

## 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.

<b>Description of Category of Business Persons</b>	<b>Conditions and Limitations (including length of stay)</b>
<b>A. Business Visitors</b>	
<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>

<b>Description of Category of Business Persons</b>	<b>Conditions and Limitations (including length of stay)</b>
<b>B. Installers and Servicers</b>	
<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)
<b>C. Intra-Corporate Transferees</b>	
<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 <a href="http://www.homeaffairs.gov.au">www.homeaffairs.gov.au</a>). Sponsorship requirements, including the eligible occupations for specialists, may change from time to time.<sup>1</sup></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>

<sup>1</sup> 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)
<b>D. Independent Executives</b>	
<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 <a href="http://www.homeaffairs.gov.au">www.homeaffairs.gov.au</a>). 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)
<b>E. Contractual Service Suppliers</b>	
<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 <a href="http://www.homeaffairs.gov.au">www.homeaffairs.gov.au</a>).</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>

<b>Description of Category</b>	<b>Conditions and Limitations (including length of stay)</b>
<p data-bbox="339 376 746 409"><b>F. Spouses and Dependents</b></p> <p data-bbox="339 454 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 contract<sup>2</sup>; 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).<sup>3</sup>

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<sup>2</sup> 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.

<sup>3</sup> 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**

<b>Sector or Subsector</b>
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 <sup>4</sup> (CPC 863)
Market Research and Public Opinion Polling Services (CPC 864)

under the terms and conditions set out in this Appendix.

<sup>4</sup> For greater certainty, excludes legal advisory and legal representational services on tax matters.

Accounting and Bookkeeping Services (part of CPC 86212, 86213, 86219, 86220) <sup>5</sup>
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)

<sup>5</sup> For greater certainty, excludes auditing services.

**Table B**

<b>Sector or Subsector</b>
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)