

## **ANNEX II**

### **SCHEDULE OF AUSTRALIA**

#### **INTRODUCTORY NOTES**

1. For the avoidance of doubt, in relation to education services, nothing in Chapter 7 (Cross-Border Trade in Services) or Chapter 12 (Establishment and Related Provisions) shall interfere with:

- (a) the ability of individual education and training institutions to maintain autonomy in admissions policies (including in relation to considerations of equal opportunity for students and recognition of credits and degrees), in setting tuition rates and in the development of curricula or course content;
- (b) non-discriminatory accreditation and quality assurance procedures for education and training institutions and their programmes, including the standards that must be met;
- (c) government funding, subsidies or grants, such as land grants, preferential tax treatment and other public benefits, provided to education and training institutions; or
- (d) the need for education and training institutions to comply with non-discriminatory requirements related to the establishment and operation of a facility in a particular jurisdiction.

2. For greater certainty, where Australia has more than one entry in its Schedule to Annex II that could apply to a measure, each entry is to be read independently, and is without prejudice to the application of any other entry to the measure.

**AU-1**

**Sector** All Sectors

**Obligations Concerned** Market Access (Article 7.3)

**Description** Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, subject to the provisions of Chapter 10 (Movement of Natural Persons).

**Existing Measures**

**AU-2**

**Sector**

All Sectors

**Obligations Concerned**

National Treatment (Article 7.4)

**Description**

Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, except for categories of natural persons specified in Australia's Specific Commitments on the Movement of Natural Persons in Annex 10-A to Chapter 10 (Movement of Natural Persons).

**Existing Measures**

### **AU-3**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	Market Access (Article 7.3) National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5) Performance Requirements (Article 12.6) Senior Management and Boards of Directors (Article 12.7)
<b>Description</b>	<p><u>Cross-Border Trade in Services, and Establishment and Related Provisions</u></p> <p>Australia reserves the right to adopt or maintain any measure according preferences to any Indigenous person or organisation or 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.</p> <p>Australia reserves the right to adopt or maintain any measure with respect to investment that accords preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation.</p> <p>For the purpose of this entry, an Indigenous person means a person of the Aboriginal and Torres Strait Islander peoples.</p>
<b>Existing Measures</b>	Legislation and Ministerial Statements at all levels of government including Australia's Foreign Investment Policy, and the <i>Native Title Act 1993</i> (Cth).

**AU-4**

**Sector** All Sectors

**Obligations Concerned** Market Access (Article 7.3)

**Description** Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure at the central or regional level of government, except for the sectors and subsectors, and subject to the terms, limitations and conditions, listed in Appendix II.1 to this Schedule.

**Existing Measures**

## AU-5

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Performance Requirements (Article 12.6)
<b>Description<sup>1</sup></b>	<u>Establishment and Related Provisions</u>  Australia reserves the right to adopt or maintain any measure with respect to a proposed acquisition by a foreign person <sup>2</sup> of an interest in Australian land <sup>3</sup> , other than developed commercial land or land that is used wholly and exclusively for a primary production business.
<b>Existing Measures</b>	Australia's Foreign Investment Framework, which comprises Australia's Foreign Investment Policy, the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth); <i>Foreign Acquisitions and Takeovers Regulation 2015</i> (Cth); <i>Foreign Acquisitions and Takeovers Fees Imposition Act 2015</i> (Cth); <i>Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015</i> (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements.

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<sup>1</sup> The terms in this entry should be interpreted in accordance with Australia's Foreign Investment Framework as at the date of entry into force of this Agreement.

<sup>2</sup> For the purposes of this entry, the term "foreign person" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and the *Foreign Acquisitions and Takeovers Regulation 2015* (Cth).

<sup>3</sup> The terms "Australian land" and "interest in Australian land" have the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and the *Foreign Acquisitions and Takeovers Regulation 2015* (Cth).

## **AU-6**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation Treatment (Article 12.5) Performance Requirements (Article 12.6) Senior Management and Board of Directors (Article 12.7)
<b>Description<sup>4</sup></b>	<p><u>Establishment and Related Provisions</u></p> <p>Australia reserves the right to adopt or maintain any measure with respect to the proposed acquisition by a foreign person<sup>5</sup> of an interest in agricultural land<sup>6</sup> where the cumulative value of the agricultural land owned by the foreign person alone or together with associates, including the proposed acquisition, is above 15 million Australian dollars.</p> <p>Australia reserves the right to adopt or maintain any measure with respect to the proposed acquisition by a foreign person of an interest in an agribusiness<sup>7</sup> where the cumulative value of the interest held by the foreign person in that agribusiness, alone or together with associates, including the proposed acquisition, is above 57 million Australian dollars.</p>
<b>Existing Measures</b>	Australia's Foreign Investment Framework, which comprises Australia's Foreign Investment Policy, the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth); <i>Foreign Acquisitions and Takeovers Regulation 2015</i> (Cth); <i>Foreign Acquisitions and Takeovers Fees Imposition Act 2015</i> (Cth); <i>Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015</i> (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements.

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<sup>4</sup> The terms in this entry should be interpreted in accordance with Australia's Foreign Investment Framework as at the date of entry into force of this Agreement.

<sup>5</sup> For the purposes of this entry, the term "foreign person" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and the *Foreign Acquisitions and Takeovers Regulation 2015* (Cth).

<sup>6</sup> The term "agricultural land" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and the *Foreign Acquisitions and Takeovers Regulation 2015* (Cth).

<sup>7</sup> The term "agribusiness" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and the *Foreign Acquisitions and Takeovers Regulation 2015* (Cth).

## AU-7

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	Market Access (Article 7.3) National Treatment (Articles 7.4 and 12.4) Performance Requirements (Article 12.6) Senior Management and Boards of Directors (Article 12.7)
<b>Description</b>	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u>  Australia reserves the right to adopt or maintain any measure with respect to: <ul style="list-style-type: none"><li>(a) the devolution to the private sector of services provided in the exercise of governmental authority at the date of entry into force of this Agreement; or</li><li>(b) the privatisation of government owned entities or assets.</li></ul>

## **Existing Measures**



## **AU-8**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	Market Access (Article 7.3) National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5) Most-Favoured-Nation Treatment (Articles 7.6 and 12.5) Performance Requirements (Article 12.6) Senior Management and Boards of Directors (Article 12.7)
<b>Description</b>	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u>  Australia reserves the right to adopt or maintain any measure <sup>8</sup> with respect to the provision of law enforcement and correctional services, and the following services <sup>9</sup> to the extent that they are social services established or maintained for a public purpose: income security or insurance; social security or insurance; social welfare; public education; public training; health <sup>10</sup> ; child care; public utilities; public transport; and public housing.

### **Existing Measures**

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<sup>8</sup> For greater certainty, measures adopted or maintained with respect to the provision of services covered by this entry include measures for the protection of personal information relating to health and children.

<sup>9</sup> This includes any measure with respect to: the collection of blood and its components; the distribution of blood and blood-related products, including plasma derived products; plasma fractionation services; and the procurement of blood and blood-related products and services.

<sup>10</sup> For greater certainty, the subsidies programmes under Australia's Pharmaceutical Benefits Scheme and Medicare Benefits Scheme, or successor programmes, are not subject to Chapter 12 (Establishment and Related Provisions), in accordance with Article 12.2(3)(a) (Scope).

## AU-9

<b>Sector</b>	Communications Services; Recreational, Cultural and Sporting Services
<b>Obligations Concerned</b>	Market Access (Article 7.3) National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5) Most-Favoured-Nation Treatment (Articles 7.6 and 12.5) Performance Requirements (Article 12.6) Senior Management and Board of Directors (Article 12.7)
<b>Description</b>	<p><u>Cross-Border Trade in Services, and Establishment and Related Provisions</u></p> <p>Australia reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"><li>(a) the creative arts<sup>11</sup>, cultural heritage<sup>12</sup> and other cultural industries, including audiovisual services, entertainment services and libraries, archives, museums and other cultural services;</li><li>(b) broadcasting and audiovisual services, including measures with respect to planning, licensing and spectrum management, and including:<ul style="list-style-type: none"><li>(i) services offered in Australia; and</li><li>(ii) international services originating from Australia.</li></ul></li></ul>
<b>Existing Measures</b>	<i>Broadcasting Services Act 1992 (Cth); Radiocommunications Act 1992 (Cth); Income Tax Assessment Act 1936 (Cth); Income Tax Assessment Act 1997 (Cth); Screen Australia Act 2008 (Cth); Australia Council Act 2013 (Cth); Broadcasting Services (Australian Content) Standard 2005; Children’s Television Standards 2009; Television Program Standard 23 – Australian</i>

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<sup>11</sup> For the purposes of this entry, “creative arts” include: the performing arts, including theatre, dance and music, visual arts and craft, literature, film, television, video, radio, creative on-line content, indigenous traditional practice and contemporary cultural expression, and digital interactive media and hybrid art works which uses new technologies to transcend discrete art form divisions.

<sup>12</sup> For the purposes of this entry, “cultural heritage” means: ethnological, archaeological, historical, literary, artistic, scientific or technological moveable or built heritage, including the collections which are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions.

Content in Advertising; Commercial Radio Codes of Practice and Guidelines; Community Broadcasting Codes of Practice; and International Co-Production Programs.

**AU-10**

<b>Sector</b>	Education Services
<b>Obligations Concerned</b>	Market Access (Article 7.3) National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5) Most-Favoured-Nation Treatment (Articles 7.6 and 12.5) Performance Requirements (Article 12.6) Senior Management and Boards of Directors (Article 12.7)
<b>Description</b>	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u>  Australia reserves the right to adopt or maintain any measure with respect to primary education.
<b>Existing Measures</b>	

## **AU-11**

<b>Sector</b>	Gambling and Betting
<b>Obligations Concerned</b>	Market Access (Article 7.3) National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5) Performance Requirements (Article 12.6) Senior Management and Boards of Directors (Article 12.7)
<b>Description</b>	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u>  Australia reserves the right to adopt or maintain any measure with respect to gambling and betting.
<b>Existing Measures</b>	Legislation and Ministerial Statements including the <i>Interactive Gambling Act 2001</i> (Cth).

## AU-12

<b>Sector</b>	Maritime Transport
<b>Obligations Concerned</b>	Market Access (Article 7.3) National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5) Performance Requirements (Article 12.6) Senior Management and Boards of Directors (Article 12.7)
<b>Description</b>	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u>  Australia reserves the right to adopt or maintain any measure with respect to maritime cabotage services and offshore transport services <sup>13</sup> .
<b>Existing Measures</b>	<i>Customs Act 1901 (Cth); Fair Work Act 2009 (Cth); Seafarers' Rehabilitation and Compensation Act 1992 (Cth); Occupational Health and Safety (Maritime Industry) Act 1993 (Cth); Income Tax Assessment Act 1936 (Cth); Coastal Trading (Revitalising Australian Shipping) Act 2012 (Cth); Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012 (Cth); and Shipping Reform (Tax Incentives) Act 2012 (Cth).</i>

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<sup>13</sup> For the purposes of this entry, “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.

**AU-13**

<b>Sector</b>	Maritime Transport
<b>Obligations Concerned</b>	Market Access (Article 7.3) National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5)
<b>Description</b>	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u>  Australia reserves the right to adopt or maintain any measure with respect to the registration of vessels in Australia.
<b>Existing Measures</b>	<i>Shipping Registration Act 1981</i> (Cth); and <i>Shipping Registration Regulations 1981</i> (Cth).

**AU-14**

<b>Sector</b>	Transport Services
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Senior Management and Boards of Directors (Article 12.7)
<b>Description</b>	<u>Establishment and Related Provisions</u>  Australia reserves the right to adopt or maintain any measure with respect to investment in federal leased airports.
<b>Existing Measures</b>	<i>Airports Act 1996 (Cth); Airports (Ownership-Interests in Shares) Regulations 1996 (Cth); and Airports Regulations 1997 (Cth).</i>



## **AU-15**

<b>Sector</b>	All Sectors
<b>Obligations Concerned</b>	Most-Favoured-Nation Treatment (Articles 7.6 and 12.5)
<b>Description</b>	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u>

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to any service supplier or investor under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement<sup>14</sup>.

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to any service supplier or investor taken as part of a process of economic integration or trade liberalisation between the parties to the *Australia-New Zealand Closer Economic Relations Trade Agreement* done at Canberra on March 28, 1983.

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to any service supplier or investor of a Pacific Island Forum member state under any international agreement in force or signed after the date of entry into force of this Agreement.

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to the service suppliers or investors of non-Parties under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters, including salvage.

### **Existing Measures**

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<sup>14</sup> For greater certainty, this right extends to any differential treatment accorded pursuant to a subsequent review or amendment of the relevant bilateral or multilateral international agreement.

## APPENDIX II.1

### AUSTRALIA'S SCHEDULE OF SPECIFIC COMMITMENTS

For the purposes of this Appendix, the 'Limitations on Market Access' column refers to the modes for the supply of a service as defined in paragraph 3 of the Explanatory Notes for Annex II.

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
<b>1. BUSINESS SERVICES</b>		
<b>A. Professional Services</b>		
a) Legal services <sup>15</sup>	1) None	
(i) Legal advisory and representational services in domestic law (host-country law)	2) None	3) None

<sup>15</sup> For the purposes of this commitment:

"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, or services provided by patent or trade marks attorneys.

"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. (Note 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, or services provided by patent or trade marks attorneys.

"legal arbitration, conciliation and mediation services" includes preparation of documents to be submitted to, preparation for and appearance before, an arbitrator, conciliator or mediator in any dispute involving the application and interpretation of law. Does not include arbitration, conciliation and mediation services in disputes for which the law has no bearing which fall under services incidental to management consulting. As a sub-category, international legal arbitration, conciliation or mediation services refer to the same services when the dispute involves parties from two or more countries.

"domestic law (host country law)" means the law of Australia.

"foreign law" means the law of WTO Members and other countries other than the law of Australia.

"international law" includes law established by international treaties and conventions, as well as customary law.

For the purposes of these definitions:

"arbitration" is taken to mean a process in which the parties to a dispute present arguments and evidence to a dispute resolution practitioner (the arbitrator) who makes a determination.

"mediation" is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the mediator), identify the issues in dispute, develop options, consider alternatives

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector		Limitations on Market Access
(ii) Legal advisory services in foreign law and international law	1) None 2) None 3) None, except that: In South Australia, 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.	
(iii) Legal arbitration, conciliation and mediation services	1) None 2) None 3) None	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	
c) Taxation services (CPC 863)	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	
e) Engineering services (CPC 8672)	1) None 2) None 3) None	
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	
h) Dental services	1) None	

and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

“conciliation” is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the conciliator), identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role on the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of conciliation whereby resolution is attempted, and may make suggestions for terms of settlement, give expert advice on likely settlement terms, and may actively encourage the participants to reach an agreement.

1) Mode 1	2) Mode 2	3) Mode 3
<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	
(CPC 93123)	2) None	3) None
i) Veterinary services (CPC 932)	1) None	2) None 3) None
<b>B. <u>Computer and related services (CPC 84)</u></b>  For greater certainty, entry AU-9 of this Annex applies to measures relating to content for Computer and related services (CPC 84)	1) None	2) None 3) None
<b>C. <u>Research and Development Services</u></b>		
a) R&D services on natural sciences and engineering (CPC 851)	1) None	2) None 3) None
b) R&D services on social sciences and humanities (CPC 852)	1) None	2) None 3) None
c) Interdisciplinary R&D services (CPC 853)	1) None	2) None 3) None
<b>D. <u>Real Estate Services</u></b>		
a) Involving own or leased property (CPC 821)	1) None, except commercial presence required	2) None, except commercial presence required 3) None
b) On a fee or contract basis (CPC 822)	1) None, except commercial presence required	2) None, except commercial presence required 3) None
<b>E. <u>Rental/Leasing Services without Operators</u></b>		
a) Relating to ships (CPC 83103**) <p>For greater certainty, this excludes cabotage and offshore transport services</p>	1) None	2) None 3) None

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
in accordance with entry AU-12 of this Annex.		
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None	
c) Relating to other transport equipment (CPC 83101, 83102 and 83105)	1) None 2) None 3) None	
d) Relating to other machinery and equipment (CPC 83106 - 83109)	1) None 2) None 3) None	
e) Other – leasing or rental services concerning personal or household goods (CPC 832)	1) None 2) None 3) None	
<b>F. Other Business Services</b>		
a) Advertising services (CPC 87110, 87120** and 87190)  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); and distribution and delivery of advertising material or samples.  Does not include production, broadcast or screening of advertisements for radio, television or cinema.	1) None 2) None 3) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	

1) Mode 1		2) Mode 2		3) Mode 3	
Sector or Subsector		Limitations on Market Access			
e)	Technical testing and analysis services (CPC 8676)	1)	None	2)	None
		3)	None		
f)	Services incidental to agriculture, hunting and forestry (CPC 8811**, 8812** and 8814**)  Provision of advice and guidance relating to crop and livestock management on a consultancy basis. Includes specialised consultancy services only, related to forestry activities, timber evaluation, forest management or planning. Does not include logging.	1)	None	2)	None
		3)	None		
g)	Services incidental to fishing (CPC 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		
h)	Services incidental to mining and site preparation work for mining (CPC 883, 5115)	1)	None	2)	None
		3)	None		
i)	Services incidental to manufacturing (CPC 884 and 885, except for 88442)	1)	None	2)	None
		3)	None		
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		
k)	Placement and supply services of personnel	1)	Unbound	2)	None

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
(CPC 872)	3) None	
l) Investigation and security services (CPC 873)	1) None 2) None 3) None	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 and 8861 – 8866)	1) None 2) None 3) None	
o) Building-cleaning services (CPC 874)	1) Unbound 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	
q) Packaging services (CPC 876)	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	
t) Other:		
(i) Telephone answering services (CPC 87903)	1) None 2) None 3) None	
(ii) Duplicating services (CPC 87904)	1) None 2) None 3) None	
(iii) Translation and interpretation services	1) None 2) None	

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
(CPC 87905)	3) None	
(iv) Mailing list compilation and mailing services (CPC 87906)	1) None 2) None 3) None	
(v) Specialty design services (CPC 87907)	1) None 2) None 3) None	
<b>2. COMMUNICATION SERVICES</b>		
<b>C. Telecommunications services</b>		
Covers the following subsectors from the Services Sectoral Classification List (W/120) and related CPC numbers 7521, 7522, 7523 and 7529**		
a) Voice telephone services	1) None 2) None 3) None	
b) Packet-switched data transmission services	1) None 2) None 3) None	
c) Circuit-switched data transmission services	1) None 2) None 3) None	
d) Telex services	1) None 2) None 3) None	
e) Telegraph services	1) None 2) None 3) None	
f) Facsimile services	1) None 2) None 3) None	
g) Private leased circuit services	1) None 2) None 3) None	
o) Other:		



1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector		Limitations on Market Access
(i) Digital cellular services	1) None 2) None 3) None	
(ii) Paging services	1) None 2) None 3) None	
(iii) Personal communications services	1) None 2) None 3) None	
(iv) Trunked radio system services	1) None 2) None 3) None	
(v) Mobile data services	1) None 2) None 3) None	
(vi) Services covered by the <i>Broadcasting Services Act 1992</i> (Cth) are excluded from the basic telecommunications sector.	1) None 2) None 3) None	
h) Electronic mail (CPC 7523**)	1) None 2) None 3) None	
i) Voice mail (CPC 7523**)	1) None 2) None 3) None	
j) On-line information and data base retrieval (CPC 7523**)	1) None 2) None 3) None	
k) Electronic data interchange (EDI) (CPC 7523**)	1) None 2) None 3) None	
l) Enhanced/value-added facsimile services, including store and retrieve (CPC 7523**)	1) None 2) None 3) None	
m) Code and protocol conversion (CPC 7523**)	1) None 2) None 3) None	

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>		
<b>A. <u>General construction work for buildings</u></b> (CPC 512)	1) Unbound 2) None 3) None	
<b>B. <u>General construction work for civil engineering</u></b> (CPC 513)	1) Unbound 2) None 3) None	
<b>C. <u>Installation and assembly work</u></b> (CPC 514 and 516)	1) Unbound 2) None 3) None	
<b>D. <u>Building completion and finishing work</u></b> (CPC 517)	1) Unbound 2) None 3) None	
<b>E. <u>Other</u><sup>16</sup></b> (CPC 511**, 515 and 518) Excludes site preparation for mining (CPC 5115)	1) Unbound 2) None 3) None	
<b>4. DISTRIBUTION SERVICES</b>		
<b>A. <u>Commission agents' services</u></b> (CPC 62111, 62112** and 62113 - 62118)  Includes services by commission agents, commodity brokers, auctioneers and other wholesalers who trade on behalf of others, of food products and non-alcoholic beverages. Excludes tobacco, alcoholic beverages and firearms.	1) None 2) None 3) None	
<b>B. <u>Wholesale trade services</u></b> (CPC 622**)  Excludes wholesale trade services of unmanufactured tobacco, tobacco products, alcoholic beverages and firearms.	1) None 2) None 3) None	

<sup>16</sup> Site preparation for mining (CPC 5115) is covered under F. Other Business Services - h) Services incidental to mining and site preparation work for mining (CPC 883 and 5115).

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
<p><b>C. <u>Retailing services</u></b> (CPC 631**, 63211**, 63212, 6322, 6323, 6324, 6325, 6329**, 61112, 61113 and 6121)</p> <p>Australia's commitments in relation to these services extend to cover the following services not listed in relevant CPC classifications: inventory management of goods, assembling, sorting and grading of goods, breaking bulk, re-distribution and delivery services for retailing. Does not cover dispensing of pharmaceuticals, retailing services of alcoholic beverages, tobacco products and firearms.</p>	<p>1) Unbound except for mail order</p> <p>2) None</p> <p>3) None</p>	
<p><b>D. <u>Franchising</u></b> (CPC 8929)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	
<b>5. EDUCATION SERVICES</b>		
<p><b>B. <u>Secondary education services</u></b> (CPC 922**)</p> <p>Covers general as well as technical and vocational education at the secondary level in private institutions.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	
<p><b>C. <u>Higher education services</u></b> (CPC 923**)</p> <p>Covers provision of private tertiary education services including at university level.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	
<p><b>E. <u>Other education services</u></b> (CPC 929**)</p> <p>Covers English language tuition.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

	1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access		
<b>6. ENVIRONMENTAL SERVICES<sup>17, 18</sup></b>			
<b>A. <u>Wastewater management</u></b> (CPC 9401)  This covers removal, treatment and disposal of household, commercial and industrial sewage and other waste waters including tank emptying and cleaning, monitoring, removal and treatment of solid wastes.	1) None	2) None	3) None
<b>B. <u>Waste management</u></b> (CPC 9402, 9403)  This covers hazardous and non-hazardous waste collection, treatment and disposal (including incineration, composting and landfill), sweeping and snow removal, and other sanitation services.	1) None	2) None	3) None
<b>C. <u>Protection of ambient air and climate</u></b> (CPC 9404)  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.	1) None	2) None	3) None
<b>D. <u>Remediation and clean-up of soil and water</u></b> (CPC 9406**) <sup>19</sup>  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.	1) None	2) None	3) None

<sup>17</sup> Australia's commitments on environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

<sup>18</sup> The classification scheme adopted on environmental services is largely based upon the scheme proposed by the European Communities (EC) in 2000 (see pages 6-7 of the EC paper "GATS 2000: Environmental Services", S/CSS/W/38), noting the exclusion outlined in footnote 17.

<sup>19</sup> Australia's commitments under 6.D and 6.F combine to cover the entirety of CPC 9406 services.

	1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access		
<p><b>E. <u>Noise and vibration abatement</u></b> (CPC 9405)</p> <p>This covers monitoring programmes, and installation of noise reduction systems and screens.</p>	1) None	2) None	3) None
<p><b>F. <u>Protection of biodiversity and landscape</u></b> (CPC 9406**) <sup>20</sup></p> <p>This covers ecology and habitat protection and promotion of forests and promoting sustainable forestry.</p>	1) None	2) None	3) None
<p><b>G. <u>Other environmental and ancillary services</u></b> (CPC 9409)</p> <p>This covers other environment protection services, including services related to environmental impact assessment.</p>	1) None	2) None	3) None
<b>8. HEALTH-RELATED AND SOCIAL SERVICES</b>			
<p><b>B. <u>Other human health services</u></b> (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>	1) Unbound	2) None	3) None
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
<p><b>A. <u>Hotels and restaurants</u></b> (CPC 641, 642, 643)</p>	1) Unbound	2) None	3) None
<p><b>B. <u>Travel agencies and tour operator services</u></b> (CPC 7471) <sup>21</sup></p>	1) None	2) None	3) None

<sup>20</sup> Australia's commitments under 6.D and 6.F combine to cover the entirety of CPC 9406 services.

<sup>21</sup> On the selling and marketing of air transport services, see 11.C of this Appendix.

1) Mode 1	2) Mode 2	3) Mode 3
<b>Sector or Subsector</b>		<b>Limitations on Market Access</b>
<b>C. <u>Tourist guide services</u></b> (CPC 7472)	1) None 2) None 3) None	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>		
<b>B. <u>News agency services</u></b> (CPC 962)	1) None 2) None 3) None	
<b>D. <u>Sporting and other recreational services</u></b>		
a) Sporting services (CPC 9641)	1) None 2) None 3) None	
b) Other recreational services: Recreation park and beach services (CPC 96491)	1) None 2) None 3) None	
<b>11. TRANSPORT SERVICES</b>		
<b>A. <u>Maritime transport services</u></b>		
International transport (freight and passengers)  (CPC 7211 and 7212)  For greater certainty, this excludes cabotage and offshore transport services in accordance with entry AU-12 of this Annex.	1) a) Liner shipping: None, except that every ocean carrier who provides international liner cargo shipping services to or from Australia must, at all times, be represented by a natural person who is resident in Australia; b) Bulk, tramp and other international shipping, including international passenger transportation: None.  2) None 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 <i>Shipping Registration Act 1981</i> (Cth). b) Other forms of commercial presence for the supply of international maritime transport services: None	

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
<b><u>Maritime auxiliary services</u></b>		
International rental of vessels with crew (as defined in the Note on Maritime Transport Services)  For greater certainty, this excludes cabotage and offshore transport services in accordance with entry AU-12 of this Annex.	1) None 2) None 3) None	
Maritime cargo handling services (as defined in the Note on Maritime Transport Services)	1) Unbound 2) None 3) Licences or 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.	
Storage and warehousing services (as defined in the Note on Maritime Transport Services)	1) Unbound 2) None 3) None	
Maritime freight forwarding services (as defined in the Note on Maritime Transport Services)	1) None 2) None 3) None	
Customs clearance services (as defined in the Note on Maritime Transport Services)	1) Unbound 2) None 3) None	
Maritime agency services (as defined in the Note on Maritime Transport Services)	1) None 2) None 3) None	
<b><u>C. Air Transport Services</u></b>		
Aircraft repair and maintenance services (as defined in Article 7.1 (Definitions) of Chapter 7 (Cross-Border Trade in Services))  This 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	1) None 2) None 3) None	

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
other) transparencies. Further includes rotary and glider aircraft.		
<p>Selling and marketing of air transport services (as defined in Article 7.1 (Definitions) of Chapter 7 (Cross-Border Trade in Services))</p> <p>This commitment confirms, without extending, the application to air transport services of the specific commitments made elsewhere in this Appendix in the following sections, subject to all limitations, exceptions and qualifications set out in those sections:</p> <ul style="list-style-type: none"> <li>- 9.B (Travel agencies and tour operator services (CPC 7471));</li> <li>- 1F(b) (Market research and public opinion polling services (CPC 864));</li> <li>- 1.F(a) (Advertising services (CPC 87110, 87120** and 87190));</li> <li>- 4.A (Commission agents' services (CPC 62113 – 62118));</li> <li>- 4.B (Wholesale trade services (CPC 6223 – 6228));</li> <li>- 4.C (Retailing services (CPC 631**, 6321**, 63212, 61112, 6113, 6121, 6322, 6323, 6324, 6325 and 6329**)); and</li> <li>- 4.D (Franchising (CPC 8929)).</li> </ul>	<p>1) None, except: Retailing services (CPC 631**, 6321**, 63212, 61112, 6113, 6121, 6322, 6323, 6324, 6325 and 6329**) are unbound except for mail order</p> <p>2) None</p> <p>3) None</p>	
Computer reservation system services (as defined in Article 7.1 (Definitions) of Chapter 7 (Cross-Border Trade in Services))	1) None	2) None
	2) None	3) None
Ground handling services (as defined in Article 7.1 (Definitions) of Chapter 7 (Cross-Border Trade in Services))	1) None	2) None
	2) None	3) None
Airport operation services (as defined in Article 7.1 (Definitions) of Chapter 7 (Cross-Border Trade in Services))	1) None	2) None
	2) None	3) None



1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
<b>E. Rail transport services</b>		
a) Passenger transportation (CPC 7111)	1) None 2) None 3) (a) Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no restrictions on the right to establish new networks but access to public land may not be guaranteed.  (b) 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.	
b) Freight transportation (CPC 7112)	1) None 2) None 3) (a) Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no restrictions on the right to establish new networks but access to public land may not be guaranteed.  (b) 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.	
c) Pushing and towing services (CPC 7113)	1) None 2) None 3) (a) Below track: Most rail-track networks in Australia are	

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
		<p>government owned although much is leased to private operators. There are no restrictions on the right to establish new networks but access to public land may not be guaranteed.</p> <p>(b) 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>
d) Maintenance and repair of rail transport equipment (CPC 8868**)	<p>1) None</p> <p>2) None</p> <p>3) (a)</p>	<p>Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no restrictions on the right to establish new networks but access to public land may not be guaranteed.</p> <p>(b) 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>
e) Supporting services for rail transport services (CPC 743)	<p>1) None</p> <p>2) None</p> <p>3) (a)</p>	<p>Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no restrictions on the right to establish new networks but</p>

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
	<p>access to public land may not be guaranteed.</p> <p>(b) 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>	
<b><u>F. Road transport services</u></b>		
<p>a) Passenger transportation (CPC 71213, 71214 and 7122)</p> <p>Does not include regular urban bus services.</p>	1) Unbound	2) None
	3) None	
b) Freight transportation (CPC 7123)	1) None	2) None
	3) None	
c) Rental of commercial vehicles with operator (CPC 7124)	1) None	2) None
	3) None	
<b><u>G. Pipeline transport</u></b>		
a) Transportation of fuels (CPC 7131)	1) None	2) None
	3) None	
b) Transportation of other goods (CPC 7139)	1) None	2) None
	3) None	
<b><u>H. Services auxiliary to all modes of transport</u></b>		
<p>b) Storage and warehouse services (CPC 742)</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.</p>	1) Unbound	2) None
	3) None	

1) Mode 1	2) Mode 2	3) Mode 3
Sector or Subsector	Limitations on Market Access	
c) Freight transport agency services (CPC 748 excluding maritime)  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 maritime).	1) None 2) None 3) None	
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	

\*\* Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

### **Note on Maritime Transport Services**

For the purposes of this Annex:

**Customs clearance services** means 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;

**International rental of vessels with crew** means the rental 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;

**Maritime agency services** means activities consisting of representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- (a) 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; and
- (b) acting on behalf of the companies in organising the call of the ship or taking over cargoes when required;

**Maritime cargo handling services** means 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:

- (a) the loading or discharging of cargo to or from a ship;
- (b) the lashing or unlashings of cargo; and
- (c) the reception or delivery and safekeeping of cargoes before shipment or after discharge;

**Maritime freight forwarding services** means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information; and

**Storage and warehousing services** means storage services of frozen or refrigerated goods, bulk storage services of liquids or gases, and storage and warehousing services of other goods, including: cotton, grain, wool, tobacco, other farm products and other household goods.