

ANNEX I

SCHEDULE OF AUSTRALIA

INTRODUCTORY NOTES

1. “Description” sets out the non-conforming measure for which the entry is made.
2. In accordance with Article 8.7 (Non-Conforming Measures – Cross-Border Trade in Services) and Article 13.13 (Non-Conforming Measures – Investment), the articles of this Agreement specified in the “Obligations concerned” element of an entry do not apply to the non-conforming measures identified in the “Description” element of that entry.
3. Australia reserves the right to maintain and to add to this Schedule any non-conforming measure at the regional level of government that existed at 1 January 2005, but was not listed in this Schedule at the date of entry into force of this Agreement against the following obligations:
 - (a) Articles 8.3 (National Treatment – Cross-Border Trade in Services) and 13.5 (National Treatment – Investment);
 - (b) Articles 8.4 (Most-Favoured-Nation Treatment – Cross-Border Trade in Services) and 13.6 (Most-Favoured-Nation Treatment – Investment);
 - (c) Articles 8.5 (Market Access – Cross-Border Trade in Services) and 13.4 (Market Access – Investment);
 - (d) Article 8.6 (Local Presence – Cross-Border Trade in Services);
 - (e) Article 13.11 (Performance Requirements – Investment); and
 - (f) Article 13.12 (Senior Management and Boards of Directors – Investment).
4. Any existing non-conforming measure that is maintained and added to this Schedule pursuant to paragraph 3 shall include any amendment to that non-conforming measure since 1 January 2005, to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment.
5. All dollar figures are in Australian dollars unless specified otherwise.

1	Sector	All
	Obligations concerned	National Treatment (Investment) Market Access (Investment) Performance Requirements Senior Management and Boards of Directors
	Level of government	Central
	Measures	Australia's Foreign Investment Framework, which comprises Australia's Foreign Investment Policy, <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 2020</i> (Cth), <i>Financial Sector (Shareholdings) Act 1998</i> (Cth), and Ministerial Statements.
	Description	A. The following investments ^{1,2} are subject to approval by the Australian Government and may also require notification ³ to the Australian Government: <p style="margin-left: 40px;">(a) a proposed investment by a foreign person⁴ in an entity or Australian business valued above \$1,216 million;⁵</p> <p style="margin-left: 40px;">(b) a proposed investment by a foreign person in an entity or Australian business valued above \$281 million⁶ relating to a sensitive business⁷ or its assets;</p>

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

² "Investment" means activities covered by Part II of the *Foreign Acquisitions and Takeovers Act 1975* (Cth) or, where applicable, Ministerial Statements on foreign investment policy. Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment.

³ The *Foreign Acquisitions and Takeovers Fees Imposition Act 2015* (Cth) and the *Foreign Acquisitions and Takeovers Fees Imposition Regulation 2020* (Cth) set the fees for foreign investment applications and notices. Fees are indexed annually on 1 July.

⁴ 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).

⁵ This is the figure as at 1 January 2021. To be indexed annually on 1 January.

⁶ This is the figure as at 1 January 2021. To be indexed annually on 1 January.

⁷ The term "sensitive business" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and the *Foreign Acquisitions and Takeovers Regulation 2015* (Cth).

		<p>(c) a proposed direct investment by a foreign government investor⁸ of any interest regardless of value;</p> <p>(d) a proposed investment by a foreign person of five per cent or more in the media sector, regardless of the value of the investment;</p> <p>(e) a proposed acquisition by a foreign person of an interest in developed commercial land⁹ where the value of the interest is more than \$1,216 million.¹⁰</p> <p>Investments may be refused, subject to orders or approved subject to conditions. Foreign persons that do not comply with the Foreign Investment Framework may be subject to civil and criminal penalties.</p> <p>For greater certainty, where an investment could qualify for the application of one or more of the above screening thresholds, approval or notification requirements apply from the lowest applicable threshold.</p> <p>Separate or additional requirements may apply to measures subject to other Annex I entries and to sectors, subsectors or activities subject to Annex II.</p> <p>B. The acquisition of a stake in an existing financial sector company by a foreign investor, or entry into an arrangement by a foreign investor, that would lead to an unacceptable shareholding situation or to practical control¹¹ of an existing financial sector company, may be refused or be subject to certain conditions.¹²</p>
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⁸ The term “foreign government investor” has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and the *Foreign Acquisitions and Takeovers Regulation 2015* (Cth).

⁹ The term “developed commercial land” means commercial land that is not vacant within the meaning of the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and the *Foreign Acquisitions and Takeovers Regulation 2015* (Cth).

¹⁰ This is the figure as at 1 January 2021. To be indexed annually on 1 January.

¹¹ “Unacceptable shareholding situation” and “practical control” as defined in the *Financial Sector (Shareholdings) Act 1998* (Cth).

¹² Ministerial Statements on Foreign Investment Policy including the Treasurer’s Press Release No.28 of 9 April 1997.

2	Sector	All
	Obligations concerned	National Treatment (Investment) Senior Management and Boards of Directors
	Level of government	Central
	Measures	<i>Corporations Act 2001 (Cth)</i> <i>Corporations Regulations 2001 (Cth)</i>
	Description	<p>At least one director of a private company must be ordinarily resident in Australia.</p> <p>At least two directors of a public company must be ordinarily resident in Australia.</p> <p>At least one secretary of a private company (if such a private company appoints one or more secretaries) must be ordinarily resident in Australia.</p> <p>At least one secretary of a public company must be ordinarily resident in Australia.</p>

3	Sector	Professional services
	Obligations concerned	National Treatment (Cross-Border Trade in Services) Most-Favoured-Nation Treatment (Cross-Border Trade in Services)
	Level of government	Central
	Measures	<i>Patents Act 1990 (Cth)</i> <i>Patents Regulations 1991 (Cth)</i>
	Description	In order to register to practise in Australia, a patent attorney must have been employed for at least two continuous years, or a total of two years within five continuous years, in Australia or New Zealand, or in both countries, in a position or positions that provided the applicant with required experience in Australia's and New Zealand's patent attorney regime.

4	Sector	Professional services
	Obligations concerned	National Treatment (Cross-Border Trade in Services) Most-Favoured-Nation Treatment (Cross-Border Trade in Services)
	Level of government	Central
	Measures	<i>Migration Act 1958</i> (Cth)
	Description	To practise as a migration agent in Australia, a person must be an Australian citizen or permanent resident or a citizen of New Zealand with a special category visa.

5	Sector	Professional services
	Obligations concerned	Local Presence
	Level of government	Central
	Measures	<i>Customs Act 1901 (Cth)</i>
	Description	To act as a customs broker in Australia, a service supplier must supply the service in and from Australia.

6	Sector	Telecommunications
	Obligations concerned	National Treatment (Investment) Market Access (Investment) Performance Requirements Senior Management and Boards of Directors
	Level of government	Central
	Measures	<i>Telstra Corporation Act 1991 (Cth)</i>
	Description	<p>Aggregate foreign equity is restricted to no more than 35 per cent of shares of Telstra. Individual or associated group foreign investment is restricted to no more than five per cent of shares.</p> <p>The chairperson and a majority of directors of Telstra must be Australian citizens and Telstra is required to maintain its head office, main base of operations, and place of incorporation in Australia.</p>

7	Sector	Health Services
	Obligations concerned	National Treatment (Investment) Market Access (Investment) Performance Requirements Senior Management and Boards of Directors
	Level of government	Central
	Measures	<i>Commonwealth Serum Laboratories Act 1961 (Cth)</i>
	Description	The votes attached to significant foreign shareholdings ¹³ may not be counted in respect of the appointment, replacement or removal of more than one-third of the directors of Commonwealth Serum Laboratories (CSL) who hold office at a particular time. The head office, principal facilities used by CSL and any CSL subsidiaries used to produce products derived from human plasma collected from blood or plasma donated by individuals in Australia must remain in Australia. Two-thirds of the directors of the board of CSL and the chairperson of any meeting must be Australian citizens. CSL must not seek incorporation outside of Australia.

¹³ For the purposes of this entry, “significant foreign shareholding” means a holding of voting shares in CSL in which a foreign person has a relevant interest, if the foreign person has relevant interests in at least five per cent of the voting shares in CSL.

8	Sector	Transport services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Local Presence
	Level of government	Central
	Measures	<i>Competition and Consumer Act 2010</i> (Cth)
	Description	<p>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.</p> <p>Only a person¹⁴ affected by a registered conference agreement or by a registered non-conference ocean carrier with substantial market power may apply to the Australian Competition and Consumer Commission to examine whether conference members, and non-conference operators with substantial market power, are hindering other shipping operators from engaging efficiently in the provision of outward liner cargo services to an extent that is reasonable. For greater certainty, matters which are relevant to the determination of ‘reasonable’ include Australia’s national interest and the interests of Australian shippers.</p>

¹⁴ Sections 10.48 and 10.58 of Part X of the *Competition and Consumer Act 2010* (Cth) list the categories of persons to whom this reservation will apply.

9	Sector	Maritime transport
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Local Presence Senior Management and Boards of Directors
	Level of government	Central
	Measures	<i>Shipping Registration Act 1981 (Cth)</i> <i>Shipping Registration Regulations 1981 (Cth)</i>
	Description	<p>For a ship to be registered on the Australian Shipping Register it must be majority Australian-owned or on demise charter to Australian-based operators. In the case of small craft, a ship must be wholly owned by or solely operated by Australian residents, Australian nationals, or both.</p> <p>For a trading ship to be registered on the International Shipping Register it must be:</p> <ul style="list-style-type: none"> (a) majority owned by Australian nationals; (b) wholly owned by Australian residents, or by Australian residents and Australian nationals; (c) operated solely by Australian residents, Australian nationals, or both; or (d) on demise charter to Australian based operators. <p>The master or chief mate, and chief engineer or first engineer, of the trading ship must be an Australian national or Australian resident.</p> <p>A ship on demise charter to an Australian-based operator is a ship on demise charter:</p> <ul style="list-style-type: none"> (a) to an Australian national or Australian nationals; or (b) in circumstances where there are two or more persons who include an Australian national, where the Australian national is in a position to control the exercise of the rights and powers of the charterers under the charter party.

		<p>For the purposes of this entry, an Australian national is an Australian citizen who is ordinarily resident in Australia or a body corporate that has its principal place of business in Australia.</p>
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10	Sector	Transport services
	Obligations concerned	National Treatment (Investment) Market Access (Investment) Performance Requirements Senior Management and Boards of Directors
	Level of government	Central
	Measures	<i>Air Navigation Act 1920</i> (Cth) Ministerial Statements
	Description	Total foreign ownership of individual Australian international airlines (other than Qantas) is restricted to a maximum of 49 per cent. Furthermore, it is required that: (a) at least two-thirds of the board members must be Australian citizens; (b) the chairperson of the board must be an Australian citizen; (c) the airline's head office must be in Australia; and (d) the airline's operational base must be in Australia.

11	Sector	Transport services
	Obligations concerned	National Treatment (Investment) Market Access (Investment) Performance Requirements Senior Management and Boards of Directors
	Level of government	Central
	Measures	<i>Qantas Sale Act 1992 (Cth)</i>
	Description	<p>Total foreign ownership of Qantas Airways Ltd is restricted to a maximum of 49 per cent. In addition:</p> <ul style="list-style-type: none"> (a) the head office of Qantas must always be located in Australia; (b) the majority of Qantas' operational facilities must be located in Australia; (c) at all times, at least two thirds of the directors of Qantas must be Australian citizens; (d) at a meeting of the board of directors of Qantas, the director presiding at the meeting (however described) must be an Australian citizen; and (e) Qantas is prohibited from taking any action to become incorporated outside Australia.

12	Sector	Professional services
	Obligations concerned	Local Presence Senior Management and Boards of Directors
	Level of government	Central and Regional
	Measures	<i>Corporations Act 2001 (Cth)</i> <i>Co-operative Housing and Starr-Bowkett Societies Act 1998 (NSW)</i> <i>Estate Agents Act 1980 (Vic)</i>
	Description	<p><u>Commonwealth</u></p> <p>A person who is not ordinarily resident in Australia may be refused registration as a company auditor or liquidator.</p> <p>At least one partner in a firm providing auditing services must be a registered company auditor who is ordinarily resident in Australia.</p> <p><u>New South Wales</u></p> <p>A person must be ordinarily resident in New South Wales in order to be an auditor of specified kinds of societies and associations.</p> <p><u>Victoria</u></p> <p>A firm of auditors cannot audit an estate agent's accounts unless at least one member of the firm of auditors is an Australian resident.</p>

13	Sector	Fishing; services incidental to fishing
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services) Local Presence Senior Management and Boards of Directors
	Level of government	Central and Regional
	Measures	<i>Fisheries Management Act 1991</i> (Cth) <i>Foreign Fishing Licences Levy Act 1991</i> (Cth) <i>Fisheries Management Act 1994</i> (NSW) <i>Fisheries (General) Regulation 2019</i> (Qld) <i>Fisheries Act 1995</i> (Vic) <i>Fish Resources Management Act 1994</i> (WA) <i>Pearling Act 1990</i> (WA) Ministerial Policy Guideline No.17 of August 2001 (WA)
	Description	<u>Commonwealth</u> Foreign fishing vessels ¹⁵ seeking to undertake fishing activity, including any activity in support of or in preparation for any fishing activity or the processing, carrying or transshipment of fish, in the Australian Fishing Zone must be authorised. Where foreign fishing vessels are authorised, they may be subject to a levy. ¹⁶ <u>New South Wales</u> A foreign person or a foreign-owned body is not permitted to hold shares in a share management fishery.

¹⁵ For the purposes of this entry, a “foreign fishing vessel” is one that does not meet the definition of an Australian boat under the *Fisheries Management Act 1991* (Cth), that is, an Australian-flagged boat (not owned by a foreign resident) or a boat owned by an Australian resident or corporation and built, and whose operations are based, in Australia.

¹⁶ The levy charged will be in accordance with the *Foreign Fishing Licences Levy Act 1991* (Cth) or any amendments thereto.

		<p><u>Queensland</u></p> <p>A primary commercial fishing licence that identifies a primary commercial fishing boat may only be issued if the boat is a domestic commercial vessel.</p> <p><u>Victoria</u></p> <p>A fishery access licence or aquaculture licence can only be issued to:</p> <ul style="list-style-type: none"> (a) an individual who is an Australian resident; (b) a single corporation that has a registered office in Australia; or (c) a co-operative that has a registered office in a jurisdiction that administers the Co-operatives National Law (currently New South Wales, Queensland, Victoria, South Australia, the Northern Territory, Tasmania, Western Australia and the Australian Capital Territory). <p><u>Western Australia</u></p> <p>Only an individual who is an Australian citizen or permanent resident may be a licensee within the Western Australian pearling industry.</p> <p>In the case of corporations, partnerships or trusts holding licences, these must be Australian owned or controlled (at least 51 per cent of the issued share capital, partnership interest or trust property must be owned by Australian citizens or permanent residents; the chairman, majority of the board of directors and all the company officers must be Australian citizens or permanent residents and must be nominated by, and represent, Australian interests).</p> <p>A person must not construct any place, or establish any plant or facilities in or on any place, for the purpose of processing fish for a commercial purpose, unless the person is authorised to do so by a permit.</p> <p>In deciding whether to grant such a permit, the CEO will consider factors including whether it is in the better interests of the fishing industry to grant the permit having regard to:</p>
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		<p>(a) the number of establishments in respect of which permits or fish processor’s licences have already been granted or sought; and</p> <p>(b) the size and nature of those establishments.</p> <p>A person must not process fish for a commercial purpose unless the person is authorised to do so by a fish processor’s licence. In deciding whether to grant such a permit, the CEO will consider factors including whether it is in the better interests of the fishing industry to grant the licence.</p>
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14	Sector	Real estate services and distribution services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services) Local Presence Senior Management and Boards of Directors
	Level of government	Regional
	Measures	<i>Agents Act 2003 (ACT)</i> <i>Community Land Management Act 1989 (NSW)</i> <i>Strata Schemes Management Act 1996 (NSW)</i> <i>Property, Stock and Business Agents Act 2002 (NSW)</i> <i>Agents Licensing Act 2017 (NT)</i> <i>Property Agents and Motor Dealers Act 2000 (Qld)</i> <i>Estate Agents Act 1980 (Vic)</i> <i>Conveyancers Act 2006 (Vic)</i> <i>Real Estate and Business Agents Act 1978 (WA)</i> <i>Real Estate and Business Agents (General) Regulations 1979 (WA)</i> <i>Settlement Agents Act 1981 (WA)</i> <i>Settlement Agents Regulations 1982 (WA)</i>
	Description	<u>Australian Capital Territory</u> An estate agent must have their principal place of business in the Australian Capital Territory. <u>New South Wales</u> A person cannot be appointed as an agent (for a proprietor of a development lot, neighbourhood lot or strata lot) if they are not an Australian resident. A person cannot be appointed as an agent (for an owner of a lot, for dealings with the owner's corporation) if they are not an Australian resident. To be licensed as a property, stock, business, strata managing or community managing agent in New South Wales, licensees must have a registered office in New South Wales.

		<p><u>Northern Territory</u></p> <p>A licensed agent¹⁷ must maintain an office in Australia at or from which the conduct of business under the licence is to occur.</p> <p><u>Queensland</u></p> <p>In order to obtain a licence to operate in Queensland as a real estate agent, auctioneer, motor dealer or commercial agent, a person must have a business address in Queensland.</p> <p><u>Victoria</u></p> <p>A person cannot be licensed as an estate agent unless they have a registered office in Victoria and they must maintain a principal office in Victoria. An agent’s representative must have a registered address in Victoria to which documents can be sent.</p> <p>A person cannot be licensed as a conveyancer or carry on a conveyancing business in Victoria unless they maintain a principal place of business in Victoria.</p> <p><u>Western Australia</u></p> <p>A person seeking to carry on business as a real estate or business agent in Western Australia must establish and maintain a registered office in the state.</p> <p>A person seeking to carry on business as a settlement agent (conveyancer) in Western Australia must ordinarily reside in the state. In the case of a firm or body corporate seeking to carry on business as a settlement agent, the person in bona fide control of the business must be ordinarily resident in the state.</p> <p>A licensed settlement agent must establish and maintain a registered office in the state.</p>
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¹⁷ A “licensed agent” includes a real estate agent, business agent or conveyancing agent.

15	Sector	All
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Local Presence Senior Management and Boards of Directors
	Level of government	Regional
	Measures	<i>Associations Act 2017</i> (NT) <i>Associations Incorporation Act 1991</i> (ACT) <i>Associations Incorporation Act 1981</i> (Qld) <i>Associations Incorporation Act 1985</i> (SA) <i>Associations Incorporation Act 1964</i> (Tas) <i>Associations Incorporation Reform Act 2012</i> (Vic)
	Description	<p><u>Australian Capital Territory</u></p> <p>An application for incorporation of an association¹⁸ must be made by a person who is a resident of the Australian Capital Territory.</p> <p>The public officer of an incorporated association must be a person who is a resident of the Australian Capital Territory.</p> <p><u>Queensland</u></p> <p>The office of secretary shall become vacant if the person holding that office ceases to be a resident in Queensland, or in another state but not more than 65 kilometres from the Queensland border.</p> <p>The management committee of an incorporated association must ensure that the secretary is an individual residing in Queensland, or in another state but not more than 65 kilometres from the Queensland border.</p> <p>The members of the management committee of an incorporated association must ensure that the association has an address nominated for the service of documents on the association. The nominated address must be a place in the state where a document can be served personally on a person. A post office box is not a place that can be shown as a nominated address.</p>

¹⁸ “Association” includes a trading association.

		<p><u>Northern Territory</u></p> <p>An application for the incorporation of an association must be made by a person who is a resident of the Northern Territory.</p> <p>The public officer of an incorporated association must be a person who is a resident of the Northern Territory.</p> <p><u>South Australia</u></p> <p>The public officer of an incorporated association must be a person who is a resident of South Australia.</p> <p><u>Tasmania</u></p> <p>A person is not eligible to be appointed as a public officer of an incorporated association unless the person is resident in Tasmania.</p> <p><u>Victoria</u></p> <p>A person applying for the incorporation of an association must be an Australian resident.</p> <p>The first secretary and secretary of an incorporated association must be Australian residents.</p>
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16	Sector	All
	Obligations concerned	National Treatment (Investment) Senior Management and Boards of Directors
	Level of government	Regional
	Measures	<i>Co-operatives National Law (ACT) Act 2017 (ACT)</i> <i>Co-operatives (Adoption of National Law) Act 2012 (NSW)</i> <i>Co-operatives (National Uniform Legislation) Act 2015 (NT)</i> <i>Co-operatives National Law Act 2020 (Qld)</i> <i>Co-operatives National Law (South Australia) Act 2013 (SA)</i> <i>Co-operatives National Law (Tasmania) Act 2015 (Tas)</i> <i>Co-operatives National Law Application Act 2013 (Vic)</i> <i>Co-operatives Act 2009 (WA)</i>
	Description	<u>All Australian states and territories</u> The secretary of a co-operative must be a person ordinarily resident in Australia. At least two of the directors of a co-operative must be ordinarily resident in Australia. A co-operative registered under the Co-operatives National Law (CNL) must have a registered office in the jurisdiction in which it was first incorporated as a co-operative. It does not need to have a registered office in any other jurisdiction that has applied the CNL.

17	Sector	All
	Obligations concerned	National Treatment (Investment)
	Level of government	Regional
	Measures	<i>Partnership Act 1963 (ACT)</i> <i>Partnership Act 1892 (NSW)</i> <i>Partnership Act 1997 (NT)</i> <i>Partnership Act 1891 (Qld)</i> <i>Partnership Act 1891 (SA)</i> <i>Partnership Act 1891 (Tas)</i> <i>Partnership Act 1958 (Vic)</i>
	Description	<u>Australian Capital Territory, New South Wales, Northern Territory, Queensland, South Australia, Tasmania and Victoria</u> A limited partnership or an incorporated limited partnership established in a state or territory must have an office, principal office or registered office in that state or territory.

18	Sector	All
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Local Presence
	Level of government	Regional
	Measures	<i>Consumer Affairs and Fair Trading Act 2017 (NT)</i> <i>Consumer Affairs and Fair Trading (Trading Stamps) Regulations 2002 (NT)</i>
	Description	<u>Northern Territory</u> A promoter of a third party trading scheme ¹⁹ must maintain an office in Australia.

¹⁹ “Third party trading scheme” means a scheme or arrangement under which the acquisition of goods or services by a consumer from a supplier is a condition which gives rise, or apparently gives rise, to an entitlement to a benefit from a third party in the form of goods or services or some discount, concession, or advantage in connection with the acquisition of goods or services.

19	Sector	Professional services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services) Local Presence Senior Management and Boards of Directors
	Level of government	Regional
	Measures	<i>Trustee Companies Act 1947 (ACT)</i> <i>Trustee Companies Act 1964 (NSW)</i> <i>Companies (Trustees and Personal Representatives) Act 1981 (NT)</i> <i>Trustee Companies Act 1968 (Qld)</i> <i>Trustee Companies Act 1988 (SA)</i> <i>Trustee Companies Act 1953 (Tas)</i> <i>Trustee Companies Act 1984 (Vic)</i> <i>Trustee Companies Act 1987 (WA)</i>
	Description	<p><u>Northern Territory</u></p> <p>A body corporate may not obtain a grant of probate or act as an executor of a will, or trustee of an estate of a deceased person, unless it is a “licensed trustee company” as defined in Section 601RAA of the <i>Corporations Act 2001 (Cth)</i>, or a body corporate authorised by a law of the Northern Territory to obtain a grant of probate and so act.</p> <p><u>Western Australia</u></p> <p>A company can only act as a trustee company in Western Australia if it is a “licensed trustee company” as defined in Section 601RAA of the <i>Corporations Act 2001 (Cth)</i>.</p> <p><u>All other Australian states and territories</u></p> <p>A body corporate may not obtain a grant of probate or act as an executor of a will and any codicil unless it is a “licensed trustee company” within the meaning of Chapter 5D of the <i>Corporations Act 2001 (Cth)</i>.</p>

20	Sector	Professional services
	Obligations concerned	Local Presence
	Level of government	Regional
	Measures	<i>Architects Act 1963 (NT)</i>
	Description	<u>Northern Territory</u> <p>To qualify for registration as an architectural partnership or company, the partnership or company must have a place of business or be carrying on business within the Northern Territory.</p>

21	Sector	Research and development services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services)
	Level of government	Regional
	Measures	<i>Biodiscovery Act 2004</i> (Qld)
	Description	<p><u>Queensland</u></p> <p>A biodiscovery entity seeking to collect or use native biological material from Queensland for biodiscovery purposes must be authorised under a collection authority, have an approved biodiscovery plan, and an individually negotiated Benefit Sharing Agreement.</p> <p>An application for a collection authority, or a biodiscovery plan, may be granted with or without conditions, or refused.</p> <p>Under the Benefit Sharing Agreement a biodiscovery entity must among other conditions, provide certain benefits of biodiscovery (as defined in the Act) to Queensland.</p>

22	Sector	Mining and related services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Performance Requirements Senior Management and Boards of Directors
	Level of government	Regional
	Measures	<i>Mount Isa Mines Limited Agreement Act 1985 (Qld)</i>
	Description	<p><u>Queensland</u></p> <p>The operator of Mount Isa Mines shall, so far as is reasonably and economically practicable:</p> <ul style="list-style-type: none"> (a) use the services of professional consultants resident and available within Queensland; (b) use labour available within Queensland; (c) when preparing specifications, calling for tenders and letting contracts for works, materials, plant, equipment and supplies, ensure that Queensland suppliers, manufacturers and contractors are given reasonable opportunity to tender or quote; and (d) give proper consideration and where possible preference to Queensland suppliers, manufacturers and contractors when letting contracts or placing orders for works, materials, plant, equipment and supplies where price, quality, delivery and service are equal to or better than that obtainable elsewhere.

23	Sector	Distribution services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Local Presence
	Level of government	Regional
	Measures	<i>Firearms Act 2017</i> (NT)
	Description	<u>Northern Territory</u> Grant of a firearms licence ²⁰ requires residency in the Northern Territory. Licences and permits expire three months after the holder ceases to reside permanently in the Northern Territory.

²⁰ “Firearms licences” include firearms dealer licences, firearms armourer licences, firearms museum licences, firearms collector licences, firearms employee licences, and paintball operator licences.

24	Sector	Distribution services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Local Presence Senior Management and Boards of Directors
	Level of government	Regional
	Measures	<i>Liquor Act 2018</i> (NT) and policy and practice <i>Kava Management Act 2016</i> (NT) <i>Tobacco Control Act 2016</i> (NT) and policy and practice
	Description	<p><u>Northern Territory</u></p> <p>The Northern Territory Licensing Commission may require:</p> <ul style="list-style-type: none"> (a) a liquor licensee, if the licensee is an individual; or (b) at least one of the licensees, if the licence is held by a partnership; or (c) the licence nominee, if the licence is held by a corporation <p>to ordinarily reside within the general locality of the premises to which the licence relates.</p> <p>An applicant for a retail licence for kava must ordinarily reside or carry on business in the relevant licence area in the Northern Territory.</p> <p>The holder of a tobacco retail licence may only sell tobacco products from the premises specified in the licence.</p> <p>A tobacco retail licence in relation to liquor licensed premises may only be granted to the liquor licensee of those premises.</p>

25	Sector	Distribution services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Performance Requirements
	Level of government	Regional
	Measures	<i>Wine Industry Act 1994 (Qld)</i>
	Description	<u>Queensland</u> In order to obtain a wine merchant's licence to sell wine, the business conducted by a person under the licence must contribute to the Queensland wine industry in a substantial way. In order to obtain a wine producer's licence to sell wine, a person must be selling wine made from fruit grown by the person on the premises to which the licence relates, or selling wine made by the person on the premises to which the licence relates.

26	Sector	Recreational, cultural and sporting services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Local presence Senior Management and Boards of Directors
	Level of government	Regional
	Measures	<i>Nature Conservation Act 1992</i> (Qld) <i>Nature Conservation (Wildlife Management) Regulation 2006</i> (Qld) <i>Nature Conservation (Administration) Regulation 2006</i> (Qld)
	Description	<p><u>Queensland</u></p> <p>The Chief Executive of the Queensland Department of Environment and Heritage Protection may grant a wildlife authority,²¹ other than a wildlife movement permit, to a corporation only if the corporation has an office in Queensland.</p> <p>The Chief Executive may approve a person to be an authorised cultivator or propagator for protected plants only if:</p> <ul style="list-style-type: none"> (a) in the case of a natural person, the person is a resident of Queensland; or (b) if the person is a corporation, the corporation has premises in Queensland at which the plants are to be cultivated or propagated. <p>An individual or corporation is only taken to be a “person aggrieved” by a decision, failure to make a decision, or conduct under the Act if the individual is an Australian citizen or ordinarily resident in Australia or, if a corporation, established in Australia.</p>

²¹ The term “wildlife authority” is defined in Schedule 7 of the *Nature Conservation (Administration) Regulation 2006* (Qld).

27	Sector	Transport services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services) Local Presence Senior Management and Boards of Directors
	Level of government	Regional
	Measures	<i>Road Transport (Public Passenger Services) Act 2001 (ACT)</i> <i>Road Transport (Public Passenger Services) Regulation 2002 (ACT)</i> <i>Point to Point Transport (Taxis and Hire Vehicles) Act 2016 (NSW)</i> <i>Commercial Passenger (Road Transport) Act 2014 (NT)</i> <i>Passenger Transport Act 1994 (SA)</i> <i>Transport (Road Passenger Services) Act 2018 (WA)</i> <i>Transport Coordination Act 1996 (WA)</i>
	Description	<p><u>Australian Capital Territory</u></p> <p>An application for accreditation to run a public transport service must be made by an Australian citizen or permanent resident of Australia.</p> <p>The Minister may determine the number of taxi licences or restricted taxi licences. The Road Transport Authority must not issue a taxi licence or a restricted taxi licence if the number of taxi licences or restricted taxi licences (as appropriate) would exceed the relevant number determined by the Minister.</p> <p><u>New South Wales</u></p> <p>The number of taxi licences is limited. Transport for NSW will determine, before 31 March each year, the number of taxi licences to be issued during the year commencing on the following 1 July.</p> <p><u>Northern Territory</u></p> <p>A taxi licence will be cancelled if the holder, being an individual, has not been ordinarily resident in the Northern Territory for more than six months or, being a</p>

		<p>body corporate, has ceased for more than six months to have its principal place of business in the Northern Territory.</p> <p><u>South Australia</u></p> <p>The number of taxi licences is limited. The number of general taxi licences to operate in metropolitan Adelaide is limited to 50.</p> <p><u>Western Australia</u></p> <p>An application for authorisation to provide an on-demand booking service must nominate at least one person to be a responsible officer that represents the applicant in providing the on-demand booking service who is: (a) a resident of Western Australia and (b) ordinarily resident in Australia.</p> <p>When determining whether to grant or refuse a licence for a commercial goods vehicle, the Minister may consider the factors identified in the legislation, including the effect of the proposed service on existing services.</p>
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28	Sector	Security services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Senior Management and Boards of Directors
	Level of government	Regional
	Measures	<i>Security Industry Act 1997</i> (NSW)
	Description	<u>New South Wales</u> A person must be an Australian citizen or an Australian permanent resident to obtain a licence to carry on a security activity in New South Wales.

29	Sector	Distribution services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services) Senior Management and Boards of Directors
	Level of government	Regional
	Measures	<i>Rice Marketing Act 1983</i> (NSW)
	Description	<u>New South Wales</u> New South Wales retains marketing board arrangements for rice.

30	Sector	Recreational, cultural and sporting services
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Nature Conservation Act 2014</i> (ACT)
	Description	<u>Australian Capital Territory</u> The keeping of a non-exempt animal under the <i>Nature Conservation Act 2014</i> (ACT) is prohibited.

31	Sector	Education
	Sub-sector	Private education
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Education Act 2016 (Tas)</i> <i>Education Regulations 2017 (Tas)</i> <i>School Education Act 1999 (WA)</i> Advance Determination Policy Direction 2019
	Description	<p><u>Tasmania</u></p> <p>A person or body must not operate a non-government school, or a campus of a non-government school, unless that school is registered under the Act. In deciding whether to grant an application for registration of an individual non-government school, the Minister must consider the likely impact that the registration of the new school will have on existing schools.</p> <p><u>Western Australia</u></p> <p>A person may not establish or conduct a non-government school in Western Australia unless it is registered under the Act. In order to be eligible for registration there must be an advance determination in force for the proposed school. In deciding whether to make an advance determination, the Minister will consider the potential for adverse effects on existing schools.</p>

32	Sector	Transport
	Sub-sector	Pilotage
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Ports Management Act 2015</i> (NT)
	Description	<u>Northern Territory</u> The Minister may appoint a pilotage services provider to provide pilotage services on an exclusive basis within a relevant pilotage area.

33	Sector	Pharmacies
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Health Practitioner Regulation National Law (NSW)</i> <i>Pharmacy Business Ownership Act 2001 (Qld)</i> <i>Pharmacy Regulation Act 2010 (Vic)</i> <i>Pharmacy Act 2010 (WA)</i>
	Description	<p><u>New South Wales</u></p> <p>In New South Wales, a pharmacist must not (whether as an individual or as a partner in a pharmacists' partnership or a member of a body corporate) own or otherwise have a financial interest in more than five pharmacy businesses.</p> <p><u>Queensland</u></p> <p>In Queensland, a person must not own a pharmacy business unless the person is:</p> <ul style="list-style-type: none"> (a) a pharmacist; or (b) a corporation whose directors and shareholders are all pharmacists; or (c) a corporation as described in s 139B(ba) of the Act; or (d) a friendly society as described in ss 139B(c)-(d) of the Act; or (e) any other entity as described in the Act. <p>In Queensland, there are limits on the number of pharmacies which a person or entity may own or have a beneficial interest in:</p> <ul style="list-style-type: none"> (a) a pharmacist must not have a beneficial interest in more than five pharmacy businesses at the same time; (b) a corporation must not own more than five pharmacy businesses at the same time;

		<p>(c) a friendly society must not own more than six pharmacy businesses at the same time.</p> <p><u>Victoria</u></p> <p>In Victoria, a person must not own or have a proprietary interest in a pharmacy business unless the person is:</p> <ul style="list-style-type: none"> (a) a registered pharmacist; or (b) a company as described in ss 5(b)-(e) of the Act; or (c) any other person as described in the Act. <p>In Victoria, there are limits on the number of pharmacy businesses which a person or company may own or have a proprietary interest in.</p> <p><u>Western Australia</u></p> <p>In Western Australia, a pharmacist, or a friendly society, must not own, or hold a proprietary interest in, more than four pharmacy businesses at any one time. A new friendly society must not acquire, or acquire a proprietary interest in, a pharmacy business, if the total number of pharmacy businesses which are owned by a new friendly society, or in which a new friendly society holds a proprietary interest, is nine or more than nine.</p>
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34	Sector	Pipeline transport
	Obligations concerned	Market Access (Investment)
	Level of government	Central and Regional
	Measures	<i>National Gas (South Australia) Act 2008 (SA)</i>
	Description	<p><u>South Australia</u></p> <p>A regulated pipeline service (“covered pipeline”) may only be provided by certain kinds of legal entities which include:</p> <ul style="list-style-type: none"> (a) a legal entity registered under the <i>Corporations Act 2001</i> (Cth); or (b) a foreign company; or (c) a corporation established by or under a law of the Commonwealth, or a state or territory, of Australia which is a “participating jurisdiction” for the purposes of the Act. <p>The terms used in this entry must be interpreted by reference to the <i>National Gas (South Australia) Act 2008 (SA)</i>.</p>

35	Sector	Mining
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Opal Mining Act 1995 (SA)</i>
	Description	<p><u>South Australia</u></p> <p>In South Australia there are limits on the maximum number of tenements for opals or other precious stones.</p> <p>A person must not hold at the same time:</p> <ul style="list-style-type: none"> (a) more than one opal development lease; (b) more than one precious stones claim that is in a precious stones field, subject to the qualification that a person may hold two precious stones claims if one or both of the claims arise from an opal development lease; (c) more than two precious stones claims. <p>The terms used in this entry must be interpreted by reference to the Act.</p>

36	Sector	Mining
	Sub-sector	Petroleum
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Petroleum (Submerged Lands) Act 1982 (SA)</i> <i>Petroleum Act 1998 (Vic)</i>
	Description	<p><u>South Australia</u></p> <p>Under certain circumstances, the Minister may direct the holder of a licence to increase or reduce the rate at which petroleum is being extracted or recovered in the licence area to a specified rate.</p> <p><u>Victoria</u></p> <p>Pursuant to s 60 of the <i>Petroleum Act 1998 (Vic)</i>, under certain circumstances, the Minister may direct the holder of a licence to reduce the rate at which petroleum is being extracted or recovered in the licence area to a specified rate.</p>

37	Sector	Agriculture
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Land Administration Act 1997 (WA)</i>
	Description	<p><u>Western Australia</u></p> <p>The Pastoral Lands Board may from time to time determine the minimum and maximum numbers and the distribution of stock to be carried on land under a pastoral lease. The pastoral lessee must comply with such a determination.</p> <p>The Minister must not:</p> <ul style="list-style-type: none"> (a) approve the grant of a pastoral lease to a person; or (b) approve the transfer to the person of any interest in a pastoral lease <p>if the result of the grant or transfer would be that the pastoral land imputed to the person would exceed 500,000 hectares, unless the Minister is satisfied that the transfer would not result in so great a concentration of control of pastoral land as to be against the public interest.</p>

38	Sector	Cat breeding
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Cat Act 2011 (WA)</i> <i>Cat (Uniform Local Provisions) Regulations 2013 (WA)</i>
	Description	<u>Western Australia</u> There are limits on the number of cats which may be kept at a premises in Western Australia. The numbers are set under local laws and may differ between local government areas.

39	Sector	Forestry
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Forestry Act 2012</i> (NSW) <i>Sustainable Forests (Timber) Act 2004</i> (Vic) <i>Forests Act 1958</i> (Vic)
	Description	<p><u>New South Wales</u></p> <p>The Minister may, by notice in writing to the Forestry Corporation of New South Wales:</p> <ul style="list-style-type: none"> (a) prohibit particular kinds of forestry operations in a special management zone; or (b) prohibit forestry operations in the zone unless particular conditions are complied with. <p>The carrying out of general purpose logging is prohibited in a special management zone.</p> <p><u>Victoria</u></p> <p>VicForests has a monopoly over certain timber harvesting operations in state forests and has discretion to authorise persons to perform timber harvesting operations under contract or licence. The number of contracts or licences may be limited and there may be a limit on the total amount of resources which may be harvested.</p>

40	Sector	Rain-making
	Obligations concerned	Market Access (Investment and Cross-Border Trade in Services)
	Level of government	Regional
	Measures	<i>Rain-Making Control Act 1967 (Vic)</i>
	Description	<u>Victoria</u> Rain-making operations in Victoria are prohibited unless they are authorised under the Act.

41	Sector	Dog breeding
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Domestic Animals Act 1994 (Vic)</i> <i>Dog Act 1976 (WA)</i> <i>Dog Regulations 1976 (WA)</i>
	Description	<p><u>Victoria</u></p> <p>A commercial dog breeder in Victoria must not keep more than 50 relevant fertile female dogs.</p> <p><u>Western Australia</u></p> <p>There are limits on the number of dogs which may be kept at a premises in Western Australia. The numbers are set under local laws and may differ between local government areas.</p>

42	Sector	Agriculture and manufacturing
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Controlled Substances Act 1984 (SA)</i> <i>Drugs, Poisons and Controlled Substances Act 1981 (Vic)</i> <i>Drugs, Poisons and Controlled Substances Regulations 2017 (Vic)</i>
	Description	<p><u>South Australia</u></p> <p>In South Australia a person may only:</p> <ul style="list-style-type: none"> (a) cultivate or process alkaloid poppies; or (b) manufacture any other drug, poison or controlled substance which is regulated by the Act <p>if they hold an approved licence and subject to the terms and conditions of the licence. Licences are granted on a discretionary basis, and the number of licences may be limited.</p> <p>Unless otherwise approved, a poppy cultivation licence is subject to the condition that the licensed grower must have a contract with a licensed processor for the processing of alkaloid poppies cultivated under the licence.</p> <p>Licences granted in South Australia to process alkaloid poppies are subject to limits on the maximum quantities which may be processed.</p> <p><u>Victoria</u></p> <p>Licences granted in Victoria to manufacture or formulate heroin are subject to limits on the maximum quantities which may be processed, manufactured or formulated (as appropriate).</p>

43	Sector	Hunting
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Wildlife Act 1975 (Vic)</i> <i>Wildlife (Game) Regulations 2012 (Vic)</i>
	Description	<u>Victoria</u> A licence is required to hunt wildlife or game in Victoria and the number of licences granted may be limited. Hunting of game is subject to licence conditions including bag limits, which vary for different taxon of game.

44	Sector	Human and social services
	Sub-sector	Human health services
	Obligations concerned	Market Access (Investment)
	Level of government	Regional
	Measures	<i>Animal Research Act 1985</i> (NSW)
	Description	<u>New South Wales</u> Only a corporation may apply for accreditation as a research establishment under the <i>Animal Research Act 1985</i> (NSW).

45	Sector	All
	Obligations Concerned	Performance Requirements ²²
	Level of Government	Regional
	Measures	All existing non-conforming measures at the regional level of government.
	Description	<p>All existing non-conforming measures at the regional level of government with respect to the imposition or enforcement of any requirement, or the enforcement of any commitment or undertaking:</p> <ul style="list-style-type: none"> (a) to purchase, use or accord a preference to, in its territory, technology of the Party or of a person of the Party;²³ (b) that prevents the purchase or use of, or the according of a preference to, in its territory, a particular technology; (c) to adopt: <ul style="list-style-type: none"> (i) a rate or amount of royalty below a certain level; or (ii) a given duration of the term of a licence contract;²⁴ <p>with regard to any licence contract in existence at the time the requirement is imposed or enforced, or any commitment or undertaking is enforced, or with regard to any future licence contract freely entered into between the investment and a person in the territory of the Party, if the requirement is imposed or enforced or the commitment or undertaking is enforced, in a manner that constitutes a direct interference with that licence contract by an exercise of a non-judicial governmental authority of the Party,</p>

²² This entry does not apply in relation to subparagraphs 1(i) or 1(j) of Article 13.11 (Performance Requirements – Investment). See also Entry 30 of Annex II.

²³ For the purposes of this paragraph, the term “technology of the Party or of a person of the Party” includes technology that is owned by the Party or a person of the Party, and technology for which the Party or a person of the Party holds an exclusive licence.

²⁴ A “licence contract” referred to in this subparagraph means any contract concerning the licensing of technology, a production process, or other proprietary knowledge.

		in connection with the establishment, acquisition, expansion, management, conduct, operation, or sale or other disposition of an investment.
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46	Sector	Communication services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Most-Favoured-Nation (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services)
	Level of government	Central
	Measures	<i>Australian Postal Corporation Act 1989</i> (Cth)
	Description	<p>Australia Post, a wholly-owned government entity, has the exclusive right to issue postage stamps and carry letters within Australia, whether the letters originated within or outside Australia. This includes:</p> <ul style="list-style-type: none"> (a) the collection within Australia of letters for delivery within Australia; and (b) the delivery of letters within Australia. <p>This reservation does not include:</p> <ul style="list-style-type: none"> (a) the carriage of a letter weighing more than 250 grams; (b) the carriage of a letter within Australia for a charge or fee that is at least 4 times the rate of postage that is current at the time for the carriage within Australia of a standard postal article by ordinary post²⁵; and (c) other exceptions to the reserved services set out in s 30 of the <i>Australian Postal Corporation Act 1989</i> (Cth). <p>Australia Post also has certain rights, powers and immunities ascribed only to it, such as the use and access to public land for the provision of postal and courier services.</p>

²⁵ As specified in accordance with the *Australian Postal Corporation Act 1989* (Cth) and its subordinate legislation and regulations or any amendments thereto.

47	Sector	Transport services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services)
	Level of government	Central
	Measures	<i>Air Services Act 1995 (Cth)</i> <i>Air Services Regulations 1995 (Cth)</i> <i>Public Governance, Performance and Accountability Act 2013 (Cth)</i>
	Description	The following functions and services are reserved to provision by the statutory authority, Airservices Australia: airspace management, air traffic flow information, air traffic control, traffic and flight information, navigation services, aeronautical information, and aerodrome rescue and fire-fighting services.