordance with Article III of the draft General Agreement on Trade in Services.

Competition law

Nothing in the attached schedule shall affect the right of the Australian Government to enforce Australian competition laws as contained in relevant legislation.

Details of relevant legislation are publicly available in accordance with Article III of the draft General Agreement on Trade in Services.

Sub-national entities

This offer does not involve any obligations with respect to the regulatory activities of sub-national entities. The extent to which the application of measures by sub-national entities might eventually be covered under this schedule will depend on the satisfactory final formulation of relevant provisions in the General Agreement on Trade in Services.

Sector/Sub-Sector	Mode of Delivery	Limitations or Conditions on Market Access	Conditions and Qualifications on National Treatment
Business Services			
Accountancy	Cross-border delivery Movement of consumer Commercial presence	No limitations or conditions ¹ No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines
Movement of personnel		Subject to national immigration regulations and procedures	Not applicable
Consultancy: general	Cross-border delivery Movement of consumer Commercial presence	No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines
Movement of personnel		Subject to national immigration regulations and procedures	Not applicable

¹ Registration of company auditors and liquidators is required under the Australian Companies and Securities legislation and of tax agents under the Taxation Act, which require particular qualifications in these fields. Registration criteria are publicly available.

Sector/Sub-Sector	Mode of Delivery	Limitations or Conditions on Market Access	Conditions and Qualifications on National Treatment
Consultancy: agriculture	Cross-border delivery	No limitations or conditions	No conditions or qualifications
	Movement of consumer	No limitations or conditions	Not applicable
	Commercial presence	No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines	No conditions or qualifications subject to Australian foreign investment policy guidelines
	Movement of personnel	Subject to national immigration regulations and procedures	Not applicable
Consultancy: mining and minerals	Cross-border delivery	No limitations or conditions	No conditions or qualifications
	Movement of consumer	No limitations or conditions	Not applicable
	Commercial presence	No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines	No conditions or qualifications subject to Australian foreign investment policy guidelines
	Movement of personnel	Subject to national immigration regulations and procedures	Not applicable

Sector/Sub-Sector	Mode of Delivery	Limitations or Conditions on Market Access	Conditions and Qualifications on National Treatment
Consultancy: quantity surveying	Cross-border delivery	No limitations or conditions	No conditions or qualifications
	Movement of consumer	No limitations or conditions	Not applicable
	Commercial presence	No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines	No conditions or qualifications subject to Australian foreign investment policy guidelines
	Movement of personnel	Subject to national immigration regulations and procedures	Not applicable
Consultancy: management	Cross-border delivery	No limitations or conditions	No conditions or qualifications
	Movement of consumer	No limitations or conditions	Not applicable
	Commercial presence	No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines	No conditions or qualifications subject to Australian foreign investment policy guidelines
	Movement of personnel	Subject to national immigration regulations and procedures	Not applicable

Sector/Sub-Sector	Mode of Delivery	Limitations or Conditions on Market Access	Conditions and Qualifications on National Treatment
Interpreter services	Cross-border delivery Movement of consumer Commercial presence Movement of personnel	No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines Subject to national immigration regulations and procedures	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines Not applicable
Marketing services	Cross-border delivery Movement of consumer Commercial presence Movement of personnel	No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines Subject to national immigration regulations and procedures	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines Not applicable

Sector/Sub-Sector	Mode of Delivery	Limitations or Conditions on Market Access	Conditions and Qualifications on National Treatment
Pest control services (industrial or domestic)	Cross-border delivery	No limitations or conditions	No conditions or qualifications
	Movement of consumer	No limitations or conditions	Not applicable
	Commercial presence	No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines	No conditions or qualifications subject to Australian foreign investment policy guidelines
	Movement of personnel	Subject to national immigration regulations and procedures	Not applicable
Secretarial services	Cross-border delivery	No limitations or conditions	No conditions or qualifications
	Movement of consumer	No limitations or conditions	Not applicable
	Commercial presence	No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines	No conditions or qualifications subject to Australian foreign investment policy guidelines
	Movement of personnel	Subject to national immigration regulations and procedures	Not applicable

Sector/Sub-Sector	Mode of delivery	Limitations or Conditions on Market Access	Conditions and Qualifications on National Treatment
Temporary employment services	Cross-border delivery Movement of consumer Commercial presence Movement of personnel	No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines Subject to national immigration regulations and procedures	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines Not applicable
Opinion polling (public)	Cross-border delivery Movement of consumer Commercial presence Movement of personnel	No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines Subject to national immigration regulations and procedures	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines Not applicable

Sector/Sub-Sector	Mode of Delivery	Limitations or Conditions on Market Access	Conditions and Qualifications on National Treatment
News agency/wire services	Cross-border delivery Movement of consumer Commercial presence	No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines
	Movement of personnel	Subject to national immigration regulations and procedures	Not applicable
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Recreation Services			
	Cross-border delivery Movement of consumer Commercial presence	No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines
	Movement of personnel	Subject to national immigration regulations and procedures	Not applicable

Sector/Sub-Sector	Mode of Delivery	Limitations or Conditions on Market Access	Conditions and Qualifications on National Treatment
<u>Transportation</u>			
Airline reservation systems	Cross-border delivery Movement of consumer Commercial presence Movement of personnel	No limitations or conditions No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines Subject to national immigration regulations and procedures	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines Not applicable
Airline maintenance and overhaul	Cross-border delivery Movement of consumer Commercial presence Movement of personnel	No limitations or conditions No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines Subject to national immigration regulations and procedures	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines Not applicable

Sector/Sub-Sector	Mode of Delivery	Limitations or Conditions on Market Access	Conditions and Qualifications on National Treatment
<u>Other Services not Included Elsewhere</u>			
Convention services	Cross-border delivery Movement of consumer Commercial presence Movement of personnel	No limitations or conditions No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines Subject to national immigration regulations and procedures	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines Not applicable
Hotel and catering management	Cross-border delivery Movement of consumer Commercial presence Movement of personnel	No limitations or conditions No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines Subject to national immigration regulations and procedures	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines Not applicable
Tour guide services	Cross-border delivery Movement of consumer Commercial presence Movement of personnel	No limitations or conditions No limitations or conditions No limitations or conditions other than those relating to compliance with Australian foreign investment policy guidelines Subject to national immigration regulations and procedures	No conditions or qualifications Not applicable No conditions or qualifications subject to Australian foreign investment policy guidelines Not applicable

DEFINITION OF SECTORS

(for explanatory purposes only)

Business services

Accountancy

This sector consists of establishments or persons mainly engaged in providing financial auditing and accounting review services; compilation of financial statements; tax agents, tax advising (conducted by accountants), book-keeping, and other accounting services. Excludes data processing and tabulation services.

Consultancy: business

This sector consists of establishments or persons mainly engaged in providing business consultancy services (including business analysis or research, or efficiency or organization and methods studies), or statistical services (except data tabulation services or services of government statistical organizations).

Excluding technical consultancy services (e.g., building, environmental, computer services), fashion design, public relations and management consultancy services.

Consultancy: agriculture

This sector consists of establishments or persons mainly engaged in providing agricultural consultancy services including farm management, land use and soil surveys, crop and livestock husbandry, regional planning, commodity marketing, research and forecasting services.

Consultancy: management

This sector consists of establishments or persons mainly engaged in providing management consultancy services (including personnel management, institutional strengthening, management development and similar services). Excluding management consultancy services concerned substantially with financial advising on taxation and related subjects.

Consultancy: mining and minerals

This sector consists of establishments or persons mainly providing exploration, evaluation, processing and other consultancy services in respect of mining, minerals, petroleum, and oil and gas fields.

Consultancy: quantity surveying

This sector consists of establishments or persons mainly involved in providing quantity surveying consultancy services.

Interpreter services

This sector consists of establishments engaged predominantly in providing language interpretation and related translation services but not including tour guide services.

Marketing services

This sector consists of establishments predominantly engaged in market research, sales promotion, merchandising and similar services.

Pest control services

This sector consists of establishments mainly engaged in providing industrial or domestic pest control services including aerial agricultural services, services to agriculture n.e.c. or forestry and services to forestry.

Secretarial services

This sector consists of establishments engaged predominantly in providing secretarial, stenographer, word-processing (but not data entry services) and related office management services.

Temporary employment services

This sector consists of establishments engaged predominantly in providing temporary employment agency services. Establishments mainly engaged in providing their own employees to other establishments on a contract or fee basis are included in this sector if the contract is for the supply of labour only and not for the provision or performance of specified services or tasks (such as the provision of accountancy, security or repair and maintenance services carried out at the locations of the 'clients' establishments and under the direction of the "client" establishments).

Opinion polling

This sector consists of establishments engaged predominantly in public opinion polling, sampling, and related social research services excluding predominantly market research activities.

Communication services

News agency/wire services

This sector includes news services such as those provided by international news agencies. Excludes data bank services which are recorded separately and inter-active news agency services.

Recreation services

Commercial spectator sports

This sector consists of establishments mainly engaged in providing sporting and recreational activities including race course or track operation, golf course operation, pleasure boating and marinas, and motor track racing.

Transportation

Airline reservation systems

This sector consists of establishments mainly engaged in providing travel agency services such as transport and/or accommodation booking and tour wholesaling or retailing services, and also of establishments mainly engaged in providing such reservation information or services to travel agents.

Excluding tour retail, tour wholesale, tourist bureau services and travel agency services.

Airline maintenance and overhaul

This sector consists of establishments mainly engaged in the maintenance, overhaul and repair of aircraft, aircraft engines or aircraft parts.

Excluding aircraft building, aircraft engine manufacturing, aircraft parts manufacturing n.e.c., glider manufacturing, guided missile manufacturing, helicopter parts manufacturing n.e.c., helicopter manufacturing and target aircraft manufacturing.

Other services not included elsewhere

Convention services

This sector consists of establishments engaged predominantly in the provision of planning, organizing, managing and marketing services for conventions and similar events, including embodied catering and beverage services.

Hotel and catering management

This sector consists of establishments mainly engaged in hospitality, accommodation, catering and related food preparation services and facilities management services.

Tour guide services

This sector consists of establishments mainly engaged in offering guides with the necessary knowledge and training skills to act as guides either intra-State, inter-State or tourist attractions etc.