

**MALAYSIA-AUSTRALIA FREE TRADE AGREEMENT (MAFTA)**

**SCHEDULES OF SPECIFIC SERVICES COMMITMENTS**

**SCHEDULE OF AUSTRALIA**

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3) Under Australia’s Foreign Investment Policy, which comprises the <i>Foreign Acquisitions and Takeovers Act 1975 (FATA)</i>; Foreign Acquisitions and Takeovers Regulations; and Ministerial Statements, the following investment activities must be notified to the Australian Government and may be prohibited, subject to interim orders, or allowed to proceed subject to conditions or as proposed:</p> <ul style="list-style-type: none"> <li>• proposed acquisitions by “foreign persons<sup>1</sup>” of “substantial interests<sup>2</sup>” in existing Australian businesses with total assets valued above \$A244 million;</li> <li>• proposed acquisitions by “foreign persons” of “substantial interests” in offshore companies whose Australian subsidiaries or gross assets are valued above \$A244 million;</li> </ul>	<p>3) Australia's Foreign Investment Policy guidelines apply to foreign-owned or controlled enterprises after establishment in Australia.</p> <p>At least two of the directors of a public company must be ordinarily resident in Australia.</p> <p>Unbound for current and future measures at the federal, state or local government levels according rights or preferences to any indigenous person or organisation providing for the favourable treatment of any indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector. For the purposes of this Schedule, an indigenous person means a person of the Aboriginal race of Australia or a descendant of an indigenous inhabitant of the Torres Strait</p>	

<sup>1</sup> The term “foreign person” has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975*.

<sup>2</sup> The term “substantial interest” has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975*.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> <li>• proposed direct investments by foreign governments or their related entities, regardless of the value of the investment;</li> <li>• proposed acquisitions by “foreign persons” of interests in “Australian urban land<sup>3</sup>” (including interests that arise via leases, financing and profit sharing arrangements and the acquisitions of interests in Australian urban land corporations and trusts) that involve the:               <ul style="list-style-type: none"> <li>- proposed acquisition of developed non-residential commercial real estate where the property is valued at \$A5 million or more and is heritage listed;</li> <li>- proposed acquisition of developed non-residential commercial real estate where the property is valued at \$A53 million or more and is not subject to heritage listing;</li> <li>- proposed acquisition of vacant urban real estate irrespective of</li> </ul> </li> </ul>	Islands.	

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<sup>3</sup> The term “Australian urban land” has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975*.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>value;                      - proposed acquisition of residential real estate irrespective of value; or</p> <ul style="list-style-type: none"> <li>• proposals where any doubt exists as to whether they are notifiable.</li> </ul> <p>Notified investments may be refused, subject to interim orders, and/or subject to compliance with certain conditions.</p> <p><u>Banking</u></p> <p>Foreign investment in the banking sector also needs to be consistent with the <i>Banking Act 1959</i>, the <i>Financial Sector (Shareholdings) Act 1998</i> and banking policy, including prudential requirements. Any proposed foreign takeover or acquisition of an Australian bank will be considered on a case-by-case basis and judged on its merits.</p>		

## AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
a) Legal services <sup>4</sup>			

<sup>4</sup> In this section, the following terms have the meanings set out in the “Joint Statement on Legal Services” submitted to the WTO (TN/S/W/37 and S/CSC/W/46 of 24 February 2005) (“Joint Statement”), which are as shown:

“legal advisory services” – includes provision of advice to and consultation with clients in matters, including transactions, relationships and disputes, involving the application or interpretation of law; participation with or on behalf of clients in negotiations and other dealings with third parties in such matters; and preparation of documents governed in whole or in part by law, and the verification of documents of any kind for purposes of and in accordance with the requirements of law. Does not include advice, consultation and documentation services performed by service suppliers entrusted with public functions, such as notary services. (As defined at 3.A(i) of Joint Statement.)

“legal representational services” – includes preparation of documents intended to be submitted to courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of law; and appearance before courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of the specified body of law. (Footnote 1: The inclusion of representational services before administrative agencies and other duly constituted official tribunals within the context of legal services does not necessarily mean that a licensed lawyer must supply such services in all cases. The precise scope of services subject to licensing requirements is subject to the discretion of the relevant regulatory authority.) Does not include documentation services performed by service suppliers entrusted with public functions, such as notary services. (As defined at 3.A(ii) of Joint Statement.)

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

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

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

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

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
i) Legal advisory and representational services in domestic law (host-country law)	1) None 2) None 3) None	1) None 2) None 3) None	
ii) Legal advisory services in foreign law and international law and (in relation to foreign and international law only) legal arbitration and conciliation/mediation services	1) None 2) None 3) None, except that natural persons practising foreign law may only join a local law firm as a consultant and may not enter into partnership with or employ local lawyers in South Australia	1) None 2) None 3) None	Limited Licence only is required: only registration with limited licence is required, rather than full admission/ licence, in order to provide: (a) legal advisory services in foreign law, where licensed in the relevant foreign jurisdiction(s); (b) legal advisory services in international law; or (c) legal arbitration and conciliation/mediation services in relation to foreign and international law. (By contrast, a Full Licence is required for (a)(i) above (legal advisory and representational services in domestic law

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			<p>(host-country law)), for which full admission is required: i.e. practitioners must satisfy admission requirements, including qualification requirements, applicable to domestic legal practitioners.)</p> <p>3) Joint offices involving revenue-sharing between foreign law firms and Australian local law firms are permitted in New South Wales, Victoria, Queensland, Tasmania, Western Australia, the Australian Capital Territory and the Northern Territory subject to the foreign law firms satisfying certain requirements, including in relation to liability, standard of conduct and professional ethics.</p>

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
b) Accounting, auditing and book-keeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None, except that natural persons trading as auditors or liquidators must be resident. In relation to company auditing services, at least one equity partner in a firm must be ordinarily resident in Australia.	
c) Taxation services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Engineering services (CPC 8672) <sup>5</sup>	1) None 2) None 3) None	1) None 2) None 3) None	
f) Integrated engineering services (CPC 8673) <sup>6</sup>	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>5</sup> Including biomedical and facility engineering services supplied to hospitals.

<sup>6</sup> Including biomedical and facility engineering services supplied to hospitals.



### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Dental services (CPC 93123)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Veterinary services (CPC 932)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Services supplied by registered nurses and registered midwives (CPC 93191**)	1) Unbound 2) Unbound 3) Unbound	1) Unbound 2) Unbound 3) Unbound	
B. <u>Computer and Related Services</u> (CPC 84) <sup>7</sup>	1) None 2) None 3) None	1) None 2) None 3) None	
C. <u>Research and Development Services</u>			

<sup>7</sup> For greater certainty, Australia's commitments in CPC 844 and 849 do not impose any obligations on Australia with respect to measures affecting services in other sectors, including audiovisual services, however delivered.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>a) R&amp;D services on natural sciences and engineering (CPC 851)</p> <p>b) R&amp;D services on social sciences and humanities (CPC 852)</p> <p>c) Interdisciplinary R&amp;D services on natural sciences and engineering (CPC 853)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None, except a permanent residency requirement for psychologists (Western Australia) 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>D. <u>Real Estate Services</u></p> <p>a) Involving own or leased property (CPC 821)</p> <p>b) On a fee or contract basis (CPC 822)</p>	<p>1) Commercial presence required 2) Commercial presence required 3) None</p> <p>1) Commercial presence required 2) Commercial presence required 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>E. <u>Rental/Leasing Services without Operators</u></p> <p>a) Relating to ships (CPC 83103**) Excludes cabotage, intrastate and offshore trades</p> <p>b) Relating to aircraft (CPC 83104)</p> <p>c) Relating to other transport equipment (CPC 83101, 83102, 83105)</p> <p>d) Relating to other machinery and equipment (CPC 83106-9)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>F. <u>Other Business Services</u></p> <p>a) Advertising services (CPC 87110, 87120**, 87190)</p> <p>Covers services by advertising</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>agencies in creating and placing advertising in periodicals, newspapers, radio and television for clients; outdoor advertising; media representation i.e. sale of time and space for various media; distribution and delivery of advertising material or samples. Does not include production or broadcast/screening of advertisements for radio, television or cinema.</p>			
<p>b) Market research and public opinion polling services (CPC 864)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>c) Management consulting services (CPC 865)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>d) Services related to management consulting (CPC 86601, 86609)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>Excludes arbitration and conciliation services</p>			

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 8811**, 8812**, 8814**)  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.	1) None 2) None 3) None	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	1) None 2) None 3) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
h) Services incidental to mining and site preparation work for mining (CPC 883, 5115)	1) None 2) None 3) None	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	1) None 2) None 3) None	
k) Placement and supply services of personnel (CPC 872)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
l) Investigation and security (CPC 873)	1) None 2) None 3) None	1) None 2) None 3) None	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
o) Building-cleaning services (CPC 874) <sup>8</sup>	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
s) Convention services (CPC 87909**)	1) None 2) None 3) None	1) None 2) None 3) None	
Activities of establishments engaged in provision of planning, organising, managing and marketing services for conventions and similar events (including catering and beverage services)			
t) Other:			
Telephone answering services (CPC 87903)	1) None 2) None 3) None	1) None 2) None 3) None	
Duplicating services (CPC 87904)	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>8</sup> Includes building-cleaning services supplied to hospitals.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Translation and interpretation services (CPC 87905)</p> <p>Mailing list compilation and mailing services (CPC 87906)</p> <p>Interior design (CPC 87907)</p> <p>Specialised consultancy services related to the post-construction design and fitting out of interior living and working spaces. Includes purchase of necessary goods.</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<b>2. COMMUNICATION SERVICES</b>			
<p>C. <u>Telecommunications Services</u></p> <p>Covers the following sub-sectors from the Services Sectoral Classification List (W/120) and related CPC numbers (7521,7522,7523, 7529**)</p>			



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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) Voice telephone services	1) None	1) None	
b) Packet-switched data transmission services	2) None	2) None	
c) Circuit-switched data transmission services	3) None, except that:	3) None, except that the Chairperson and majority of directors of Telstra must be Australian citizens. Telstra must maintain its head office, main base of operations and place of incorporation in Australia.	
d) Telex services	i) An entity holding a new carrier licence must be a public body or a constitutional corporation under Australian law or a partnership where each partner is a constitutional corporation under Australian law.		
e) Telegraph services			
f) Facsimile services			
g) Private leased circuit services	ii) The maximum aggregate foreign ownership allowed in Telstra is 35 per cent. The maximum individual foreign ownership allowed in Telstra is five per cent.		
o) Other			
Digital Cellular services			
Paging services			
Personal Communications Services			
Trunked Radio System Services			
Mobile Data Services			

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Services covered by the <i>Broadcasting Services Act 1992</i> are excluded from the basic telecommunications sector</p>			
<p>h) Electronic mail (CPC 7523**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>i) Voice mail (CPC 7523**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>j) On-line information and data base retrieval (CPC 7523**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>k) Electronic data interchange (EDI) (CPC 7523**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>l) Enhanced/value-added facsimile services, including store and retrieve (CPC 7523**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>m) Code and protocol conversion (CPC 7523**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. <u>General construction work for buildings</u> (CPC 512)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
B. <u>General construction work for civil engineering</u> (CPC 513)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
C. <u>Installation and assembly work</u> (CPC 514, 516)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
D. <u>Building completion and finishing work</u> (CPC 517)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>E. <u>Other</u></p> <p>Pre-erection work at construction sites (CPC 511)</p> <p>Special trade construction work (CPC 515)</p> <p>Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator (CPC 518)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	
<b>4. DISTRIBUTION SERVICES</b>			
<p>A. <u>Commission Agents' Services</u> (CPC 62113-62118)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	
<p>B. <u>Wholesale Trade Services</u> (CPC 6223-6228)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. <u>Retailing Services</u> (CPC 631, 63212, 6322, 6323, 6324, 6325, 6329, 61112, 6113, 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.</p> <p>Does not cover dispensing of pharmaceuticals.</p>	<p>1) Unbound except for mail order 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>D. <u>Franchising</u> (CPC 8929)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<b>5. EDUCATIONAL SERVICES</b>			
<p>B. <u>Secondary Education Services</u> (CPC 922**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) Unbound</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Covers general as well as technical and vocational education at the secondary level in private institutions			
<p>C. <u>Higher Education Services</u> (CPC 923**)</p> <p>Covers provision of private tertiary education services including at university level</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) Unbound</p>	
<p>E. <u>Other Education Services</u> (CPC 929**)</p> <p>Covers tuition and testing in English and other languages. Tuition in cuisine and traditional therapies (including massage, acupuncture), music, dance and martial arts</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) Unbound</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>6. ENVIRONMENTAL SERVICES<sup>9</sup></b>			
<p>A. <u>Wastewater Management</u> (CPC 9401)</p> <p>This covers removal, treatment and disposal of household, commercial and industrial sewage and other waste waters including tank emptying and cleaning, monitoring, removal and treatment of solid wastes</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>B. <u>Waste Management</u> (CPC 9402, 9403)</p> <p>This covers hazardous and non-hazardous waste collection, treatment and disposal (including incineration, composting and landfill); linen sanitation and treatment and clinical waste disposal services supplied to hospitals; sweeping and snow</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

<sup>9</sup> Australia's commitments on environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.





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<p>including monitoring</p> <p>Noise and vibration abatement (CPC 9405)</p> <p>This covers monitoring programmes, and installation of noise reduction systems and screens</p> <p>Protection of biodiversity and landscape (CPC 9406**) <sup>11</sup></p> <p>This covers ecology and habitat protection and promotion of forests and promoting sustainable forestry</p> <p>Other environmental and ancillary services (CPC 9409)</p> <p>This covers other environment protection services, including services related to environmental impact assessment</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

<sup>11</sup> Australia's commitments under items 9406\*\* combine to cover the entirety of CPC 9406 services.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>7. FINANCIAL SERVICES</b></p> <p>Australia undertakes its specific commitments on financial services in accordance with the World Trade Organization’s (WTO) “Understanding on Commitments in Financial Services” (hereinafter referred to as the “Understanding”).</p> <p>The obligations under the Understanding are addressed in this Schedule additionally to those covered by Article 8.3 (National Treatment), Article 8.5 (Market Access) and Article 8.7 (Additional Commitments) of Chapter 8 (Trade in Services) of this Agreement, as well as the Annex on Financial Services.</p> <p>The market access commitments with respect to "cross-border supply" and "consumption abroad" (as described in paragraph (o) of Article 8.2 (Definitions) of Chapter 8 (Trade in Services)) bound in this Schedule are limited to the services indicated in paragraphs B.3 and B.4 of the Understanding, respectively.</p> <p>These specific commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments" section of this Schedule.</p>			
<p>A. <u>Insurance and insurance-Related Services</u></p>	<p>3) Approval of non-resident life insurers is restricted to subsidiaries.</p> <p>Most State and Territory Governments maintain restrictions, by way of monopolies or licensing provisions and associated controls on premiums and other terms of policies, in the following areas of insurance:</p> <p>Compulsory Third Party Motor</p>	<p>3) Sub-national guarantees are provided to some State and Territory Insurance Offices</p>	

### AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Vehicle Accident: Victoria, Western Australia, Tasmania, Northern Territory (monopolies); New South Wales, Queensland, South Australia, ACT (licensing, premiums/ policy terms).</p> <p>Workers Compensation: South Australia, Victoria, Queensland (monopolies); New South Wales, Western Australia, Tasmania (licensing, premiums/ policy terms).</p> <p>Comcare is the monopoly provider of workers' compensation insurance to Commonwealth Government employees.</p>		
B. <u>Banking and Other Financial Services</u> (excluding insurance) <sup>12</sup>	1), 3) A foreign bank located overseas is able to offer its services to Australian enterprises, but is not allowed to raise deposit funds in Australia or undertake business within Australia unless it is an authorised bank (or establishes a		

<sup>12</sup> Including remittance centres and remittance centre services.

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>money market corporation, subsidiary etc.). Foreign banks located overseas may, however, raise funds in Australia through the issue of debt securities provided that those securities are offered/traded in parcels of not less than \$A500,000 and the securities and any information memoranda clearly state the issuing bank is not authorised under the <i>Banking Act 1959</i> in Australia.</p> <p>3) Foreign banks may undertake banking operations in Australia through locally incorporated subsidiaries and/or an authorised branch. However, a branch may not accept "retail" deposits. A foreign bank wishing to accept "retail" deposits must seek authorization as a locally incorporated subsidiary for that purpose. Foreign bank branches may accept deposits (and other funds) in any amount from incorporated entities, non-residents and their own employees. Deposits (and other funds) may only be accepted from other sources where the initial deposit (or</p>	<p>3) Commonwealth owned entities which may conduct financial operations are guaranteed by the Commonwealth Government. While the Commonwealth sold its remaining shareholding in the Commonwealth Bank of Australia (CBA) on 19 July 1996, a transitional Commonwealth guarantee has been provided to all of the liabilities of the CBA. The length of time that the guarantee applies depends on the characteristic of the liability. Transitional guarantees also apply to the former Commonwealth-owned Australian Industry Development Corporation.</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>other funds) is greater than \$A250,000. Deposit-taking outside of this is considered to be “retail” banking business.</p> <p>1), 3) A number of State and Territory Governments operate central financing authorities through which the Government's wholly or partly-owned statutory authorities and business enterprises are obliged to borrow (and in some cases invest) their funds, or otherwise obtain certain financial services:</p> <p>South Australia - South Australian Government Financing Authority, Local Government Finance Authority of South Australia  Tasmania - Tascorp  New South Wales – New South Wales Treasury Corporation  Victoria - Treasury Corporation of Victoria  Queensland - Queensland Treasury Corporation, Queensland Investment Corporation  Northern Territory - Northern Territory Treasury Corporation  Western Australia - Western</p>	<p>1), 3) The financial operations of some State or Territory owned entities may be guaranteed by the State or Territory Governments. A number of State and Territory Governments have also provided transitional guarantees to some of the assets and liabilities of former state-owned or controlled banks.</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p align="center">Australian Treasury Corporation</p> <p>3) Any person wanting to provide a financial service generally requires an Australian financial services licence.</p> <p>The responsible entity of a registered managed investment scheme must be a public company that holds an Australian financial services licence authorising it to operate a managed investment scheme.</p>		
<b>8. HEALTH-RELATED AND SOCIAL SERVICES</b>			
<p>A. <u>Hospital Services</u></p> <p>Private hospital services (CPC 93110**)</p> <p>Covers delivery of services under the direction of registered medical doctors to patients in hospital institutions that are not funded, owned or operated by or on behalf of the</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None, except that measures in the form of economic needs tests, limitations on the number of services operations and types of legal entity may apply</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
federal government or a State or Territory government in Australia			
<p>B. <u>Other Human Health Services</u> (CPC 93199**)</p> <p>Podiatry and chiropody services. Includes podiatry services carried out in health clinics, and in residential health facilities other than hospitals, as well as in own consulting rooms, patients' homes or elsewhere</p>	<p>1) Unbound 2) None 3) None</p>	<p>1) Unbound 2) None 3) None</p>	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
<p>A. <u>Hotels and Restaurants</u> (CPC 641, 642, 643)</p>	<p>1) Unbound* 2) None 3) None</p>	<p>1) Unbound* 2) None 3) None</p>	
<p>B. <u>Travel Agencies and Tour Operator Services</u> (CPC 7471)</p>	<p>1) Commercial presence required 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. <u>Tourist Guide Services</u> (CPC 7472)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
B. <u>News Agency Services</u> (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
D. <u>Sporting and other Recreational Services</u>  Sporting services (CPC 9641)  Other recreational services (CPC 96491)  Covers recreation park and beach services	1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None	



**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>11. TRANSPORT SERVICES</b>			
A. <u>Maritime Transport Services</u>			<p>The following is an indicative, but non exhaustive, list of services at ports. Services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: pilotage, towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; Port Captain's services; navigation aids; shore-based operational services essential to ship operations, including communications water and electrical supplies; emergency repair facilities;</p>

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			<p>anchorage, berth and berthing services.</p> <p>Where road, rail and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability, on reasonable and non-discriminatory terms and conditions, to rent, hire or charter trucks, railway carriages, ships and related equipment for the purpose of onward forwarding of international cargoes carried by sea, or have access to and use of these forms of transport services for the purpose of providing multimodal transport services.</p>

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>International transport (freight and passengers) (CPC 7211 and 7212 less cabotage and offshore transport - as defined in Note to Schedule)</p>	<p>1) a) Liner Shipping: None, see Note to Schedule</p> <p>1) b) Bulk, tramp and other international shipping, including international passenger transportation: None.</p> <p>2) None</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 <i>Shipping Registration Act 1981</i></p> <p>3) b) Other forms of commercial presence for the supply of international maritime transport services (as defined in Note to Schedule): None</p>	<p>1) a) None, see Note to Schedule</p> <p>1) b) None</p> <p>2) None</p> <p>3) a) Unbound</p> <p>3) b) None</p>	<p>See Note to Schedule</p>
<p><u>Maritime auxiliary services</u></p> <p>International rental of vessels with crew (less cabotage and offshore transport – as defined in Note to Schedule)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Maritime cargo handling services (as described in Note to Schedule)</p> <p>Storage and warehousing services (CPC 742)</p> <p>Maritime freight forwarding services (as defined in Note to Schedule)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None, except Unbound in South Australia. Licences/concessions are granted by port authorities. Public utility concession or licensing procedures may apply in the case of the occupation of the public domain for the conduct of these activities.</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p>	
<p>Customs clearance services (as described in Note to Schedule)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	
<p>Preshipment inspection (as defined in Note to Schedule)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime agency services (as described in Note to Schedule)	1) None 2) None 3) None	1) None 2) None 3) None	
<p><b>C. <u>Air Transport Services</u></b></p> <p>d) Maintenance and repair of aircraft (CPC 8868**)</p> <p>Covers establishments mainly engaged in periodic maintenance and repair (routine and emergency) of airframes (including wings, doors, control surfaces) avionics, engines and engine components, hydraulics, pressurisation and electrical systems and landing gear. Includes painting, other fuselage surface treatments and repair of flight-deck (and other) transparencies. Further includes rotary and glider aircraft.</p>	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Computer reservation systems (CPC 7523**)</p> <p>Activities of establishments engaged in providing and maintaining computer reservation to other enterprises engaged in the provision of travel agency services, including transport and accommodation booking, tour and travel wholesaling/retailing – to establishments engaged in providing reservation services (such as travel agencies etc.). CRS services related to air carriers include the provision of information on air carrier schedules, space availability and tariffs.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>E. <u>Rail Transport Services</u></p> <p>b) Freight transportation (CPC 7112)</p> <p>c) Pushing and towing services (CPC 7113)</p>	<p>1) None 2) None 3) Below track: Most rail-track networks in Australia are government owned although much</p>	<p>1) None 2) None 3) None</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>e) Supporting services for rail transport services (CPC 743)</p>	<p>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>Above track (rail transport services (such as trains) that operate over the rail-track infrastructure): none, except that access to rail infrastructure is allocated under pro-competitive principles for safety, efficiency and the long term interests of users.</p>		
<p>F. <u>Road Transport Services</u></p> <p>a) Passenger transportation (CPC 71213, 71214, 7122)</p> <p>Does not include regular urban bus services</p> <p>b) Freight transportation (CPC 7123)</p>	<p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

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



**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>b) Storage and warehouse services (CPC 742 excluding maritime)</p> <p>Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 742: distribution centre services and materials handling and equipment services such as container station and depot services (excluding maritime)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	
<p>c) Freight transport agency services (CPC 748 excluding maritime)</p> <p>Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 748: customs agency services and load scheduling services (excluding maritime)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

**AUSTRALIA – SCHEDULE OF SPECIFIC SERVICES COMMITMENTS**

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

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

\* Unbound due to lack of technical feasibility.

\*\* Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance. Unless otherwise stated all CPC references correspond to the United Nations Provisional Central Product Classification.

## NOTE TO SCHEDULE: MARITIME TRANSPORT SERVICES

### DEFINITIONS

1. Multimodal Transport Operator: the person on whose behalf the bill of lading/multimodal document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.
2. Cabotage: for the purposes of this Schedule only, cabotage is defined as the transportation of passengers or goods between a port located in Australia and another port located in Australia and traffic originating and terminating in the same port located in Australia.
3. Offshore Transport refers to shipping services involving the transportation of passengers or goods between a port located in Australia and any location associated with or incidental to, the exploration or exploitation of natural resources of the continental shelf of Australia, the seabed of the Australian coastal sea and the subsoil of that seabed.
4. Other Forms of Commercial Presence for the Supply of International Maritime Transport Services: for the purposes of this Schedule, means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. This commitment shall not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery.

These activities include:

- marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;
- the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;

- the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the *GATS 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 listed in the Australian Schedule under Annex 4 (Schedules of Movement of Natural Persons Commitments) with any locally established shipping agency;
  - acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
5. International Rental of Vessels with Crew: rental and/or leasing services of all types of sea-going vessels with crew (such as tankers, bulk dry cargo vessels, cargo and freight vessels) for the purpose of international trade.
6. Maritime Cargo Handling Services: activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring of terminal operator companies. The activities covered include the organisation and supervision of: the loading/discharging of cargo to/from a ship; the lashing/unlashing of cargo; and, the reception/delivery and safekeeping of cargoes in the wharf area before shipment or after discharge.
- The organisation and supervision includes the arrangements for (1) engaging skilled labour (dockers), (2) using all the necessary equipment for on-board or shore use and the appropriate storage space, whether by ownership, rental or otherwise, (3) the checking of parcels and markings, the weighing and measuring of cargo (upon request of the owner), and (4) the administrative duties as well as the responsibility related to the services.
- Container terminal operators can furthermore be appointed for stuffing/stripping containers and e.g. the survey and supply of electricity to containers.
7. Maritime Freight Forwarding Services: the organisation and monitoring of shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.
8. Customs Clearance Services: activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through-transport of cargoes, whether this is the main activity of the service provider or a usual complement of its main activity.

9. Preshipment Inspection: all services performed on a fee or contract basis involved in the verification of the quality, quantity, price (including currency exchange rate and financial terms), and/or the customs classification of goods to be exported. Does not include customs or quarantine inspection.
10. Maritime Agency Services: activities consisting in representing, within a given geographic area, as an agent, the business interests of one or more shipping line or shipping companies, for the following purposes:
  - marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
  - acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

#### Note on Liner Shipping

Part X of the *Competition and Consumer Act 2010* provides for exemptions from Australian anti-trust legislation so that liner shipping conferences can operate in and out of Australia. Part X requires that every ocean carrier who provides international liner cargo shipping services to or from Australia shall, at all times be represented by a person who is an individual resident in Australia (but not necessarily an Australian citizen) and has been appointed by the ocean carrier as the ocean carrier's agent for the purposes of Part X.

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