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Treaty Series No. 37 (2023)

Free Trade Agreement

between the United Kingdom of Great Britain and Northern Ireland and Australia

London, 16 December and Adelaide, 17 December 2021

[The Agreement entered into force 31 May 2023]

*Presented to Parliament
by the Secretary of State for Foreign, Commonwealth and Development Affairs
by Command of His Majesty
September 2023*



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CHAPTER 32

FINAL PROVISIONS

Article 32.1 Annexes, Appendices and Footnotes

The Annexes, Appendices, and footnotes to this Agreement shall constitute an integral part of this Agreement.

Article 32.2 Amendments

The Parties may agree, in writing, to amend this Agreement. Such amendments shall enter into force 30 days after the date on which the Parties exchange written notifications confirming that they have completed their respective domestic requirements necessary for the entry into force of the amendments, or on such other date as the Parties may agree.

Article 32.3 Amendment of International Agreements

If any international agreement, or a provision therein, that has been referred to in this Agreement or incorporated into this Agreement is amended, the Parties shall, at the request of either Party, consult each other on whether to amend this Agreement, unless this Agreement otherwise provides.

Article 32.4 Territorial Extension

1. This Agreement, or specified provisions of it, may be extended to any such territories for whose international relations the United Kingdom is responsible as may be agreed between Australia and the United Kingdom. Upon delivery of a written request by the United Kingdom, the Parties shall hold consultations promptly to consider and agree the extension. Any amendment to this Agreement required to accommodate an extension shall be made in accordance with Article 32.2 (Amendments).
2. For greater certainty, an extension in accordance with paragraph 1 may include extension of further provisions of this Agreement to the Bailiwicks of Guernsey and Jersey and the Isle of Man, as well as any extension to any other territories for whose international relations the United Kingdom is responsible, including, but not limited to, Gibraltar.

Article 32.5

Territorial Disapplication

The United Kingdom may at any time give notice in writing to Australia that this Agreement is, or specified provisions of it are, no longer to apply to a territory for whose international relations the United Kingdom is responsible. If the United Kingdom gives notice in writing pursuant to this Article, the Parties shall hold consultations promptly to agree a mutually satisfactory solution. Notwithstanding such consultations, if notice in writing is given that this Agreement as a whole is no longer to apply to a territory for whose international relations the United Kingdom is responsible, the notification shall take effect 12 months after the date on which the United Kingdom has provided written notice to Australia, or on such other date as the Parties may agree. Any amendment to this Agreement required as a result of the Agreement, or specified provisions of it, no longer applying to a territory for whose international relations the United Kingdom is responsible shall be made in accordance with Article 32.2 (Amendments).

Article 32.6

General Review

1. The Parties shall undertake a general review of this Agreement in the seventh year following the date of entry into force of this Agreement, or at such times as may be agreed by the Parties.
2. A review pursuant to paragraph 1 shall be undertaken with a view to updating and enhancing this Agreement, to ensure that the disciplines contained in this Agreement remain relevant to the trade and investment issues and challenges confronting the Parties.
3. A review pursuant to paragraph 1 shall take into account:
 - (a) developments in innovation;
 - (b) the work of all committees, working groups, dialogues and any other subsidiary bodies established under this Agreement; and
 - (c) relevant developments in international fora.

Article 32.7

Entry into Force

This Agreement shall enter into force 30 days after the date on which the Parties exchange written notifications confirming that they have

completed their respective domestic requirements necessary for the entry into force of this Agreement, or on such other date as the Parties may agree.

**Article 32.8
Termination**

1. A Party may terminate this Agreement by giving the other Party notice in writing. Such termination shall take effect six months after the date of the notification, or on such date as the Parties may agree.

2. Within 30 days of the date of a notification issued under paragraph 1, either Party may request consultations regarding whether the termination of any provision of this Agreement should take effect on a date later than that provided in paragraph 1. Such consultations shall commence within 30 days of the date of the request, or on such date as the Parties may agree.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.¹

DONE at London on this 16th day of December 2021 and at Adelaide on this 17th day of December 2021, in duplicate.

**For the United Kingdom of Great
Britain and Northern Ireland:**

ANNE-MARIE TREVELYAN

For Australia:

DAN TEHAN

¹ This testimonium is to be applied in accordance with the Exchange of Notes of the 16th December 2021 between The British High Commission Canberra and the Department of Foreign Affairs and Trade of Australia.

ANNEX I

EXPLANATORY NOTES

1. The Schedule of a Party to this Annex sets out, pursuant to Article 8.7 (Non-Conforming Measures – Cross-Border Trade in Services) and Article 13.13 (Non-Conforming Measures – Investment), a Party’s existing measures that are not subject to some or all of the obligations imposed by:
 - (a) Article 8.3 (National Treatment – Cross-Border Trade in Services) or Article 13.5 (National Treatment – Investment);
 - (b) Article 8.4 (Most-Favoured-Nation Treatment – Cross-Border Trade in Services) or Article 13.6 (Most-Favoured-Nation Treatment – Investment);
 - (c) Article 8.5 (Market Access – Cross-Border Trade in Services) or Article 13.4 (Market Access – Investment);
 - (d) Article 8.6 (Local Presence – Cross-Border Trade in Services);
 - (e) Article 13.11 (Performance Requirements – Investment); or
 - (f) Article 13.12 (Senior Management and Boards of Directors – Investment).

2. Each Schedule entry sets out the following elements:
 - (a) “Sector” refers to the sector for which the entry is made;
 - (b) “Sub-Sector”, where referenced, refers to the specific sub-sector for which the entry is made;
 - (c) “Industry Classification”, where referenced, refers to the activity covered by the entry, according to the CPC, ISIC Rev. 3.1, or as expressly otherwise described in that entry;

“ISIC Rev. 3.1” means the *International Standard Industrial Classification of All Economic Activities* as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No.4, ISIC Rev. 3.1, 2002; and

“CPC” means the *Provisional Central Product Classification* (Statistical Papers, Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

- (d) “Obligations concerned” specifies the obligations referred to in paragraph 1 that, pursuant to Article 8.7 (Non-Conforming Measures – Cross-Border Trade in Services) and Article 13.13 (Non-Conforming Measures – Investment), do not apply to the listed measure(s) as indicated in the introductory note for each Party’s Schedule;
 - (e) “Level of government” indicates the level of government maintaining the listed measures;
 - (f) “Measures” identifies the laws, regulations, or other measures for which the entry is made. A measure cited in the Measures element:
 - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement, and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
 - (g) “Description”, as indicated in the introductory note for each Party’s Schedule, either sets out the non-conforming measure or provides a general non-binding description of the measure for which the entry is made.
3. For greater certainty, if a Party adopts a new measure at a level of government different to the level of government originally specified in an entry, and this new measure effectively replaces (within the territory to which it applies) the non-conforming aspect of the original measure cited in the “Measures” element, the new measure is understood to constitute “amendment” to the original measure within the meaning of subparagraph (1)(c) of Article 8.7 (Non-Conforming Measures – Cross-Border Trade in Services) and subparagraph (1)(c) of Article 13.13 (Non-Conforming Measures – Investment).
 4. The list of entries below does not include measures relating to qualification requirements and procedures, technical standards, authorisation requirements and licensing requirements and procedures where they do not constitute a limitation within the meaning of Articles 8.3 (National Treatment – Cross-Border Trade in Services), Article 13.5 (National Treatment – Investment), Article 8.5 (Market Access – Cross-Border Trade in Services), Article 13.4 (Market Access – Investment), or Article 8.6 (Local Presence – Cross-Border Trade in Services). These measures may include, in particular, the need to obtain a licence, to satisfy universal service obligations, to have recognised qualifications in regulated sectors, to have completed a recognised period of training, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, to have a local agent for service, or to maintain a local address, or any non-discriminatory requirements that

certain activities may not be carried out in protected zones or areas. While not listed, those measures continue to apply.

5. Non-discriminatory measures do not constitute a market access limitation within the meaning of Article 8.5 (Market Access – Cross-Border Trade in Services) or Article 13.4 (Market Access – Investment) of this Agreement for any measure:
 - (a) concerning zoning and planning regulations affecting the development or use of land, or another analogous measure;
 - (b) requiring the separation of the ownership of infrastructure from the ownership of the goods or services provided through that infrastructure to ensure fair competition, for example in the fields of energy, transportation, and telecommunications;
 - (c) restricting the concentration of ownership to ensure fair competition;
 - (d) seeking to ensure the conservation and protection of natural resources and the environment, including a limitation on the availability, number, and scope of concessions granted, and the imposition of a moratorium or ban;
 - (e) limiting the number of authorisations granted because of technical or physical constraints, for example telecommunications spectra and frequencies; or
 - (f) requiring that a certain percentage of the shareholders, owners, partners, or directors of an enterprise be qualified or practice a certain profession such as lawyers or accountants.
6. For the purposes of the Schedules of Australia and the United Kingdom, an entry for a requirement to have a local presence in the territory of Australia or the United Kingdom is made against Article 8.6 (Local Presence – Cross-Border Trade in Services), and not against Article 8.3 (National Treatment – Cross-Border Trade in Services) or Article 8.5 (Market Access – Cross-Border Trade in Services).

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: <ul style="list-style-type: none"> (a) a proposed investment by a foreign person⁴ in an entity or Australian business valued above \$1,216 million;⁵ (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;

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</i> (Cth) <i>Corporations Regulations 2001</i> (Cth)
	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</i> (Cth) <i>Shipping Registration Regulations 1981</i> (Cth)
	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: <ul style="list-style-type: none"> (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</i> (Cth), 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</i> (Cth).</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</i> (Cth).</p>

20	Sector	Professional services
	Obligations concerned	Local Presence
	Level of government	Regional
	Measures	<i>Architects Act 1963</i> (NT)
	Description	<u>Northern Territory</u> 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.

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 (Qld)</i> <i>Nature Conservation (Wildlife Management) Regulation 2006 (Qld)</i> <i>Nature Conservation (Administration) Regulation 2006 (Qld)</i>
	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 (NSW)</i>
	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</i> (Tas) <i>Education Regulations 2017</i> (Tas) <i>School Education Act 1999</i> (WA) 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> <p>The Minister may appoint a pilotage services provider to provide pilotage services on an exclusive basis within a relevant pilotage area.</p>

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 (NSW)</i> <i>Sustainable Forests (Timber) Act 2004 (Vic)</i> <i>Forests Act 1958 (Vic)</i>
	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.

ANNEX I

SCHEDULE OF THE UNITED KINGDOM

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INTRODUCTORY NOTES

1. “Description” provides a general non-binding description of the measure for which the entry is made.
2. “Obligations Concerned” specifies the obligations referred to in paragraph 1 of Article 8.7 (Non-Conforming Measures – Cross-Border Trade in Services) and paragraph 1 of Article 13.13 (Non-Conforming Measures – Investment) that do not apply to the listed measures.
3. For the avoidance of doubt, and recalling i) subparagraph 6(c) of Article 13.13 (Non-Conforming Measures – Investment) and subparagraph 3(b) of Article 8.2 (Scope – Cross-Border Trade in Services) relating to the exclusion of government procurement; and ii) subparagraph 6(b) of Article 13.13 (Non-Conforming Measures – Investment) and subparagraph 3(d) of Article 8.2 (Scope – Cross-Border Trade in Services) relating to the exclusion of subsidies or grants provided by a Party:

In relation to Research and Development (R&D) services, Chapter 13 (Investment) and Chapter 8 (Cross-Border Trade in Services) shall not interfere with the ability of the UK to grant exclusive rights or authorisations, for publicly funded R&D services, to nationals of the UK or enterprises of the UK having their registered office, central administration, or principal place of business in the UK.

4. In the interpretation of an entry, all elements of the entry shall be considered. An entry shall be interpreted in the light of the relevant obligations of the Chapters against which the entry is taken. The “Measures” element shall prevail over all other elements.
5. For greater certainty, the fact that a Party has made an entry does not necessarily mean that, in the absence of such an entry, the measure would be inconsistent with the obligations under Chapter 13 (Investment) and Chapter 8 (Cross-Border Trade in Services).

Entry No. I-1 – Takeovers and Mergers

Sector – Sub-Sector	All Sectors
Obligations Concerned	Performance Requirements
Level of Government	Central and Regional
Description	<p><u>Investment</u></p> <p>The United Kingdom may enforce a commitment or undertaking in relation to a takeover or merger where the commitment or undertaking is not imposed or required as a condition of approval of the takeover or merger, and which is:</p> <p>(a) given in accordance with the provisions governing post-offer undertakings in the City Code on Takeovers and Mergers; or</p> <p>(b) given pursuant to Deeds of Undertaking accepted or enforced under the prerogative powers of the Crown.</p>
Measures	<p><i>The City Code on Takeovers and Mergers.</i></p> <p><i>Companies Act 2006.</i></p> <p><i>Law of Property (Miscellaneous Provisions) Act 1989</i> as regards enforcement of Deeds of Undertaking in relation to takeovers or mergers.</p>

Entry No. I-2 – Professional services (legal services)

Sector - Sub-Sector	Professional services – legal services
Industry Classification	Part of CPC 861
Obligations Concerned	Market Access National Treatment Local Presence
Level of Government	Central and Regional
Description	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>Residency (commercial presence) may be required by the relevant professional or regulatory body for the provision of some UK domestic legal services. Non-discriminatory legal form requirements apply.</p> <p>Residency may be required by the relevant professional or regulatory body for the provision of certain UK domestic legal services in relation to immigration.</p>
Measures	<p>For England and Wales, the <i>Solicitors Act 1974</i>, the <i>Administration of Justice Act 1985</i>, and the <i>Legal Services Act 2007</i>.</p> <p>For Scotland, the <i>Solicitors (Scotland) Act 1980</i> and the <i>Legal Services (Scotland) Act 2010</i>.</p> <p>For Northern Ireland, the <i>Solicitors (Northern Ireland) Order 1976</i>.</p> <p>For all jurisdictions, the <i>Immigration and Asylum Act 1999</i>.</p> <p>In addition, the measures applicable in each jurisdiction include any requirements set by professional and regulatory bodies.</p>

Entry No. I-3 – Professional services (intellectual property agents)

Sector – Sub-Sector	Professional services – intellectual property agents
Obligations concerned	Local Presence Most-Favoured-Nation Treatment
Level of Government	Central
Description	<u>Cross-Border Trade in Services</u> Local presence is required for the provision of intellectual property agency services.
Measures	<i>Copyright, Designs and Patents Act 1988.</i>

Entry No. I-4 – Professional services (veterinary services)

Sector – Sub-Sector	Professional services – veterinary services
Industry Classification	CPC 932
Obligations Concerned	Market Access Local Presence
Level of Government	Central
Description	<u>Cross-Border Trade in Services</u> Only members of the Royal College of Veterinary Surgeons (RCVS) may provide veterinary services in the UK. RCVS guidelines may require physical presence for the provision of veterinary services.
Measures	<i>Veterinary Surgeons Act 1966.</i>

Entry No. I-5 – Business services

Sector – Sub-Sector	Business services – rental or leasing services without operators and other business services
Industry Classification	Part of CPC 831
Obligations Concerned	Market Access National Treatment Local Presence Most-Favoured-Nation Treatment
Level of Government	Central
Description	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>For rental or leasing of aircraft without crew (dry lease) aircraft used by an air carrier of the UK are subject to applicable aircraft registration requirements. A dry lease agreement to which a UK carrier is a party shall be subject to requirements in the national law on aviation safety, such as prior approval and other conditions applicable to the use of third countries' registered aircraft. To be registered, aircraft may be required to be owned either by natural persons meeting specific nationality criteria or by enterprises meeting specific criteria regarding ownership of capital and control (CPC 83104).</p> <p>With respect to computer reservation system (CRS) services, where the UK air carriers are not accorded, by CRS services suppliers operating outside the UK, equivalent (meaning non-discriminatory) treatment to that provided in the UK, or where UK CRS services suppliers are not accorded, by non-UK air carriers, equivalent treatment to that provided in the UK, measures may be taken to accord equivalent discriminatory treatment, respectively, to the non-UK air carriers by the CRS services suppliers operating in the UK, or to the non-UK CRS services suppliers by UK air carriers.</p>
Measures	<i>Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) as retained in UK law by the European Union (Withdrawal) Act 2018 and as amended by The Operation of Air Services (Amendment etc.) (EU Exit) Regulations (S.I. 2018/1392).</i>

Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89 as retained in UK law by the European Union (Withdrawal) Act 2018 and as amended by The Computer Reservation Systems (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1080).

Entry No. I-6 – Communication services

Sector – Sub-Sector	Communication services – postal and courier services
Industry Classification	Part of CPC 71235, part of 73210, part of 751
Obligations Concerned	Market Access
Level of Government	Central
Description	<u>Investment and Cross-Border Trade in Services</u> The organisation of the siting of letter boxes on the public highway, the issuing of postage stamps, and the provision of the registered mail service used in the course of judicial or administrative procedures may be restricted. For greater certainty, postal operators may be subject to particular universal service obligations or a financial contribution to a compensation fund.
Measures	<i>Postal Services Act 2011.</i> <i>Postal Services Act 2000.</i>

Entry No. I-7 – Transport services and services auxiliary to transport services

Sector – Sub-Sector	Transport services – auxiliary services for water transport, auxiliary services to rail transport, road transport and services auxiliary to road transport, services auxiliary to air transport services
Obligations Concerned	Market Access Local Presence Senior Management and Boards of Directors
Level of Government	Central and Regional
Description (a)	(a) Services auxiliary to air transport services <u>With respect to Investment – Market Access and Cross-Border Trade in Services – Market Access:</u>
Measures (a)	The level of openness of groundhandling services depends on the size of airport. The number of suppliers in each airport may be limited. For big airports, this limit may not be less than two suppliers. <i>The Airports (Groundhandling) Regulations 1997 (S.I. 1997/2389).</i>
Description (b)	(b) Supporting services for all modes of transport <u>With respect to Cross-Border Trade in Services – Local Presence:</u>
Measures (b)	Customs services, including customs clearance services and services relating to use of temporary storage facilities or customs warehouses, may only be provided by persons established in the UK. For the avoidance of doubt, this includes UK residents, persons with a permanent place of business in the UK or a registered office in the UK. <i>Taxation (Cross-Border Trade) Act 2018.</i> <i>Customs and Excise Management Act 1979.</i>
Description (c)	(c) Auxiliary services for water transport <u>With respect to Investment – Market Access, and Cross-Border Trade in Services – Market Access:</u>

<p>Measures (c)</p>	<p>For port services, the managing body of a port, or the competent authority, may limit the number of providers of port services for a given port service.</p> <p><i>Regulation (EU) 2017/352 of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports, Article 6 as retained in UK law by the European Union (Withdrawal) Act 2018 and as amended by the Pilotage and Port Services (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/671).</i></p> <p><i>Port Services Regulations 2019.</i></p>
<p>Description (d)</p>	<p>(d) Road transport and Services auxiliary to road transport</p> <p><u>With respect to Investment – Senior Management and Boards of Directors</u></p> <p>Transport Managers within the Road Haulage sector may be required to be resident in the UK.</p>
<p>Measures (d)</p>	<p><i>Goods Vehicles (Licensing of Operators) Act 1995.</i></p> <p><i>Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC as retained in UK law by the European Union (Withdrawal) Act 2018 and as amended by the Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708).</i></p>

Entry No. I-8 – Energy related activities

Sector – Sub-Sector	Energy related activities – mining and quarrying
Industry Classification	ISIC Rev 3.1 11
Obligations Concerned	Market Access
Level of Government	Central and Regional
Description	<p><u>Investment</u></p> <p>A licence is necessary to undertake exploration and production activities, both onshore and offshore. But mining and quarrying services may be provided to that licence holder without restriction.</p> <p>This entry applies to production licences issued with respect to both onshore and offshore activities. To be a Licensee, a company must have a place of business within the UK. That means either:</p> <ul style="list-style-type: none"> (a) a staffed presence in the UK; (b) registration of a UK company at Companies House; or (c) registration of a UK branch of a foreign company at Companies House. <p>To be a party to a licence that covers a producing field, a company must either (a) be registered at Companies House as a UK company; or (b) carry on its business through a fixed place of business in the UK as defined in section 148 of the Finance Act 2003 (which normally requires a staffed presence).</p> <p>This entry does not cover the provision of mining and quarrying services to the licence holder. Such services may be provided without restriction, provided that the holder of the production licence meets the criteria above.</p>
Measures	<i>Petroleum Act 1998.</i>

ANNEX II
EXPLANATORY NOTES

1. The Schedule of a Party to this Annex sets out, pursuant to Article 8.7 (Non-Conforming Measures – Cross-Border Trade in Services) and Article 13.13 (Non-Conforming Measures – Investment), the specific sectors, sub-sectors, or activities for which that Party may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
 - (a) Article 8.3 (National Treatment – Cross-Border Trade in Services) or Article 13.5 (National Treatment – Investment);
 - (b) Article 8.4 (Most-Favoured-Nation Treatment – Cross-Border Trade in Services) or Article 13.6 (Most-Favoured-Nation Treatment – Investment);
 - (c) Article 8.5 (Market Access – Cross-Border Trade in Services) or Article 13.4 (Market Access – Investment);
 - (d) Article 8.6 (Local Presence – Cross-Border Trade in Services);
 - (e) Article 13.11 (Performance Requirements – Investment); or
 - (f) Article 13.12 (Senior Management and Boards of Directors – Investment).

2. Each Schedule entry sets out the following elements:
 - (a) “Sector” refers to the sector for which the entry is made;
 - (b) “Sub-Sector”, where referenced, refers to the specific sub-sector for which the entry is made;
 - (c) “Industry Classification”, where referenced, refers to the activity covered by the entry, according to the CPC, ISIC Rev. 3.1, or as expressly otherwise described in that entry;

“ISIC Rev. 3.1” means the *International Standard Industrial Classification of all Economic Activities* as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 4, ISIC Rev. 3.1, 2002; and

“CPC” means the *Provisional Central Product Classification* (Statistical Papers, Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

- (d) “Obligations concerned” specifies the obligations referred to in paragraph 1 that, pursuant to Article 8.7 (Non-Conforming Measures – Cross-Border Trade in Services) and Article 13.13 (Non-Conforming Measures – Investment), do not apply to the sectors, sub-sectors, or activities listed in the entry;
 - (e) “Description” sets out the scope or nature of the sectors, sub-sectors, or activities covered by the entry to which the reservation applies; and
 - (f) “Existing measures”, where specified, identifies, for transparency purposes, a non-exhaustive list of existing measures that apply to the sectors, sub-sectors, or activities covered by the entry.
3. In accordance with Article 8.7 (Non-Conforming Measures – Cross-Border Trade in Services) and Article 13.13 (Non-Conforming Measures – Investment), the Articles specified in the “Obligations concerned” element of an entry do not apply to the sectors, sub-sectors, and activities identified in the “Description” element of that entry.
 4. In the interpretation of a schedule entry, all elements of the entry shall be considered. The “Description” element shall prevail over all other elements.
 5. The list of entries below does not include measures relating to qualification requirements and procedures, technical standards, authorisation requirements and licensing requirements and procedures where they do not constitute a limitation within the meaning of Articles 8.3 (National Treatment – Cross-Border Trade in Services), Article 13.5 (National Treatment – Investment), Article 8.5 (Market Access – Cross-Border Trade in Services), Article 13.4 (Market Access – Investment), or Article 8.6 (Local Presence – Cross-Border Trade in Services). These measures may include, in particular, the need to obtain a licence, to satisfy universal service obligations, to have recognised qualifications in regulated sectors, to have completed a recognised period of training, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, to have a local agent for service, or to maintain a local address, or any non-discriminatory requirements that certain activities may not be carried out in protected zones or areas. While not listed, such measures continue to apply.
 6. Non-discriminatory measures do not constitute a market access limitation within the meaning of Article 8.5 (Market Access – Cross-Border Trade in Services) or Article 13.4 (Market Access – Investment) of this Agreement for any measure:
 - (a) concerning zoning and planning regulations affecting the development or use of land, or another analogous measure;

- (b) requiring the separation of the ownership of infrastructure from the ownership of the goods or services provided through that infrastructure to ensure fair competition, for example in the fields of energy, transportation, and telecommunications;
 - (c) restricting the concentration of ownership to ensure fair competition;
 - (d) seeking to ensure the conservation and protection of natural resources and the environment, including a limitation on the availability, number, and scope of concessions granted, and the imposition of a moratorium or ban;
 - (e) limiting the number of authorisations granted because of technical or physical constraints, for example telecommunications spectra and frequencies; or
 - (f) requiring that a certain percentage of the shareholders, owners, partners, or directors of an enterprise be qualified or practice a certain profession such as lawyers or accountants.
7. For the purposes of the Schedules of Australia and the United Kingdom, an entry for a requirement to have a local presence in the territory of Australia or the United Kingdom is made against Article 8.6 (Local Presence – Cross-Border Trade in Services), and not against Article 8.3 (National Treatment – Cross-Border Trade in Services) or Article 8.5 (Market Access – Cross-Border Trade in Services).

ANNEX II

SCHEDULE OF AUSTRALIA

INTRODUCTORY NOTES

1. For the avoidance of doubt, in relation to education services, nothing in Chapter 8 (Cross-Border Trade in Services) or Chapter 13 (Investment) shall interfere with:
 - (a) the ability of individual education and training institutions to maintain autonomy in admissions policies (including in relation to considerations of equal opportunity for students and recognition of credits and degrees), in setting tuition rates and in the development of curricula or course content;
 - (b) non-discriminatory accreditation and quality assurance procedures for education and training institutions and their programmes, including the standards that must be met;
 - (c) government funding, subsidies or grants, such as land grants, preferential tax treatment, and other public benefits, provided to education and training institutions; or
 - (d) the need for education and training institutions to comply with non-discriminatory requirements related to the establishment and operation of a facility in a particular jurisdiction.
3. For greater certainty, where Australia has more than one entry in its Schedule to Annex II that could apply to a measure, each entry is to be read independently, and is without prejudice to the application of any other entry to the measure.
4. All dollar figures are in Australian dollars unless specified otherwise.

1	Sector	All
	Obligations concerned	Market Access (Cross-Border Trade in Services)
	Description	Australia reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, subject to the provisions of Chapter 11 (Temporary Entry for Business Persons), that is not inconsistent with Australia's obligations under Article XVI of GATS.
	Existing measures	

2	Sector	All
	Obligations concerned	National Treatment (Cross-Border Trade in Services and Investment) Market Access (Cross-Border Trade in Services and Investment) Local Presence Performance Requirements Senior Management and Boards of Directors
	Description	Australia reserves the right to adopt or maintain any measure that accords preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation. For the purpose of this reservation, an Indigenous person means a person of the Aboriginal and Torres Strait Islander peoples.
	Existing measures	Legislation and ministerial statements at all levels of government including Australia's foreign investment framework, and the <i>Native Title Act 1993</i> (Cth).

3	Sector	All
	Obligations concerned	National Treatment (Investment) Market Access (Investment) Performance Requirements
	Description	Australia reserves the right to adopt or maintain any measure with respect to a proposed acquisition by a foreign person ^{1,2} of an interest in Australian land, ³ other than developed commercial land or land that is used wholly and exclusively for a primary production business.
	Existing 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 Regulations 2020</i> (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements.

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 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).

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

4	Sector	All
	Obligations concerned	National Treatment (Investment) Most-Favoured-Nation Treatment (Investment) Market Access (Investment) Performance Requirements Senior Management and Boards of Directors
	Description	<p>Australia reserves the right to adopt or maintain any measure with respect to the proposed acquisition by a foreign person^{4,5} of an interest in agricultural land⁶ where the cumulative value of the agricultural land owned by the foreign person alone or together with associates, including the proposed acquisition, is above \$15 million.</p> <p>Australia reserves the right to adopt or maintain any measure with respect to the proposed acquisition by a foreign person of an interest in an agribusiness⁷ where the cumulative value of the interest held by the foreign person in that agribusiness, alone or together with associates, including the proposed acquisition, is above \$61 million.</p>
	Existing 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 Regulations 2020</i> (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements.

⁴ 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.

⁵ 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).

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

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

5	Sector	All
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services) Performance Requirements Senior Management and Boards of Directors
	Description	<p>Australia reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"> (a) the devolution to the private sector of activities performed in the exercise of governmental authority at the date of entry into force of this Agreement; and (b) the privatisation of government owned entities or assets. <p>For the purposes of this entry, any measure adopted after the date of entry into force of this Agreement in relation to subparagraph (a) or (b) shall be deemed an existing non-conforming measure subject to paragraph 1 of Article 13.13 (Non-Conforming Measures – Investment) and paragraph 1 of Article 8.7 (Non-Conforming Measures – Cross-Border Trade in Services).</p>
	Existing measures	

6	Sector	All
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Most-Favoured-Nation Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services) Local Presence Performance Requirements Senior Management and Boards of Directors
	Description	Australia reserves the right to adopt or maintain any measure ⁸ with respect to the provision of law enforcement and correctional services, and the following services ⁹ to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, ¹⁰ child care, public utilities, ¹¹ public transport, and public housing.
	Existing measures	

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

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

¹⁰ For greater certainty, the subsidies programmes under Australia's Pharmaceutical Benefits Scheme and Medicare Benefits Scheme, or successor programmes, are not subject to Article 13.4 (Market Access – Investment), Article 13.5 (National Treatment – Investment), Article 13.6 (Most-Favoured-Nation Treatment – Investment), and Article 13.12 (Senior Management and Boards of Directors – Investment), in accordance with Article 13.13(6)(b) (Non-Conforming Measures – Investment); or Chapter 8 (Cross-Border Trade in Services) in accordance with Article 8.2(3)(d) (Scope – Cross-Border Trade in Services).

¹¹ With respect to the central level of government, applies only with respect to Article 13.4 (Market Access – Investment), Article 13.11 (Performance Requirements – Investment), Article 13.12 (Senior Management and Board of Directors – Investment), and Article 8.5 (Market Access – Cross-Border Trade in Services).

7	Sector	Broadcasting and Audio-visual Services, Advertising Services, Live Performance ¹²
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Most-Favoured-Nation Treatment (Investment and Cross-Border Trade in Services) ¹³ Market Access (Investment and Cross-Border Trade in Services) Local Presence ¹⁴ Performance Requirements Senior Management and Boards of Directors
	Description	Australia reserves the right to adopt or maintain any measure ¹⁵ with respect to: <ul style="list-style-type: none"> (a) transmission quotas for local content on free-to-air commercial television broadcasting services; (b) non-discriminatory expenditure requirements for Australian production on subscription television broadcasting services; (c) transmission quotas for local content on free-to-air radio broadcasting services; (d) other audio-visual services transmitted electronically, in order to make Australian audio-visual content reasonably available to Australian consumers;¹⁶ (e) spectrum management and licensing of broadcasting services;¹⁷ and (f) subsidies or grants for investment in Australian cultural activity.

¹² With respect to “live performance” this entry applies only in respect of subparagraph (f).

¹³ Applies only to the treatment as local content of New Zealand programmes or productions.

¹⁴ Applies only in respect of subparagraph (e) and in respect of the licensing of services covered by subparagraph (d).

¹⁵ For greater certainty, this includes the right to adopt or maintain measures under subparagraphs (a) through (f) with respect to the services supplied by the Australian Broadcasting Corporation and the Special Broadcasting Service Corporation.

¹⁶ Any such measure will be implemented in a manner that is consistent with Australia’s commitments under Article XVI and Article XVII of GATS.

¹⁷ In respect of subparagraph (e), Australia’s reservation applies only in respect of Article 13.4 (Market Access – Investment), Article 13.11 (Performance Requirements – Investment), Article 8.5 (Market Access – Cross-Border Trade in Services), and Article 8.6 (Local Presence – Cross-Border Trade in Services).

		This entry does not apply to foreign investment restrictions in the broadcasting and audio-visual services sector.
	Existing measures	<i>Broadcasting Services Act 1992 (Cth)</i> <i>Radiocommunications Act 1992 (Cth)</i> <i>Income Tax Assessment Act 1936 (Cth)</i> <i>Income Tax Assessment Act 1997 (Cth)</i> <i>Screen Australia Act 2008 (Cth)</i> Broadcasting Services (Australian Content and Children's Television) Standards 2020 Broadcasting Services (Australian Content in Advertising) Standard 2018 Broadcasting Services (Events) Notice (No. 1) 2010 Commercial Radio Codes of Practice and Guidelines Community Radio Broadcasting Codes of Practice

8	Sector	Broadcasting and Audio-visual Services
	Obligations concerned	Most-Favoured-Nation Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment) Performance Requirements
	Description	Australia reserves the right to adopt or maintain, under the International Co-production Program, preferential co-production arrangements for film and television productions. Official co-production status, which may be granted to a co-production produced under these co-production arrangements, confers national treatment on works covered by these arrangements.
	Existing measures	International Co-production Program

9	Sector	Recreational, Cultural and Sporting Services (other than audio-visual services)
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Most-Favoured-Nation Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services) Local Presence Performance Requirements Senior Management and Boards of Directors
	Description	Australia reserves the right to adopt or maintain any measure with respect to the creative arts, ^{18,19} Indigenous traditional cultural expressions, and other cultural heritage. ²⁰
	Existing measures	

¹⁸ For the purposes of this entry, “creative arts” means: the performing arts (including live theatre, dance and music); visual arts and craft; literature (other than literary works transmitted electronically); and hybrid art works, including those which use new technologies to transcend discrete art form divisions. For live performances of the “creative arts”, as defined, this entry does not extend beyond subsidies and grants for investment in Australian cultural activity.

¹⁹ Notwithstanding this, such measures shall be implemented in a manner that is consistent with Australia’s commitments under Article XVI and Article XVII of GATS, as applicable.

²⁰ For the purposes of this entry, “cultural heritage” means: ethnological, archaeological, historical, literary, artistic, scientific, or technological moveable or built heritage, including the collections which are documented, preserved and exhibited by museums, galleries, libraries, archives, and other heritage collecting institutions.

10	Sector	Education services
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Most-Favoured-Nation Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services) Local Presence Performance Requirements Senior Management and Boards of Directors
	Description	Australia reserves the right to adopt or maintain any measure with respect to primary education.
	Existing measures	

11	Sector	Distribution services
	Obligations concerned	Market Access (Investment and Cross-Border Trade in Services)
	Description	Australia reserves the right to adopt or maintain any measure with respect to wholesale and retail trade services of tobacco products, alcoholic beverages, or firearms.
	Existing measures	

12	Sector	All
	Obligations concerned	Most-Favoured-Nation Treatment (Investment and Cross-Border Trade in Services)
	Description	<p>Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to any service supplier or investor under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.²¹</p> <p>Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to any service supplier or investor taken as part of a process of economic integration or trade liberalisation between the parties to the <i>Australia-New Zealand Closer Economic Relations Trade Agreement</i> done at Canberra on 28 March 1983.²²</p> <p>Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to any service supplier or investor of a Pacific Island Forum member state under any international agreement in force or signed after the date of entry into force of this Agreement.</p> <p>Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to the service suppliers or investors of non-Parties under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving:</p> <ul style="list-style-type: none"> (a) aviation; (b) fisheries; or (c) maritime matters, including salvage.
	Existing measures	

²¹ For greater certainty, this right extends to any differential treatment accorded pursuant to a subsequent review or amendment of the relevant bilateral or multilateral international agreement.

²² For greater certainty, this includes measures adopted or maintained under any existing or future protocol to that agreement.

13	Sector	Gambling and betting
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services) Local Presence Performance Requirements Senior Management and Boards of Directors
	Description	Australia reserves the right to adopt or maintain any measure with respect to gambling and betting.
	Existing measures	<i>Interactive Gambling Act 2001</i> (Cth) and Ministerial Statements

14	Sector	Maritime transport
	Obligations concerned	National Treatment (Investment and Cross-Border Trade in Services) Market Access (Investment and Cross-Border Trade in Services) Local Presence Performance Requirements Senior Management and Boards of Directors
	Description	Australia reserves the right to adopt or maintain any measure with respect to maritime cabotage services and offshore transport services. ²³
	Existing measures	<i>Customs Act 1901 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Seafarers' Rehabilitation and Compensation Act 1992 (Cth)</i> <i>Occupational Health and Safety (Maritime Industry) Act 1993 (Cth)</i> <i>Income Tax Assessment Act 1936 (Cth)</i> <i>Coastal Trading (Revitalising Australian Shipping) Act 2012 (Cth)</i> <i>Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012 (Cth)</i> <i>Shipping Reform (Tax Incentives) Act 2012 (Cth)</i> <i>Shipping Registration Act 1981 (Cth)</i> <i>Shipping Registration Regulations 2019 (Cth)</i>

²³ For the purposes of this entry, “cabotage” is defined as the transportation of passengers or goods between a port located in Australia and another port located in Australia and traffic originating and terminating in the same port located in Australia. “Offshore transport” refers to shipping services involving the transportation of passengers or goods between a port located in Australia and any location associated with or incidental to the exploration or exploitation of natural resources of the continental shelf of Australia, the seabed of the Australian coastal sea and the subsoil of that seabed.

15	Sector	Transport services
	Obligations concerned	National Treatment (Investment) Market Access (Investment) Performance Requirements Senior Management and Boards of Directors
	Description	Australia reserves the right to adopt or maintain any measure with respect to investment in federal leased airports.
	Existing measures	<i>Airports Act 1996 (Cth)</i> <i>Airports (Ownership-Interests in Shares) Regulations 1996 (Cth)</i> <i>Airports Regulations 1997 (Cth)</i>

16	Sector	Fishing; services incidental to fishing
	Obligations concerned	Market Access (Investment)
	Description	Australia reserves the right to adopt or maintain any measure with respect to access to and use of the biological resources and fishing grounds situated in the Australian Fishing Zone or waters under the jurisdiction of a state or territory.
	Existing measures	

17	Sector	All, except Financial Services
	Obligations concerned	Senior Management and Boards of Directors
	Description	<p>Australia reserves the right to adopt or maintain any measure with respect to:</p> <ul style="list-style-type: none"> (a) requirements that senior managers be resident in Australia; (b) requirements that less than a majority of the board of directors, or any committee thereof, be of a particular nationality, or resident in Australia, where that requirement would not materially impair the ability of the investor to exercise control over its investment, <p>except in relation to the measures which are described in Annex I and reserved against Article 13.12 (Senior Management and Boards of Directors – Investment).</p>
	Existing measures	

18	Sector	Nuclear Industry
	Obligations concerned	Market Access (Investment)
	Description	<p>Australia reserves the right to adopt or maintain any measure with respect to nuclear activities.</p> <p>Australia reserves the right to adopt or maintain any measure with respect to nuclear facilities, including:</p> <ul style="list-style-type: none"> (a) nuclear fuel fabrication plants; (b) nuclear power plants; (c) enrichment plants; and (d) reprocessing facilities. <p>For the purposes of this entry “nuclear activities” means any procedure or operation involved in the prospecting for, mining, milling, treatment, processing, conversion, enrichment, fabrication, use, reprocessing, or disposal of nuclear material.</p>
	Existing measures	

19	Sector	Electricity
	Obligations concerned	Market Access (Investment)
	Description	Australia reserves the right to adopt or maintain any measure with respect to the production, collection, storage, and distribution of electricity.
	Existing measures	

20	Sector	All
	Obligations concerned	Market Access (Investment)
	Description	Australia reserves the right to adopt or maintain any measure with respect to water, including for domestic, industrial, commercial, agricultural, environmental, cultural, or other uses.
	Existing measures	

21	Sector	Mining and related activities
	Obligations concerned	Market Access (Investment)
	Description	Australia reserves the right to adopt or maintain any measure with respect to hydraulic fracturing and exploration and mining of coal seam gas.
	Existing measures	

22	Sector	Forestry
	Obligations concerned	Market Access (Investment)
	Description	<u>Australian Capital Territory</u> Australia reserves the right to adopt or maintain any measure with respect to plantation forestry and commercial harvesting of native timber in the Australian Capital Territory.
	Existing measures	<i>Planning and Development Act 2007 (ACT)</i> <i>Territory Plan 2008 (ACT)</i>

23	Sector	Transport
	Sub-sector	Commercial passenger transport
	Obligations concerned	Market Access (Investment)
	Description	<u>Northern Territory</u> Australia reserves the right to limit the number of licences in force for any class of commercial passenger vehicle in the Northern Territory.
	Existing measures	<i>Commercial Passenger (Road) Transport Act 1991 (NT)</i>

24	Sector	Transport
	Sub-sector	Ports
	Obligations concerned	Market Access (Investment)
	Description	<u>Northern Territory</u> Australia reserves the right to adopt or maintain any measure with respect to the operation or ownership of ports in the Northern Territory.
	Existing measures	

25	Sector	Transport
	Obligations concerned	Market Access (Investment)
	Description	<p><u>Queensland</u></p> <p>Australia reserves the right to impose market entry restrictions on a public passenger service in Queensland, which includes taxis, hire cars, and limousines.</p>
	Existing measures	<p><i>Transport Operations (Passenger Transport) Act 1994 (Qld)</i></p> <p><i>Transport Operations (Passenger Transport) Regulation 2018 (Qld)</i></p>

26	Sector	Agriculture
	Sub-sector	Genetically modified crops
	Obligations concerned	Market Access (Investment)
	Description	<u>Victoria</u> Australia reserves the right to adopt or maintain any measure with respect to the cultivation, or any other dealing with, genetically modified crops in Victoria.
	Existing measures	

27	Sector	All
	Obligations concerned	Market Access (Investment and Cross-Border Trade in Services)
	Description	<p><u>Victoria</u></p> <p>In Victoria, the Minister may:</p> <ul style="list-style-type: none"> (a) provide, operate, control, deregulate or direct any vital industry while a vital industry declaration is in force; and (b) employ such persons in such numbers and upon such terms as appear necessary for the carrying into effect of these powers. <p>Australia reserves the right to adopt or maintain any measure with respect to the activities referred to in subparagraphs (a) and (b) in Victoria.</p>
	Existing measures	<i>Vital State Industries (Works and Services) Act 1999</i> (Vic)

28	Sector	Mining and related activities
	Obligations concerned	Market Access (Investment)
	Description	<u>Western Australia</u> Australia reserves the right to adopt or maintain any measure with respect to mining in Western Australia.
	Existing measures	

29	Sector	Energy
	Obligations concerned	Market Access (Investment)
	Description	<u>Western Australia</u> Australia reserves the right to adopt or maintain any measure with respect to the production, collection, storage, and distribution of energy in Western Australia.
	Existing measures	

30	Sector	All
	Obligations concerned	Performance Requirements
	Description	<p>Australia reserves the right to adopt or maintain any measure 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> <p>(a) to locate the regional or world headquarters of an enterprise in its territory; or</p> <p>(b) to achieve a given level or value of research and development in its territory,</p> <p>in connection with the establishment, acquisition, expansion, management, conduct, operation, or sale or other disposition of an investment.</p>
	Existing measures	

ANNEX II

SCHEDULE OF THE UNITED KINGDOM

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INTRODUCTORY NOTES

1. For the avoidance of doubt, and recalling i) subparagraph 6(a) of Article 13.13 (Non-Conforming Measures – Investment) and subparagraph 3(b) of Article 8.2 (Scope – Cross-Border Trade in Services) relating to the exclusion of government procurement; and ii) subparagraph 6(b) of Article 13.13 (Non-Conforming Measures – Investment) and subparagraph 3(d) of Article 8.2 (Scope – Cross-Border Trade in Services) relating to the exclusion of subsidies or grants provided by a Party:

In relation to Research and Development (R&D) services, Chapter 13 (Investment) and Chapter 8 (Cross-Border Trade in Services) shall not interfere with the ability of the UK to grant exclusive rights or authorisations, for publicly funded R&D services, to nationals of the UK or enterprises of the UK having their registered office, central administration, or principal place of business in the UK.

2. With respect to computer services, any of the following services shall be considered as ‘computer and related services’, regardless of whether they are delivered via a network, including the Internet:
 - (a) consulting, adaptation, strategy, analysis, planning, specification, design, development, installation, implementation, integration, testing, debugging, updating, support, technical assistance, or management of or for computers or computer systems;
 - (b) computer programmes defined as the sets of instructions required to make computers work and communicate (in and of themselves), as well as consulting, strategy, analysis, planning, specification, design, development, installation, implementation, integration, testing, debugging, updating, adaptation, maintenance, support, technical assistance, management, or use of or for computer programmes;
 - (c) data processing, data storage, data hosting, or database services;
 - (d) maintenance and repair services for office machinery and equipment, including computers; and
 - (e) training services for staff of clients, related to computer programmes, computers or computer systems, and not elsewhere classified.

For greater certainty, services enabled by computer and related services, other than those listed in (a) to (e), shall not be regarded as ‘computer and related services’ in themselves.

3. For greater certainty, the fact that a Party has made an entry does not necessarily mean that, in the absence of such an entry, the measure would be inconsistent with the obligations under Chapter 13 (Investment) and Chapter 8 (Cross-Border Trade in Services).
4. With respect to Annex II Entry 1 on Most-Favoured-Nation Treatment relating to agreements, the absence of language regarding the scope of the entry for differential treatment resulting from an amendment of those agreements in force or signed prior to the date of entry into force of this Agreement is without prejudice to the UK’s interpretation of the scope of the entry.

Entry No. II-1 – All sectors

Sector	All sectors
Obligations Concerned	<p>Market Access National Treatment Local Presence Most-Favoured-Nation Treatment Senior Management and Boards of Directors Performance Requirements</p>
Description	<p>The UK reserves the right to adopt or maintain any measure with respect to the following:</p> <p>(a) Public utilities</p> <p><u>With respect to Investment – Market Access:</u></p> <p>Services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.</p> <p>Public utilities exist in sectors such as related scientific and technical consulting services, research and development (R&D) services on social sciences and humanities, technical testing and analysis services, environmental services, health services, transport services, and services auxiliary to all modes of transport. Exclusive rights on such services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. Given that public utilities often also exist at the sub-central level, detailed and exhaustive sector-specific scheduling is not practical. This sub-entry (a) does not apply to telecommunications and to computer and related services.</p> <p>(b) Most-Favoured-Nation Treatment</p> <p><u>With respect to Investment – Most-Favoured-Nation Treatment and Cross-Border Trade in Services – Most-Favoured-Nation Treatment:</u></p> <p>According differential treatment pursuant to any international investment treaty or other trade agreement in force or signed prior to the date of entry into force of this Agreement.</p>

According differential treatment to a country pursuant to any existing or future bilateral or multilateral agreement which:

- (i) creates an internal market in services and investment;
- (ii) grants the right of establishment; or
- (iii) requires the approximation of legislation in one or more economic sectors.

An internal market on services and investment means an area without internal frontiers in which the free movement of services, capital, and persons is ensured.

The right of establishment means an obligation to abolish in substance all barriers to establishment among the parties to the regional economic integration agreement by the entry into force of that agreement. The right of establishment shall include the right of nationals of the parties to the regional economic integration agreement to set up and operate enterprises under the same conditions provided for nationals under the law of the country where such establishment takes place.

The approximation of legislation means:

- (i) the alignment of the legislation of one or more of the parties to the regional economic integration agreement with the legislation of the other party or parties to that agreement; or
- (ii) the incorporation of common legislation into the law of the parties to the regional economic integration agreement.

Such alignment or incorporation shall take place, and shall be deemed to have taken place, only at such time that it has been enacted in the law of the party or parties to the regional economic integration agreement.

According differential treatment relating to the right of establishment to nationals or enterprises through existing or future bilateral agreements between the UK and any of the following countries or principalities:

Andorra, Monaco, San Marino, and the Vatican City State.

According differential treatment to a third country pursuant to existing or future agreements relating to air services or to related services in support of air services.

(c) Arms, ammunitions, and war material

With respect to Investment – Market Access, National Treatment, Most-Favoured-Nation Treatment, Senior Management and Boards of Directors, Performance Requirements and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence, Most-Favoured-Nation Treatment:

Production or distribution of, or trade in, arms, munitions, and war material. War material is limited to any product which is solely intended and made for military use in connection with the conduct of war or defence activities.

(d) Presence of natural persons

With respect to Cross-Border Trade in Services – Market Access:

The supply of a service by the presence of natural persons, subject to the provisions of Chapter 11 (Temporary Entry for Business Persons), that is not inconsistent with the United Kingdom's obligations under the GATS.

Entry No. II-2 – Professional services (legal services and auditing services)

Sector – Sub-Sector	Professional services – legal services and auditing services
Industry Classification	Part of CPC 861, part of 862, part of 87902
Obligations Concerned	Market Access Local Presence National Treatment Senior Management and Boards of Directors
Description (a)	<u>Investment and Cross-Border Trade in Services</u> (a) Legal services (part of CPC 861, part of 87902). The UK reserves the right to adopt or maintain any measure with respect to the supply of legal advisory and legal authorisation, documentation, and certification services provided by legal professionals entrusted with public functions, such as notaries, and with respect to services provided by bailiffs.
Description (b)	(b) Auditing services (CPC – 86211, 86212 other than accounting and bookkeeping services) The UK reserves the right to adopt or maintain any measure with respect to the cross-border supply of auditing services.
Existing measures (b)	<i>Companies Act 2006.</i>

Entry No. II-3 – Professional services (health related and retail of pharmaceuticals)

Sector	Health related professional services and retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists
Industry Classification	CPC 63211, 85201, 9312, 9319
Obligations Concerned	Market Access National Treatment Local Presence
Description	<p>(a) Medical and dental services; services provided by midwives, nurses, physiotherapists, psychologists and paramedical personnel (CPC 63211, 85201, 9312, 9319)</p> <p><u>With respect to Investment – Market Access:</u></p> <p>Establishment for doctors under the National Health Service is subject to medical manpower planning (CPC 93121, 93122).</p> <p><u>With respect to Cross-Border Trade in Services – Market Access, National Treatment, Local Presence</u></p> <p>The UK reserves the right to adopt or maintain any measure with respect to the supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedical personnel, and psychologists, (part of CPC 85201, CPC 9312, part of 93191).</p> <p>(b) Retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists (CPC 63211)</p> <p><u>With respect to Investment – Market Access and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:</u></p> <p>The UK reserves the right to adopt or maintain any measure with respect to the supply of cross-border retail sales of pharmaceuticals and of medical and orthopaedic goods, and other services provided by pharmacists. Establishment in the UK is required for the retail of pharmaceuticals and specific medical goods to the general public in the UK.</p>

Entry No. II-4 – Business services (collection agency services and credit reporting services)

Sector – Sub-Sector	Business Services – collection agency services, credit reporting services
Industry Classification	CPC 87901, 87902
Obligations Concerned	Market Access National Treatment Local Presence
Description	<u>Cross-Border Trade in Services</u> The UK reserves the right to adopt or maintain any measure with respect to the supply of collection agency services and credit reporting services.

Entry No. II-5 – Business services (placement services)

Sector – Sub-Sector	Business services – placement services
Industry Classification	CPC 87202, 87204, 87205, 87206, 87209
Obligations Concerned	Market Access National Treatment Local Presence Senior Management and Boards of Directors
Description	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The UK reserves the right to adopt or maintain any measure with respect to the following:</p> <p>(a) The supply of placement services of domestic help personnel, other commercial or industrial workers, nursing and other personnel (CPC 87204, 87205, 87206, 87209);</p> <p>(b) Requiring establishment for, and the prohibition of cross-border supply of, placement services of office support personnel and other workers.</p>

Entry No. II-6 – Business services (investigation services)

Sector – Sub-Sector	Business services – investigation services
Industry Classification	CPC 87301
Obligations Concerned	Market Access National Treatment Local Presence Performance Requirements Senior Management and Boards of Directors
Description	<u>Investment and Cross-Border Trade in Services</u> The UK reserves the right to adopt or maintain any measure with respect to the supply of investigation services (CPC 87301).

Entry No. II-7 – Business services (other business services)

Sector – Sub-Sector	Business services – other business services
Industry Classification	CPC 86764, 86769, 8868
Obligations Concerned	Market Access National Treatment Local Presence
Description	<p><u>Cross-Border Trade in Services</u></p> <p>The UK reserves the right to adopt or maintain any measure with respect to the cross-border supply of maintenance and repair services in relation to the following:</p> <ul style="list-style-type: none"> (a) rail transport equipment; (b) internal waterways transport vessels; (c) maritime vessels. <p>Only recognised organisations authorised by the UK may carry out statutory surveys and certification of ships on behalf of the UK. Establishment may be required.</p>
Existing measures:	<p><i>Regulation (EC) No 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations as retained in UK law by the European Union (Withdrawal) Act 2018, and as amended by the Merchant Shipping (Recognised Organisations) (Amendment) (EU Exit) Regulations 2019.</i></p>

Entry No. II-8 – Education services

Sector	Education services
Industry Classification	CPC 92
Obligations Concerned	Market Access National Treatment Local Presence Senior Management and Boards of Directors Performance Requirements
Description	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The UK reserves the right to adopt or maintain any measure with respect to the following:</p> <p>(a) All educational services which receive public funding or State support in any form and are therefore not considered to be privately funded. Where the supply of privately funded education services by a foreign provider is permitted, participation of private operators in the education system may be subject to concession allocated on a non-discriminatory basis;</p> <p>(b) The supply of privately funded other education services, which means other than those classified as being primary, secondary, higher and adult education services (CPC 929).</p>

Entry No. II-9 – Health and social services

Sector	Health and social services
Industry Classification	CPC 931 (other than 9312, part of 93191), CPC 933
Obligations Concerned	Market Access National Treatment Local Presence Senior Management and Boards of Directors Performance Requirements
Description	<p>The UK reserves the right to adopt or maintain any measure with respect to the following:</p> <p>(a) Health services – including hospital, ambulance, residential health services (CPC 931 other than 9312, part of 93191)</p> <p><u>With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors, Performance Requirements:</u></p> <p>(i) The supply of all health services which receive public funding or State support in any form, and are therefore not considered to be privately funded;</p> <p>(ii) All privately funded health services other than hospital services;</p> <p>(iii) The participation of private operators in the privately funded health network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.</p> <p>(b) Health and social services, including pension insurance (CPC 931 other than 9312, part of 93191)</p> <p><u>With respect to Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:</u></p> <p>The cross-border supply of health services, the cross-border supply of social services, as well as activities or services forming part of a public retirement plan or statutory system of social security.</p>

Sub-entries (a) and (b) do not relate to the supply of any health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other entries.

(c) Social services, including pension insurance

With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors, Performance Requirements:

- (i) The supply of all social services which receive public funding or State support in any form, and are therefore not considered to be privately funded, and activities or services forming part of a public retirement plan or statutory system of social security;
- (ii) The supply of privately funded social services other than services relating to convalescent and rest houses and old people's homes;
- (iii) The participation of private operators in the privately funded social network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

Entry No. II-10 – Health, Social and Education Services

Sector	Health, Social and Education Services
Obligations Concerned	Market Access National Treatment Senior Management and Boards of Directors
Description	<p data-bbox="627 450 1359 490"><u>Investment</u></p> <p data-bbox="627 521 1359 1048">The UK, when selling or disposing of its equity interests in, or the assets of, an existing state enterprise or an existing governmental entity providing health, social or education services, may prohibit or impose limitations on the ownership of such interests or assets, and on the ability of owners of such interests and assets to control any resulting enterprise, by investors of Australia or their investments. With respect to such a sale or other disposition, the UK may adopt or maintain any measure relating to the nationality or residency of senior management or members of the boards of directors, as well as any measure limiting the number of suppliers.</p> <p data-bbox="627 1079 1359 1120">For the purposes of this entry:</p> <p data-bbox="655 1144 1359 1576">(a) any measure maintained or adopted after the date of entry into force of this Agreement that, at the time of the sale or other disposition, prohibits or imposes limitations on the ownership of equity interests or assets or imposes nationality or residency requirements or imposes limitations on the numbers of suppliers as described in this entry shall be deemed to be an existing measure subject to paragraph 1 of Article 13.13 (Non-Conforming Measures – Investment) and paragraph 1 of Article 8.7 (Non-Conforming Measures – Cross-Border Trade in Services); and</p> <p data-bbox="655 1619 1359 1872">(b) ‘state enterprise’ means an enterprise owned or controlled through ownership interests by the UK and includes an enterprise established after the date of entry into force of this Agreement solely for the purposes of selling or disposing of equity interests in, or the assets of, an existing state enterprise or governmental entity.</p>

Entry No. II-11 – Recreational, cultural and sporting services

Sector	Recreational, cultural and sporting services
Industry Classification	CPC 963, 9619, 964
Obligations Concerned	Market Access National Treatment Local Presence Senior Management and Boards of Directors Performance Requirements
Description	<p><u>Investment and Cross-Border Trade in Services</u> The UK reserves the right to adopt or maintain any measure with respect to the following:</p> <ul style="list-style-type: none"> (a) The supply of library, archive, museum and other cultural services (CPC 963); (b) The cross-border supply of entertainment services, including theatre, live bands, circus and discotheque services (CPC 9619, 964 other than 96492); (c) The supply of gambling activities, which involve wagering a stake with pecuniary value in games of chance, including in particular lotteries, scratch cards, gambling services offered in casinos, gambling arcades or licensed premises, betting services, bingo services and gambling services operated by and for the benefit of charities or non-profit-making organisations (CPC 96492).

Entry No. II-12 – Transport services and auxiliary transport services

Sector	Transport services
Obligations Concerned	<p>Market Access National Treatment Local Presence Most-Favoured-Nation Treatment Performance Requirements Senior Management and Boards of Directors</p>
Description (a)	<p>The UK reserves the right to adopt or maintain any measure with respect to the following:</p> <p>(a) Maritime transport and any other commercial activity undertaken from a ship</p> <p><u>With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors, Performance Requirements and Cross-Border Trade in Services – Market Access, Local Presence, National Treatment:</u></p> <p>The nationality of the crew on a seagoing or non-seagoing vessel.</p> <p><u>With respect to Investment – Market Access, National Treatment, Most-Favoured-Nation Treatment, Senior Management and Boards of Directors:</u></p> <p>For the purpose of registering a vessel and operating a fleet under the flag of the UK (all commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing; international passenger and freight transportation (CPC 721); and services auxiliary to maritime transport). This paragraph does not apply to enterprises incorporated in the UK and having an effective and continuous link to its economy.</p> <p><u>With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors, Most-Favoured-Nation Treatment, Performance Requirements and Cross-Border Trade in Services- Market Access, Local Presence, National Treatment, Most-Favoured-Nation Treatment</u></p> <p>The supply of maritime cabotage services</p>

	<p>Maritime cabotage services cover:</p> <ul style="list-style-type: none"> (i) transportation of passengers or goods between a port or point located in the UK and another port or point located in the UK, including on its continental shelf as provided in the UN Convention on the Law of the Sea; (ii) traffic originating and terminating in the same port or point located in the UK. <p>For greater certainty, this entry applies to related traffic in support of offshore activities.</p>
Description (b)	<p>(b) Auxiliary services to maritime transport</p> <p><u>With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:</u></p> <p>The supply of pilotage and berthing services.</p> <p>Only vessels flying the flag of the UK may provide pushing and towing services (CPC 7214).</p>
Description (c)	<p>(c) Inland waterways transport and auxiliary services to inland waterways transport</p> <p><u>With respect to Investment – Market Access, National Treatment, Most-Favoured-Nation Treatment, Senior Management and Boards of Directors, Performance Requirements and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence, Most-Favoured-Nation Treatment:</u></p> <p>Inland waterways passenger and freight transportation (CPC 722); and services auxiliary to inland waterways transportation.</p> <p>For greater certainty, this entry also covers the supply of cabotage transport on inland waterways (CPC 722).</p>

Description (d)	<p>(d) Rail transport and auxiliary services to rail transport</p> <p><u>With respect to Investment – Market Access, National Treatment and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:</u></p> <p>Railway passenger transportation (CPC 7111).</p> <p><u>With respect to Investment– Market Access and Cross-Border Trade in Services – Market Access, Local Presence:</u></p> <p>Railway freight transportation (CPC 7112).</p>
Description (e)	<p>(e) Road transport (passenger transportation, freight transportation, international truck transport services) and services auxiliary to road transport</p> <p><u>With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:</u></p> <p>(i) to require establishment and to limit the cross-border supply of road transport services (CPC 712);</p> <p>(ii) an economic needs test may apply to taxi services in the UK setting a limit on the number of service suppliers. Main criterion: Local demand as provided in applicable laws (CPC 71221).</p>
Existing Measures (e)	<p><i>Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC as retained in UK law by the European Union (Withdrawal) Act 2018 and as amended by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019;</i></p> <p><i>Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road</i></p>

	<p><i>haulage market as retained in UK law by the European Union (Withdrawal) Act 2018 and as amended by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019; and</i></p> <p><i>Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 as retained in UK law by the European Union (Withdrawal) Act 2018 and as amended by The Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019.</i></p>
Description (f)	<p>(f) Space transport and rental of space craft</p> <p><u>With respect to Investment – Market Access, National Treatment, Performance Requirements, Senior Management and Boards of Directors and Cross-Border Trade in Services – Market Access, National Treatment, Local Presence:</u></p> <p>Transportation services via space and the rental of space craft (CPC 733, part of 734).</p>
Description (g)	<p>(g) Air Traffic Management and Air Traffic Control</p> <p><u>With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors:</u></p> <p>(i) NATS Holdings Ltd and its successors;</p> <p>(ii) The exercise of statutory powers and the discharge of statutory functions and duties in relation to Air Traffic Management and Air Traffic Control.</p>
Existing Measures (g)	<p><i>Transport Act 2000.</i></p>
Description (h)	<p>(h) Most-favoured-nation exemptions</p>

Description (i)	<p><u>With respect to Investment – Most-Favoured-Nation Treatment, and Cross-Border Trade in Services – Most-Favoured-Nation Treatment:</u></p> <p>Road and rail transport</p> <p>To accord differential treatment to a country pursuant to existing or future agreements relating to international road haulage (including combined transport – road or rail) and passenger transport, concluded between the UK and a third country (CPC 7111, 7112, 7121, 7122, 7123). That treatment may:</p> <ul style="list-style-type: none"> (i) reserve or limit the supply of the relevant transport services between the contracting parties or across the territory of the contracting parties to vehicles registered in each contracting party; or (ii) provide for tax exemptions for such vehicles. <p>(i) Air services</p>
	<p><u>With respect to Investment – Market Access, National Treatment, Senior Management and Boards of Directors, Most-Favoured-Nation Treatment, Performance Requirements:</u></p> <p>Air carriers and airports. This paragraph does not apply to air carriers used for specialty air services.</p>

Entry No. II-13 – Fishing and water

Sector	Fishing, aquaculture, services incidental to fishing; collection, purification and distribution of water
Industry Classification	ISIC Rev. 3.1 0501, 0502, 41, CPC 882
Obligations Concerned	Market Access National Treatment Local Presence Most-Favoured-Nation Treatment Performance Requirements Senior Management and Boards of Directors
Description (a)	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>(a) Fishing, aquaculture and services incidental to fishing (ISIC Rev. 3.1 0501, 0502, CPC 882)</p> <p>The UK reserves the right to adopt or maintain any measure, in particular within the framework of UK fisheries policy, and of fishing agreements with a third country, with respect to access to and use of the biological resources and fishing grounds situated in the maritime waters coming under the sovereignty or jurisdiction of the UK.</p> <p>The UK reserves the right to adopt or maintain any measure (i) to the effect that the fishing activity of fishing vessels flying its flag must have an economic link (to the extent and according to the terms specified in the measure) with the UK and (ii) relating to fishing vessels' eligibility to use UK fishing opportunities by reference to the nationality of the owner or owners of vessels or place of incorporation of a company. The UK reserves the right to adopt or maintain any measure:</p> <ul style="list-style-type: none"> (i) regulating the landing of catches performed in the quotas allocated to vessels of Australia or of a designated third country in UK ports; (ii) determining a minimum size for a company in order to preserve both artisanal and coastal fishing vessels; (iii) according differential treatment pursuant to existing or future international agreements relating to fisheries;

	<p>(iv) with regard to the nationality of the crew of a fishing vessel flying the flag of the UK; or</p> <p>(v) with respect to the establishment of marine or inland aquaculture facilities.</p>
Existing measures (a)	<i>Fisheries Act 2020.</i>
Description (b)	<p>(b) Collection, purification and distribution of water</p> <p><u>With respect to Investment – Market Access, National Treatment and Cross-Border Trade in Services – Market Access, Local Presence, National Treatment:</u></p> <p>The UK reserves the right to adopt or maintain any measure with respect to activities, including services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the supply of drinking water, and water management.</p>

Entry No. II-14 – Energy related activities

Sector	Production of energy and related services
Industry Classification	ISIC Rev. 3.1 401, 402, CPC 7131, 887 (other than advisory and consultancy services)
Obligations Concerned	Market Access Local Presence National Treatment Performance Requirements Senior Management and Boards of Directors
Description	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The UK reserves the right to adopt or maintain any measure where the UK permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, with respect to enterprises of Australia controlled by natural persons or enterprises of a third country which accounts for more than five per cent of the UK's oil, natural gas or electricity imports, in order to guarantee the security of the energy supply of the UK. This entry does not apply to advisory and consultancy services provided as services incidental to energy distribution.</p>

Entry No. II-15 – Other services not included elsewhere

Sector	Other services not included elsewhere
Obligations Concerned	Market Access National Treatment Local Presence Performance Requirements Senior Management and Boards of Directors
Description	<u>Investment and Cross-Border Trade in Services</u> The UK reserves the right to adopt or maintain any measure with respect to the provision of new services other than those classified in the CPC.

ANNEX III
EXPLANATORY NOTES

1. The commitments of a Party under Chapter 9 (Financial Services)¹ are undertaken subject to these Explanatory Notes and the Party's Schedule to this Annex.
2. The Schedule of a Party to this Annex sets out pursuant to Article 9.10 (Non-Conforming Measures – Financial Services):
 - (a) in Section A, a Party's existing measures that are not subject to some or all of the obligations imposed by:
 - (i) Article 9.5 (National Treatment – Financial Services);
 - (ii) Article 9.6 (Market Access – Financial Services);
 - (iii) Article 9.7 (Local Presence – Financial Services);
 - (iv) Article 9.8 (Most-Favoured-Nation Treatment – Financial Services); or
 - (v) Article 9.9 (Senior Management and Boards of Directors – Financial Services); and
 - (b) in Section B, the specific sectors, sub-sectors, or activities for which a Party may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
 - (i) Article 9.5 (National Treatment – Financial Services);
 - (ii) Article 9.6 (Market Access – Financial Services);
 - (iii) Article 9.7 (Local Presence – Financial Services);
 - (iv) Article 9.8 (Most-Favoured-Nation Treatment – Financial Services); or
 - (v) Article 9.9 (Senior Management and Boards of Directors – Financial Services).
3. Each Schedule entry in Section A sets out the following elements:
 - (a) “Sector” refers to the sector for which the entry is made;

¹ This includes the commitments set out in Annex 9A (Cross-Border Trade in Financial Services).

- (b) “Sub-sector”, where referenced, refers to the specific sub-sector for which the entry is made;
 - (c) “Obligations concerned” specifies the obligations referred to in paragraph 2 that, pursuant to Article 9.10 (Non-Conforming Measures – Financial Services), do not apply to the listed measure(s) as indicated in the introductory note for each Party’s Schedule;
 - (d) “Level of government” indicates the level of government maintaining the listed measures;
 - (e) “Measures” identifies the laws, regulations, or other measures for which the entry is made. A measure cited in the Measures element:
 - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
 - (f) “Description”, as indicated in the introductory note for each Party’s Schedule, either sets out the non-conforming measure or provides a general non-binding description of the measure for which the entry is made.
4. Each Schedule entry in Section B sets out the following elements:
- (a) “Sector” refers to the sector for which the entry is made;
 - (b) “Sub-sector”, where referenced, refers to the specific sub-sector for which the entry is made;
 - (c) “Obligations concerned” specifies the obligations referred to in paragraph 2 that, pursuant to Article 9.10 (Non-Conforming Measures – Financial Services), do not apply to the sectors, sub-sectors, or activities listed in the entry;
 - (d) “Level of government” indicates the level of government adopting or maintaining the listed measures;
 - (e) “Description” sets out the scope or nature of the sectors, subsectors, or activities covered by the entry to which the reservation applies; and
 - (f) “Existing measures”, where specified, identifies, for transparency purposes, a non-exhaustive list of existing measures that apply to the sectors, sub-sectors, or activities covered by the entry.

5. In the interpretation of a Schedule entry in Section B, all elements of the entry shall be considered. The “Description” element shall prevail over all other elements.
6. For the purposes of the Schedules of Australia and the United Kingdom, an entry for a requirement to have a local presence in the territory of Australia or the United Kingdom is made against Article 9.7 (Local Presence – Financial Services), and not against Article 9.5 (National Treatment – Financial Services) or Article 9.6 (Market Access – Financial Services).
7. For greater certainty, measures falling under exceptions applicable to this Chapter, such as those in Article 9.3 (Prudential Exception – Financial Services) and Article 9.4 (Specific Exceptions – Financial Services), need not be scheduled. The listing of a measure in a Party’s Schedule is without prejudice to whether that measure or any other measure adopted or maintained by a Party is covered by exceptions such as those in Article 9.3 (Prudential Exception – Financial Services) and Article 9.4 (Specific Exceptions – Financial Services).
8. For greater certainty, without prejudice to other means of prudential regulation of cross-border supply in financial services, a Party may require the non-discriminatory registration or licensing of cross-border financial service suppliers of the other Party or of financial instruments.
9. A financial service supplier of a Party is only permitted to solicit² in the territory of the other Party, consistent with the other Party’s domestic laws and regulations.

² Solicit includes inducing a person in the territory of the other Party to use the financial services provided by the financial service supplier.

ANNEX III

SCHEDULE OF AUSTRALIA

INTRODUCTORY NOTES

1. For Section A of this Schedule, “Description” sets out the non-conforming measure for which the entry is made.
2. For Section A of this Schedule, in accordance with Article 9.10 (Non-Conforming Measures – Financial Services), 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 Section A of 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) Article 9.5 (National Treatment – Financial Services);
 - (b) Article 9.6 (Market Access – Financial Services);
 - (c) Article 9.7 (Local Presence – Financial Services);
 - (d) Article 9.8 (Most-Favoured-Nation Treatment – Financial Services);
and
 - (e) Article 9.9 (Senior Management and Boards of Directors – Financial Services).
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. For greater certainty, where Australia has more than one entry in Annex III – Section B that could apply to a measure, each entry is to be read independently, and is without prejudice to the application of any other entry to the measure.
6. All dollar figures are in Australian dollars unless specified otherwise.

Section A

1	Sector	Financial Services
	Obligations concerned	National Treatment Market Access
	Level of government	Central
	Measures	<i>Banking Act 1959 (Cth)</i> <i>Payment Systems (Regulation) Act 1998 (Cth)</i>
	Description	<p>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 money market corporation, subsidiary, etc.).</p> <p>Foreign banks located overseas may only raise funds in Australia through the issue of debt securities provided those securities are offered or traded in parcels of not less than \$500,000 and the securities and any associated information memoranda clearly state the issuing bank is not authorised under the <i>Banking Act 1959 (Cth)</i> in Australia.</p> <p>To undertake banking business in Australia an entity must be a body corporate and authorised as an authorised deposit-taking institution (ADI).</p> <p>Foreign deposit-taking institutions (including foreign banks) may only operate a banking business in Australia through locally incorporated deposit-taking subsidiaries or authorised branches (foreign ADIs), or through both structures.</p> <p>A branch of a foreign bank that is authorised as a deposit-taking institution in Australia (foreign ADI) is not permitted to accept initial deposits (and other funds) from individuals and non-corporate institutions of less than \$250,000.</p>

		<p>A representative office of a foreign bank is not permitted to undertake any banking business, including advertising for deposits, in Australia. Such a representative office is only permitted to act as a liaison point.</p>
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2	Sector	Financial Services
	Obligations concerned	National Treatment Market Access Local Presence
	Level of government	Central
	Measures	<i>Life Insurance Act 1995 (Cth)</i>
	Description	Approval of non-resident life insurers is restricted to subsidiaries incorporated under Australian law.

3	Sector	Financial Services
	Obligations concerned	National Treatment
	Level of government	Central
	Measures	<i>Commonwealth Banks Act 1959</i> (Cth)
	Description	Liabilities of the Commonwealth Bank, previously Commonwealth Government-owned, are covered by transitional guarantee arrangements.

4	Sector	Financial Services
	Obligations concerned	National Treatment Senior Management and Boards of Directors
	Level of government	Central
	Measures	<i>Corporations Act 2001 (Cth)</i> <i>Corporations Regulations 2001 (Cth)</i>
	Description	At least one director of a private company must be ordinarily resident in Australia. At least two directors of a public company must be ordinarily resident in Australia.

5	Sector	Financial Services
	Obligations concerned	Market Access
	Level of government	Regional
	Measures	
	Description	<p>The following 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><u>South Australia</u></p> <p>South Australian Government Financing Authority, Local Government Finance Authority of South Australia</p> <p><u>Tasmania</u></p> <p>The Tasmanian Public Finance Corporation</p> <p><u>New South Wales</u></p> <p>New South Wales Treasury Corporation</p> <p><u>Victoria</u></p> <p>Treasury Corporation of Victoria</p> <p><u>Queensland</u></p> <p>Queensland Treasury Corporation, Queensland Investment Corporation</p> <p><u>Northern Territory</u></p> <p>Northern Territory Treasury Corporation</p> <p><u>Western Australia</u></p>

		Western Australia Treasury Corporation
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6	Sector	Financial services
	Obligations concerned	Market Access
	Level of government	Regional
	Measures	
	Description	<p>The following 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 Vehicle Accident: Victoria, Western Australia, Tasmania, the Northern Territory (monopolies), New South Wales, Queensland, South Australia, the Australian Capital Territory (licensing, premiums/policy terms).</p> <p>Workers Compensation: South Australia, Victoria, Queensland (monopoly), New South Wales, Western Australia, Tasmania, and the Northern Territory (licensing, premiums/policy terms).</p>

7	Sector	Financial Services
	Obligations concerned	National Treatment Local Presence
	Level of government	Regional
	Measures	<i>Credit (Administration) Act 1984 (WA)</i> <i>Credit (Administration) Regulations 1985 (WA)</i> <i>Debt Collectors Licensing Act 1964 (WA)</i> <i>Debt Collectors Licensing Regulations 1964 (WA)</i> <i>Finance Brokers Control Act 1975 (WA)</i> <i>Finance Brokers Control (General) Regulations 2005 (WA)</i>
	Description	<p><u>Western Australia</u></p> <p>A natural person (whether alone or in partnership with other persons) or an incorporated body seeking to carry on a business of providing credit in Western Australia (including where the provision of the credit is connected with the carrying on of another business), must have a principal office in Australia and a principal place of business in Western Australia.</p> <p>Any person, including an incorporated body, seeking to exercise or carry on the business or any functions of a debt collector in Western Australia must have a principal place of business in Western Australia.</p> <p>A natural person seeking to carry on business as a finance broker in Western Australia must ordinarily be resident in Western Australia. A finance broker must have a registered office in Western Australia while carrying on business as a broker.</p>

8	Sector	Financial services
	Obligations concerned	National Treatment Local Presence
	Level of government	Regional
	Measures	<i>Second-hand Dealers and Pawnbrokers Act 2003</i> (Qld)
	Description	<u>Queensland</u> A person operating as a second-hand dealer or as a pawnbroker must have a principal place of business in Queensland where a document can be served personally. A post office box does not suffice.

Section B

1	Sector	Financial Services
	Level of government	Central and Regional
	Obligations concerned	Market Access
	Description	Australia reserves the right to adopt or maintain any measure imposing non-discriminatory limitations on juridical form for juridical persons supplying financial services and constituted under the laws of Australia. For example, partnerships and sole proprietorships are generally not acceptable juridical forms for authorised depository institutions in Australia. ¹
	Existing Measures	

¹ This entry is not itself intended to affect, or otherwise limit, a choice by a financial service supplier of the other Party between branches or subsidiaries.

2	Sector	Financial Services
	Level of government	Central and Regional
	Obligations concerned	National Treatment Senior Management and Boards of Directors
	Description	Australia reserves the right to adopt or maintain any measure with respect to the guarantee by government of government-owned entities whose operations include the provision of financial services, including guarantees related to the privatisation of such entities.
	Existing Measures	

3	Sector	Financial Services
	Level of government	Central and Regional
	Obligations concerned	Market Access Local Presence
	Description	Australia reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, subject to the provisions of Chapter 11 (Temporary Entry for Business Persons), that is not inconsistent with Australia's obligations under Article XVI of GATS.
	Existing Measures	

ANNEX III

SCHEDULE OF THE UNITED KINGDOM

INTRODUCTORY NOTES

1. In the interpretation of an entry in Section A:
 - a) “Description” provides a general non-binding description of the measure for which the entry is made;
 - b) “Obligations Concerned” specifies the obligations referred to in subparagraph (a) of paragraph 2 of the Explanatory Notes that do not apply to the listed measures; and
 - c) all elements of the entry shall be considered. An entry shall be interpreted in the light of the relevant obligations against which the entry is taken. The "Measures" element shall prevail over all other elements.
2. For greater certainty, for prudential reasons within the context of Article 9.3 (Prudential Exception – Financial Services), the United Kingdom shall not be prevented from applying measures to branches established in the United Kingdom by enterprises incorporated in Australia.

Annex III

Section A

NONE

Annex III

Section B

Entry No. III-B-1

Sector	All Financial Services
Obligations Concerned	Market Access
Level of Government	Central
Description	A financial service supplier, other than a branch, when establishing in the United Kingdom may be required to adopt a specific legal form, on a non-discriminatory basis.

Entry No. III-B-2

Sector – Sub-Sector	Financial Services - Banking and other Financial Services (excluding insurance)
Obligations Concerned	Market Access Local Presence
Level of Government	Central
Description	Only firms incorporated in the United Kingdom and having a place of business in the United Kingdom can act as depositories of the assets of investment funds. The establishment of a specialised management company, incorporated in the United Kingdom and having a place of business in the United Kingdom, is required to perform the activities of management of common funds, including unit trusts and investment companies.

Entry No. III-B-3

Sector	All Financial Services
Obligations Concerned	Market Access Local Presence
Level of Government	Central
Description	The UK reserves the right to adopt or maintain any measure with respect to the supply of a financial service by the presence of natural persons, subject to the provisions of Chapter 11 (Temporary Entry for Business Persons), that is not inconsistent with the United Kingdom's obligations under the GATS.

ANNEX IV

SPECIFIC COMMITMENTS ON TEMPORARY ENTRY FOR BUSINESS PERSONS

SCHEDULE OF AUSTRALIA

The following sets out Australia's commitments in accordance with Article 11.4 (Grant of Temporary Entry – Temporary Entry for Business Persons) in respect of the temporary entry of business persons.

Description of Category of Business Persons	Conditions and Limitations (including length of stay)
A. Business Visitors	
<p><u>Definition:</u></p> <p>Business Visitors comprise:</p> <p>(a) business persons seeking to travel to Australia for business purposes, including for investment purposes, whose remuneration and financial support for the duration of the visit must be derived from sources outside Australia and who must not engage in making direct sales to the general public or in supplying goods or services themselves; and</p> <p>(b) service sellers, being business persons who are not based in Australia and whose remuneration and financial support for the duration of the visit must be derived from sources outside Australia, and who are sales representatives of a service supplier, seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier.</p>	<p>(a) Entry is for periods of stay up to a maximum of three months.</p> <p>(b) Entry is for an initial stay of up to six months to a maximum of 12 months.</p>

Description of Category of Business Persons	Conditions and Limitations (including length of stay)
B. Installers and Servicers	
<p><u>Definition:</u></p> <p>A business person who is an installer or servicer of machinery or equipment, where such installation or servicing by the supplying enterprise is a condition of purchase under contract of the said machinery or equipment, and who must not perform services which are not related to the service activity which is the subject of the contract.</p>	<p>Entry is for periods of stay up to a maximum of three months.</p>

Description of Category of Business Persons	Conditions and Limitations (including length of stay)
C. Intra-Corporate Transferees	
<p><u>Definition:</u></p> <p>A business person employed by an enterprise of the United Kingdom established and lawfully and actively operating in Australia, who is transferred to fill a position in the parent, branch, subsidiary or affiliate of that enterprise in Australia, and who is:</p> <p>(a) an executive or a senior manager, who is a business person responsible for the entire or a substantial part of the operations of the enterprise in Australia, receiving general supervision or direction principally from higher-level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise; or</p> <p>(b) a specialist, who is a business person with advanced trade, technical or professional skills and experience who is assessed as having the necessary qualifications, or alternative credentials accepted as meeting Australia's domestic standards for the relevant occupation, and who must have been employed by the employer for not less than two years</p>	<p>Temporary entry of business persons is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian government department responsible for immigration matters (as at entry into force, the address of that website was www.homeaffairs.gov.au). Sponsorship requirements, including the eligible occupations for specialists, may change from time to time.¹</p> <p>Entry for executives and senior managers is for all sectors and for a period of stay up to four years, with the possibility of further stay.</p> <p>Entry for specialists is for a period of stay up to four years, with the possibility of further stay.</p>

¹ Changes to eligible occupations must not be inconsistent with Australia's commitments in the WTO on Temporary Entry.

immediately preceding the date of the application for temporary entry.	
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Description of Category of Business Persons	Conditions and Limitations (including length of stay)
D. Independent Executives	
<p><u>Definition:</u></p> <p>Business persons whose work responsibilities match the description set out below and who intend, or are responsible for, the establishment in Australia of a new branch or subsidiary of an enterprise which has its head of operations in the territory of the United Kingdom and which has no other representative, branch or subsidiary in Australia.</p> <p>Independent Executives will be responsible for the entire or a substantial part of the enterprise's operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.</p>	<p>Temporary entry of business persons is for all sectors and is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship in this category, are available on the website of the Australian government department responsible for immigration matters (as at entry into force, the address of that website was www.homeaffairs.gov.au). Sponsorship requirements may change from time to time.</p> <p>Entry of business persons is for periods of stay up to a maximum of four years.</p>

Description of Category of Business Persons	Conditions and Limitations (including length of stay)
E. Contractual Service Suppliers	
<p><u>Definition:</u></p> <p>Business persons with trade, technical or professional skills and experience who are assessed as having the necessary qualifications, skills and work experience accepted as meeting the domestic standard in Australia for their nominated occupation, and who are:</p> <p>(a) employees of an enterprise of the United Kingdom that has concluded a contract for the supply of a service within Australia and that does not have a commercial presence within Australia; or</p> <p>(b) engaged by an enterprise lawfully and actively operating in Australia in order to supply a service under a contract within Australia.</p>	<p>Temporary entry of business persons is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian government department responsible for immigration matters (as at entry into force, the address of that website was www.homeaffairs.gov.au).</p> <p>Sponsorship requirements, including eligible occupations, may change from time to time.</p> <p>Entry of business persons is for periods of stay up to four years, with the possibility of further stay.</p> <p>Australia also makes separate commitments on the temporary entry of certain Contractual Service Suppliers in Appendix IV-a to this Schedule, subject to the conditions and limitations set out therein.</p>

Description of Category	Conditions and Limitations (including length of stay)
<p data-bbox="338 376 746 409">F. Spouses and Dependants</p> <p data-bbox="338 454 1385 667">For a business person of the United Kingdom who has been granted temporary entry or an extension of temporary stay under the commitments set out in sections (C), (D) and (E) of this Annex for a period of 12 months or longer and who has a spouse or dependant, Australia shall, upon application, grant the accompanying spouse or dependant the right of entry and temporary stay, movement and work for an equal period to that of the business person.</p>	

APPENDIX IV-a

AUSTRALIA'S COMMITMENTS WITH RESPECT TO CERTAIN CONTRACTUAL SERVICE SUPPLIERS

1. In this Appendix, Australia makes the following commitments with respect to temporary entry of business persons of the United Kingdom entering Australia as Contractual Service Suppliers in the sectors or subsectors, or parts thereof, set out in Table A and Table B, subject to the conditions and limitations set out in paragraphs 2 through 10 below.
2. Australia's commitments in this Appendix shall only apply to business persons of the United Kingdom seeking to enter Australia with trade, technical or professional skills and experience who are assessed as having the necessary qualifications, skills and work experience accepted as meeting the domestic standard in Australia for their specified occupation, and who are:
 - (a) employees of an enterprise of the United Kingdom that has concluded a contract for the supply of a service within Australia and that does not have a commercial presence within Australia; or
 - (b) engaged by an enterprise lawfully and actively operating in Australia in order to supply a service under a contract within Australia.
3. Business persons under subparagraph 2(a) must meet the following conditions:
 - (a) the business person is engaged in the supply of a service on a temporary basis as an employee of an enterprise in the United Kingdom which has obtained a service contract up to 12 months;
 - (b) the business person has been employed by the enterprise supplying the services for not less than one year immediately preceding the date of submission of an application for entry into Australia; and
 - (c) the business person possesses at least two years professional experience in the sector of activity which is the subject of the service contract, at the date of submission of an application for entry into Australia.
4. Business persons under subparagraph 2(b) must meet the following conditions:
 - (a) the business person is engaged in the supply of a service on a temporary basis by an enterprise in Australia under a service contract up to 12 months; and
 - (b) the business person possesses at least six years professional

experience in the sector of activity which is the subject of the service contract, at the date of submission of an application for entry into Australia.

5. Business persons under subparagraphs 2(a) and 2(b) must also meet the following conditions:
 - (a) the business person possesses:
 - (i) a university degree or a qualification demonstrating knowledge of an equivalent level relevant to the sector of activity which is the subject of the service contract; and
 - (ii) where applicable, the professional qualifications, licensing or other requirements to supply the service, where this is required under the law of Australia where the service is supplied;
 - (b) the business person does not receive remuneration for the provision of services in the territory of Australia other than the remuneration paid by the enterprise employing or engaging them;
 - (c) the business person will only undertake the service activity in Australia which is the subject of the service contract²; and
 - (d) the number of persons covered by the service contract shall not be larger than necessary to fulfil the contract, and the enterprise may be requested to provide documentation to evidence this, subject to the laws and regulations of Australia.
6. The permissible length of stay for business persons of the United Kingdom seeking entry pursuant to the commitments in this Appendix is for a cumulative period of not more than six months in any 12-month period or for the duration of the service contract, whichever is less.
7. Subject to the conditions and limitations above, Australia makes commitments in the following sectors or subsectors, or parts thereof, as set out in:
 - (a) Table A for Contractual Service Suppliers who meet the definition set out in subparagraph 2(a), and
 - (b) Table B for Contractual Service Suppliers who meet the definition set out in subparagraph 2(b).³

² Eligible service contracts must require the presence of the business person on a temporary basis in Australia in order to fulfil the contract and exclude contracts through an agency for placement and supply of personnel.

³ For greater certainty, the sectors or subsectors listed in Table A and Table B are only committed

8. For greater certainty, Australia does not undertake any commitment in this Appendix for business persons of the United Kingdom in sectors or subsectors which are not listed in Table A or Table B, nor for positions with skill or experience requirements below those set out in this Appendix.
9. For greater certainty and further to paragraph 2 of Article 11.4 (Grant of Temporary Entry - Temporary Entry for Business Persons), the grant of temporary entry of a business person of the United Kingdom in sectors or subsectors set out in Table A or Table B is subject to that business person meeting any applicable licensing or other requirements relevant to the position.
10. For greater certainty, Australia's commitments on temporary entry for spouses and dependants do not apply with respect to commitments made in this Appendix.

Table A

Sector or Subsector
Legal services only with respect to foreign law and public international law (part of CPC 861)
Engineering Services (CPC 8672)
Integrated Engineering Services (CPC 8673)
Management Consulting Services (CPC 865)
Services related to Management Consulting (CPC 866)
Architectural Services (CPC 8671)
Urban Planning and Landscape Architectural Services (CPC 8674)
Insurance and Insurance Related Services, only in respect of advisory and consulting services
Computer and Related Services (CPC 84)
Taxation Advisory Services ⁴ (CPC 863)
Market Research and Public Opinion Polling Services (CPC 864)

under the terms and conditions set out in this Appendix.

⁴ For greater certainty, excludes legal advisory and legal representational services on tax matters.

Accounting and Bookkeeping Services (part of CPC 86212, 86213, 86219, 86220) ⁵
Other Financial Services, only in respect of advisory and consulting services
Advertising Services (CPC 871)
Site Investigation Work (CPC 5111)
Mining (advisory and consulting services only) (CPC 883)
Research and Development Services (CPC 851, 852 excluding psychologist services, 853)
Telecommunication Services, only in respect of advisory and consulting services (CPC 7544)
Environmental Services (CPC 9401, 9402, 9403, 9404, 9405, part of 9406 and 9409)
Related Scientific and Technical Consulting Services (CPC 8675)
Technical testing and analysis services (CPC 8676)
Travel agency and tour operator services (CPC 7471)
Postal and courier services (advisory and consultancy services only) (CPC 751)
Transport (advisory and consulting services only) (CPC 71, 72, 73, 74)
Maintenance and repair of vessels, rail, road, and aircraft equipment (CPC 6112, 6122, part of 8867, part of 8868)
Translation and interpretation services, excluding official or certified activities (CPC 87905)
Maintenance and repair of personal and household goods (CPC 633)
Services incidental to agriculture and animal husbandry (CPC 8811 and 8812)
Manufacturing (advisory and consulting services only) (CPC 884, 885)

⁵ For greater certainty, excludes auditing services.

Table B

Sector or Subsector
Legal services only with respect to foreign law and public international law (part of CPC 861)
Engineering Services (CPC 8672)
Integrated Engineering Services (CPC 8673)
Management Consulting Services (CPC 865)
Services related to Management Consulting (CPC 866)
Architectural Services (CPC 8671)
Urban Planning and Landscape Architectural Services (CPC 8674)
Computer and Related services (CPC 84)
Market Research and Public Opinion Polling Services (CPC 864)
Research and Development Services (CPC 851, 852 excluding psychologist services, 853)
Translation and interpretation services, excluding official or certified activities (CPC 87905)
Postal and courier services (advisory and consultancy services only) (CPC 751)
Insurance and Insurance Related Services, only in respect of advisory and consulting services
Other Financial services, only in respect of advisory and consulting services
Mining (advisory or consulting services only) (CPC 883)
Telecommunication Services only in respect of advisory and consulting services (CPC 7544)
Transport (advisory and consulting services only) (CPC 71, 72, 73, 74)
Services incidental to agriculture and animal husbandry (CPC 8811 and 8812)
Manufacturing (advisory and consulting services only) (CPC 884, 885)

ANNEX IV

SPECIFIC COMMITMENTS ON TEMPORARY ENTRY FOR BUSINESS PERSONS

SCHEDULE OF THE UNITED KINGDOM

1. The following sets out the United Kingdom’s commitments in accordance with Article 11.4 (Grant of Temporary Entry) in respect of the entry and temporary stay of business persons.
2. For the purposes of this Schedule, the term “CPC” means the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).
3. For the purposes of this Schedule, the term “enterprise of a Party” means an enterprise that carries out substantial business activities in the territory of Australia.

Description of Category	Conditions and Limitations (including length of stay)
<p>A. Business visitors</p> <p>Commitments under this category are made under the following headings:</p> <ul style="list-style-type: none"> • Business visitors for establishment purposes • Short-term business visitors 	
<p><u>Definition:</u></p> <p>"Business visitors for establishment purposes" means business persons working in a senior position within an enterprise of a Party who are responsible for setting up an enterprise in the United Kingdom, do not offer nor provide services, do not engage in any economic activity other than what is required for establishment purposes, and do not receive remuneration within the United Kingdom.</p>	<p>Business visitors for establishment purposes need to be employed by an enterprise other than a non-profit organisation.</p> <p>Temporary stay for a period not exceeding 90 days in any 6-month period.</p> <p>The United Kingdom shall grant entry and temporary stay of Business visitors for establishment purposes without the requirement of a work permit or other prior approval procedure of similar intent.</p>
<p>“Short-term business visitors” are business persons granted entry and temporary stay in the United Kingdom, and are permitted to engage in the following activities during their temporary stay:</p>	<p>The United Kingdom shall allow the entry and temporary stay of Short-term business visitors subject to the following conditions:</p> <p style="padding-left: 40px;">(a) the Short-term business visitors are not engaged in selling their goods</p>

<p>(i) meetings and consultations: business persons attending meetings or conferences, or engaged in consultations with business associates;</p> <p>(ii) trade fairs and exhibitions: personnel attending a trade fair for the purpose of promoting their company or its products or services;</p> <p>(iii) sales: representatives of a supplier of services or goods taking orders or negotiating the sale of services or goods or entering into agreements to sell services or goods for that supplier, but not delivering goods or supplying services themselves; and</p> <p>(iv) after-sales or after-lease service: installers, repair and maintenance personnel and supervisors, possessing specialised knowledge essential to a seller's contractual obligation, supplying services or training workers to supply services pursuant to a warranty or other service contract incidental to the sale or lease of commercial or industrial equipment or machinery, including computer software, purchased or leased from an enterprise of a Party of which the Short-term business visitor is a natural person, throughout the duration of the warranty or service contract.</p>	<p>or supplying services to the general public;</p> <p>(b) the Short-term business visitors do not, on their own behalf, receive remuneration from within the United Kingdom where they are staying temporarily; and</p> <p>(c) the Short-term business visitors are not engaged in the supply of a service in the framework of a contract concluded between an enterprise that has not established in the United Kingdom where they are staying temporarily, and a consumer in the United Kingdom.</p> <p>Temporary stay for a period not exceeding 90 days in any 6-month period.</p> <p>The United Kingdom shall grant entry and temporary stay of Short-term business visitors without the requirement of a work permit or other prior approval procedure of similar intent.</p>
Description of Category	Conditions and Limitations (including length of stay)
<p>B. Intra-corporate transferees (managers, specialists, graduate trainees)</p> <p>1. Commitments under this category are made under the following headings in all sectors</p> <ul style="list-style-type: none"> • managers; • specialists; and • graduate trainees. <p>The partner and dependent children accompanying the Intra-corporate transferee</p> <p>2. The United Kingdom shall allow the entry and temporary stay of the “partner”, as defined in the relevant Immigration Rules, and dependent children accompanying an intra-corporate transferee of Australia granted entry and temporary stay for the same</p>	

period as the period of temporary stay granted to the intra-corporate transferee. For the purposes of this commitment:

"dependent children" means children who are dependent on the intra-corporate transferee and who are recognised as dependent children in accordance with the law of the United Kingdom where:

(i) the intra-corporate transferee has sole responsibility for the children; or

(ii) both of the children's parents are being granted entry and temporary stay in accordance with this Agreement.

3. The United Kingdom shall allow the partner of the intra-corporate transferee to work for the duration of their visa, in an employed or self-employed capacity, and shall not require them to obtain a work permit.

4. For greater certainty, with respect to the partner and dependent children of the intra-corporate transferee, entry and temporary stay is without prejudice to the law of the United Kingdom applicable to entry and temporary stay.

Definition:

“Intra-corporate transferees” means business persons who:

(a) have been employed by an enterprise of a Party or have been partners in it, for a period of not less than one year immediately preceding the date of their application for the entry and temporary stay in the United Kingdom;

(b) are temporarily transferred to an enterprise, in the United Kingdom, which forms part of the same group of the originating enterprise including its representative office, subsidiary, branch, or head company; and

(c) belongs to one of the following categories:

(i) managers: business persons working in a senior position, who primarily direct the management of the enterprise, receiving general supervision or direction principally

Intra-corporate transferees need to be employed by an enterprise other than a non-profit organisation.

Period of stay:

(i) Managers and specialists: temporary stay for a period not exceeding three years with possible extension by discretion of the United Kingdom; and

(ii) graduate trainees: temporary stay for a period not exceeding one year.

Decision making timelines:

(i) To the extent practicable, the competent authorities of the United Kingdom shall adopt a decision on the immigration formality application, or a renewal of it, and shall notify the decision to the applicant in writing, in accordance with the

<p>from the board of directors or from shareholders of the business or their equivalent, including at least:</p> <p>(A) directing the enterprise or a department or subdivision thereof;</p> <p>(B) supervising and controlling the work of other supervisory, professional or managerial employees; or</p> <p>(C) having the authority to recruit and dismiss or to recommend recruitment, dismissal or other personnel-related actions; or</p> <p>(ii) specialists: business persons who possess specialised knowledge essential to the enterprise's production, research equipment, techniques, processes, procedures, or management. In assessing such knowledge, account shall be taken not only of knowledge specific to the enterprise, but also of whether the business person has a high level of qualification referring to a type of work or trade requiring specific technical knowledge, including membership of an accredited profession.</p> <p>(iii) graduate trainees: business persons who:</p> <p>(A) possess a university degree: and</p> <p>(B) are temporarily transferred to an enterprise in the United Kingdom as part of a work experience programme for career development purposes, or to obtain training in business techniques or methods and</p>	<p>notification procedures under the relevant law of the United Kingdom, as soon as possible but not later than 90 days from the date on which the complete application was submitted.</p> <p>(ii) Where it is not practicable for a decision to be made within 90 days, the competent authorities of the United Kingdom shall endeavour to make the decision within a reasonable period of time thereafter.</p> <p>(iii) Where the information or documentation for the application is incomplete, and additional information is required to process the application, the competent authorities shall endeavour to notify the applicant within a reasonable period of time of the additional information that is required and set a reasonable deadline for providing it. In such circumstances the 90 day period, set out in subparagraph (i) shall be suspended until the competent authorities have received the required additional information.</p>
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are paid during the period of transfer.	
Description of Category	Conditions and Limitations (including length of stay)
C. Investors	
<p><u>Definition:</u></p> <p>“Investors” means senior employees of an enterprise headquartered in Australia who are establishing a branch or subsidiary of that enterprise in the United Kingdom and who are business persons that will be responsible for the entire or a substantial part of the enterprise's operations in the United Kingdom, receiving general supervision or direction principally from higher level executives, the board of directors or shareholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.</p>	<p>Temporary stay for a period of up to one year.</p> <p>Entry and temporary stay based on connection to the economy rather than the amount of capital the enterprise invests.</p>
Description of Category	Conditions and Limitations (including length of stay)
D. Contractual service suppliers	
<p><u>Definition:</u></p> <p>“Contractual service suppliers” means business persons employed by an enterprise of a Party which:</p> <p>(a) is not an agency for placement and supply services of personnel and is not acting through such an agency;</p> <p>(b) has not established in the territory of the United Kingdom; and</p> <p>(c) has concluded a <i>bona fide</i> contract to supply services to a final consumer</p>	<p>The business persons are engaged in the supply of a service on a temporary basis as employees of an enterprise which has obtained a service contract not exceeding 12 months.</p> <p>Temporary stay for a cumulative period of not more than 12 months, with extensions possible at the discretion of the United Kingdom, in any 24 month period or for the duration of the contract, whichever is less.</p>

<p>in the United Kingdom, requiring the presence on a temporary basis of its employees in the United Kingdom in order to fulfil the contract to supply services.</p> <p>The United Kingdom makes commitments only in the service sectors or sub-sectors set out below:</p> <p>(a) legal advisory services in respect of public international law and foreign law (part of CPC 861);</p> <p>(b) accounting and bookkeeping services (CPC 86212 other than "auditing services", 86213, 86219 and 86220);</p> <p>(c) taxation advisory services (CPC 863). Taxation advisory services does not include legal advisory and legal representational services on tax matters, which are under legal advisory services in respect of public international law and foreign law;</p> <p>(d) architectural services and urban planning and landscape architectural services (CPC 8671 and 8674);</p> <p>(e) engineering services and integrated engineering services (CPC 8672 and 8673);</p> <p>(f) computer and related services (CPC 84);</p> <p>(g) research and development services (CPC 851, 852 excluding psychologists services (part of CPC 85201, which is under medical and dental services), and 853);</p> <p>(h) advertising services (CPC 871);</p> <p>(i) market research and opinion polling services (CPC 864);</p> <p>(j) management consulting services (CPC 865);</p> <p>(k) services related to management consulting (CPC 866);</p>	<p>The business persons entering the United Kingdom have been offering such services as employees of the enterprise supplying the services for at least the year immediately preceding the date of submission of an application for entry into the United Kingdom and possess, at the date of submission of an application for entry into the United Kingdom at least three years professional experience, obtained after having reached the age of majority, in the sector of activity which is the subject of the contract.</p> <p>The business persons entering the United Kingdom shall possess:</p> <p>(i) a university degree or a qualification demonstrating knowledge of an equivalent level; and</p> <p>(ii) the professional qualifications legally required to exercise that activity in the United Kingdom.</p> <p>Where the degree or qualification has not been obtained in the United Kingdom, the United Kingdom may evaluate whether this is equivalent to a university degree required in its territory.</p> <p>The business person does not receive remuneration for the provision of services in the territory of the United Kingdom other than the remuneration paid by the enterprise employing the business person or from a source outside the United Kingdom.</p> <p>The access accorded relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the United Kingdom where the service is provided.</p> <p>The number of persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be requested by the law of the United Kingdom.</p>
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<p>(l) technical testing and analysis services (CPC 8676);</p> <p>(m) related scientific and technical consulting services (CPC 8675);</p> <p>(n) mining (CPC 883, advisory and consulting services only);</p> <p>(o) maintenance and repair of vessels (part of CPC 8868);</p> <p>(p) maintenance and repair of rail transport equipment (part of CPC 8868);</p> <p>(q) maintenance and repair of motor vehicles, motorcycles, snowmobiles and road transport equipment (CPC 6112, 6122, part of 8867 and part of 8868);</p> <p>(r) maintenance and repair of aircraft and parts thereof (part of CPC 8868);</p> <p>(s) maintenance and repair of metal products, of (non-office) machinery, of (non-transport and non-office) equipment and of personal and household goods (CPC 633, 7545, 8861, 8862, 8864, 8865 and 8866). Maintenance and repair services of office machinery and equipment including computers (CPC 845) are under computer services;</p> <p>(t) translation and interpretation services (CPC 87905, excluding official or certified activities);</p> <p>(u) telecommunication services (CPC 7544, advisory and consulting services only);</p> <p>(v) postal and courier services (CPC 751, advisory and consulting services only);</p> <p>(w) site investigation work (CPC 5111);</p> <p>(x) environmental services (CPC 9401, 9402, 9403, 9404, part of 94060, 9405, part of 9406 and 9409);</p> <p>(y) insurance and insurance related services (advisory and consulting services only);</p>	<p>The contract to supply services shall comply with the requirements of the law that apply in the United Kingdom.</p> <p>The United Kingdom may adopt or maintain a measure relating to qualification requirements, qualification procedures, technical standards, licensing requirements, or licensing procedures that does not constitute a limitation within the meaning of Article 11.4 (Grant of Temporary Entry). Those measures, which include requirements to obtain a licence, to obtain recognition of qualifications in regulated sectors, or to pass specific examinations, such as language examinations, even if not listed in this Schedule, apply in any case to contractual service suppliers of Australia.</p>
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<p>(z) other financial services advisory and consulting services;</p> <p>(aa) transport (CPC 71, 72, 73, and 74, advisory and consulting services only);</p> <p>(bb) travel agencies and tour operators services (including tour managers; services suppliers whose function is to accompany a tour group of a minimum of 10 business persons, without acting as guides in specific locations) (CPC 7471);</p> <p>(cc) tourist guides services; and</p> <p>(dd) manufacturing (CPC 884, and 885, advisory and consulting services only).</p>	
<p>Description of Category</p>	<p>Conditions and Limitations (including length of stay)</p>
<p>E. Independent Professionals</p>	
<p>“Independent professionals” means business persons who:</p> <p>(a) are engaged in the supply of a service and established as self-employed in the territory of Australia;</p> <p>(b) have not established in the territory of the United Kingdom; and</p> <p>(c) have concluded a <i>bona fide</i> contract (other than through an agency for placement and supply services of personnel) to supply services to a final consumer in the United Kingdom, requiring their presence on a temporary basis in the United Kingdom in order to fulfil the contract to supply services.</p> <p>The United Kingdom makes commitments only in the service sectors or sub-sectors set out below:</p>	<p>The business persons are engaged in the supply of a service on a temporary basis as self-employed persons established in Australia and have obtained a service contract for a period not exceeding 12 months.</p> <p>Temporary stay for a cumulative period of not more than 12 months, with extensions possible at the discretion of the United Kingdom, in any 24 month period or for the duration of the contract, whichever is less.</p> <p>The business persons entering the United Kingdom possess, at the date of submission of an application for entry into the United Kingdom at least six years professional experience in the sector of activity which is the subject of the contract.</p> <p>The business persons entering the United Kingdom shall possess:</p> <p>(i) a university degree or a qualification demonstrating</p>

<p>(a) legal advisory services in respect of public international law and foreign law (part of CPC 861);</p> <p>(b) architectural services and urban planning and landscape architectural services (CPC 8671 and 8674);</p> <p>(c) engineering services and integrated engineering services (CPC 8672 and 8673);</p> <p>(d) computer and related services (CPC 84);</p> <p>(e) research and development services (CPC 851, 852 excluding psychologists services (part of CPC 85201, which is under medical and dental services), and 853);</p> <p>(f) market research and opinion polling services (CPC 864);</p> <p>(g) management consulting services (CPC 865);</p> <p>(h) services related to management consulting (CPC 866);</p> <p>(i) mining (CPC 883, advisory and consulting services only);</p> <p>(j) translation and interpretation services (CPC 87905, excluding official or certified activities);</p> <p>(k) telecommunication services (CPC 7544, advisory and consulting services only);</p> <p>(l) postal and courier services (CPC 751, advisory and consulting services only);</p> <p>(m) insurance and insurance related services (advisory and consulting services only);</p> <p>(n) other financial services (advisory and consulting services only);</p> <p>(o) transport (CPC 71, 72, 73, and 74, advisory and consulting services only); and</p>	<p>knowledge of an equivalent level; and</p> <p>(ii) the professional qualifications legally required to exercise that activity in the United Kingdom.</p> <p>Where the degree or qualification has not been obtained in the United Kingdom, the United Kingdom may evaluate whether this is equivalent to a university degree required in its territory.</p> <p>The access accorded relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the United Kingdom where the service is provided.</p> <p>The contract to supply services shall comply with the requirements of the law that apply in the United Kingdom.</p> <p>The United Kingdom may adopt or maintain a measure relating to qualification requirements, qualification procedures, technical standards, licensing requirements, or licensing procedures that does not constitute a limitation within the meaning of Article 11.4 (Grant of Temporary Entry). Those measures, which include requirements to obtain a licence, to obtain recognition of qualifications in regulated sectors, or to pass specific examinations, such as language examinations, even if not listed in this Schedule, apply in any case to independent professionals of Australia.</p>
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(p) manufacturing (CPC 884, and 885, advisory and consulting services only).	
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