

AUSTRALIA – SCHEDULE OF SPECIFIC COMMITMENTS RELATING TO INITIAL OFFER (MARCH 2003)

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

| Sector or Sub-sector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|--|
| <p>1. BUSINESS SERVICES</p> <p>A. <u>Professional Services</u></p> <p>a) Legal services</p> <p>Home country law, including public international law (861**)</p> <p>Advisory services in home-country law, third-country law and international law. International commercial arbitration services. Other alternative dispute resolution services</p> | <p>1) None</p> <p>2) None</p> <p>3) Natural persons practising foreign law may only join a local law firm as an employee or as a consultant and may not enter into partnership with or employ local lawyers in WA and SA.</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>1) None</p> <p>2) None</p> <p>3) At least one equity partner in a firm engaged in advising on foreign law matters must be a permanent resident (NSW, Victoria); at least one equity partner in a foreign law firm must be resident for a minimum period of 180 days per calendar year (Queensland); None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>3) Joint offices involving revenue-sharing between foreign law firms and Australian local law firms are permitted in NSW, Victoria, Queensland, Tasmania the ACT and the NT subject to the foreign law firms satisfying certain requirements, including in relation to liability, standard of conduct and professional ethics.</p> |
| <p>g) Urban planning and landscape architectural services (8674)</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |

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| <p>B. <u>Computer and related services (CPC 84), excluding measures relating to content covered by CPC 844 and 849</u></p> <p>a) Consultancy services related to the installation of computer hardware (841)</p> <p>b) Software implementation services (842)</p> <p>c) Data processing services (843)</p> <p>e) Maintenance and repair services of office machinery and equipment including computers (845)</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> | |
| <p>F. <u>Other business services</u></p> <p>h) Services incidental to mining and site preparation work for mining (883, 5115)</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> | <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p> | |

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| Consultancy on a fee or contract basis relating to mining and oil field development m) Related scientific and technical consulting services (86752**, 86753) Assembly and assessment of land and geographic related information; practice of the science of measurement; use of that information for the purpose of planning and implementing the administration of the land and sea. May involve surveying activities on, above or below the surface of the land or sea. | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| 2. COMMUNICATION SERVICES C. <u>Telecommunications services</u> Covers the following sub-sectors from the Services Sectoral Classification List and related CPC numbers 7521,7522,7523, 7529** (a) Voice telephone services (b) Packet-switched data transmission services 3) Primary supply of satellite services limited | 1) None 2) None 3) Primary supply of satellite services limited | 1) None 2) None 3) None | The attached reference paper on regulatory principles is incorporated as additional commitments by Australia. |

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| (c) Circuit-switched data transmission services | to two service providers (licensed general carriers) until 30 June 1997. | | |
| (d) Telex services | Primary supply of public mobile cellular telecommunications services limited to three | | |
| (e) Telegraph services | service providers (licensed mobile carriers) until 30 June 1997. | | |
| (f) Facsimile services | | | |
| g) Private leased circuit services | The Government has introduced legislation aimed at implementing an unlimited number of basic telecommunications carrier licences from 1 July 1997 and no sector specific foreign equity limits for new carriers. Australia binds itself to the outcome of this Parliamentary process in terms of numbers of carrier licences and foreign equity applying to new carrier licences. An entity holding a new carrier licence must be a public body or a constitutional corporation under Australian law. | | |
| o) <u>Other</u> | | | |
| Digital Cellular services | | | |
| Paging services | | | |
| Personal Communications Services | | | |
| Trunked Radio System | <p>The first licensed general carrier, Telstra, is government owned. Legislation permitting the sale of one third of the government's equity in Telstra comes into effect on 1 May 1997. Foreign equity will be limited to 35% of this one third (about 11.7% of total equity) with a limit of 5% of the one third (about 1.7% of total equity) available to individual or associated group foreign investors.</p> <p>There are no limits on total foreign equity in Optus (holder of general carrier and mobile licence). However, foreign investment policy requirements for Optus are such that there are certain limits on the share of equity which any individual foreign shareholder may hold. There is a requirement for majority Australian ownership of Vodafone (holder of a mobile</p> | <p>The Chairman and directors of Optus must be Australian citizens, other than those directors (who must comprise the minority) appointed by the two current major foreign investors.</p> | |

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| | — carrier licence). Measures shall be maintained to ensure that these arrangements continue to apply after 30 June 1997. | | |
| h) Electronic mail (CPC 7523**) | 4) Unbound except as indicated in horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section | 4) Unbound except as indicated in horizontal section. 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section | |
| i) Voice mail (CPC 7523**) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section | |
| j) On-line information and data base retrieval | 1) None | 1) None | |
| k) Electronic data interchange (EDI) | 1) None | 1) None | |
| l) Enhanced/value-added facsimile services, including store and retrieve | 1) None | 1) None | |
| m) Code and protocol conversion (CPC 7523**) | 1) None | 1) None | |

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| <p>6. ENVIRONMENTAL SERVICES</p> <p>A. Sewage services <u>Wastewater management</u> (9401)</p> <p>B. Refuse disposal services <u>Solid/hazardous waste management</u> (9402, 9403)</p> <p>C. <u>Sanitation and similar services</u> (9403)</p> <p>C. <u>Protection of ambient air and climate</u> (CPC 9404)</p> <p>D. <u>Remediation and cleanup of soil and water</u> (9406**) Treatment, remediation of contaminated/polluted soil and water</p> <p>E. <u>Noise and vibration abatement</u> (9405)</p> | | | |

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| <p>F. <u>Protection of biodiversity and landscape</u> (9406**)</p> <p>Nature and landscape protection services</p> <p>G. <u>Other environmental and ancillary services</u> (94090)</p> | | | |
| <p>7. FINANCIAL SERVICES</p> <p>Australia undertakes its specific commitments on financial services in accordance with the "Understanding on Commitments in Financial Services" (hereinafter referred to as the "Understanding").</p> <p>The obligations under the Understanding are addressed in this Schedule additionally to those covered by the provisions of Part III of the Agreement and the Annex on Financial Services. The market access commitments with respect to "cross-border supply" and "consumption abroad" (as described in paragraphs 2(a) and 2(b) of Article I of the Agreement) bound in this Schedule are limited to the services indicated in paragraphs B.3 and B.4 of the Understanding, respectively.</p> <p>These specific commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments" section of Australia's GATS Schedule.</p> | | | |
| A. <u>Insurance and insurance-related services</u> | 3) Approval of non-resident life insurers is | | |

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| B. <u>Banking and Other financial service</u> (excluding insurance) | <p>3) Most State and Territory Governments</p> <p>1) The investment at interest in Australia of official reserves by foreign central banks and foreign government monetary institutions is approved by the Reserve Bank provided that it obtains assurance from the investing authority that it will aim to be a stable holder of the Australian dollar and that it will consult with the Bank in the event of significant changes in its Australian dollar portfolio. Monetary institutions, responsible for both reserve assets and commercial investments, are permitted to invest in Australia up to a limit under the same conditions.</p> <p>1), 3) A foreign bank located overseas is able to offer its services to Australian enterprises, but is not allowed to raise deposit funds in Australia or undertake</p> | <p>3) Sub-national guarantees are provided to some</p> | |

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| | <p>business within Australia unless it is an authorised bank (or establishes a money market corporation, subsidiary etc.). Foreign banks located overseas may, however, raise funds in Australia through the issue of debt securities provided that those securities are offered/traded in parcels of not less than \$A500,000 and the securities and any information memoranda clearly state the issuing bank is not authorised under the Banking Act in Australia.</p> <p>1), 3) Dealings in foreign exchange in Australia</p> <p>3) Foreign banks satisfying prudential requirements and that are able to demonstrate their potential contribution to competition in Australia may conduct banking in Australia.</p> <p>Foreign banks may undertake banking operations in Australia through locally incorporated subsidiaries and/or an authorised branch. However, a branch may not accept "retail" deposits. A foreign bank wishing to accept "retail" deposits must seek authorization as a locally incorporated subsidiary for that purpose. Foreign bank branches may accept deposits (and other funds) in any amount from incorporated entities, non-residents and their own employees. Deposits (and other funds) may only be accepted from other sources where the initial deposit (or other funds) is greater than</p> | <p>3) Commonwealth owned entities which may conduct financial operations are guaranteed by the Commonwealth Government. While the Commonwealth sold its remaining shareholding in the Commonwealth Bank of Australia (CBA) on 19 July 1996, a transitional Commonwealth guarantee has been provided to all of the liabilities of the CBA. The length of time that the guarantee applies depends on the characteristic of the liability. Transitional guarantees also apply to the former Commonwealth-owned Australian Industry Development Corporation.</p> | |

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| | <p>\$A250,000. Deposit-taking outside of this is considered to be "retail" banking business.</p> <p>1), 3) A number of State and Territory</p> <p>3) The provisions of the <i>Trust Bank (Corporatisation) Act 1997</i> dealing with the Trust Bank of Tasmania may require a joint venture arrangement.</p> <p>3) The Australian Stock Exchange liquid capital requirements for stockbrokers may have the effect of favouring participation in the Exchange by subsidiaries rather than branches of foreign companies.</p> <p>An applicant must be a body corporate in order to obtain approval to conduct a stock exchange or a futures exchange.</p> | <p>1), 3) The financial operations of some State or</p> <p>3) The provisions of the Act require that at least a majority of the directors of the Trust Bank be resident in Tasmania and that policy and control of the Trust Bank be exercised in Tasmania.</p> <p>3) A majority of the directors of a stockbroking organisation participating in the Australian Stock Exchange must be Australian residents.</p> | |

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| | 3) To obtain an Australian market licence, | | |
| 11. TRANSPORT SERVICES A. <u>Maritime transport services</u> | | | The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: pilotage, towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; Port Captain's services; navigation aids (a); shore-based operational services essential to ship operations, including communications water and electrical supplies; emergency repair facilities; anchorage, |

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| | | | <p>berth and berthing services.</p> <p>(a): except for Queensland, where vessels of 35 m and above must pay conservancy fees to fund navigational aids, while this obligation applies only to Australian vessels of 50 m and above.</p> <p>Where road, rail and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability, on reasonable and non-discriminatory terms and conditions, to rent, hire or charter trucks, railway carriages, ships and related equipment for the purpose of onward forwarding of international cargoes carried by sea, or have access to and use of these forms of transport services for the purpose of providing multimodal transport services</p> |

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| International transport (freight and passengers) (7211 and 7212 less cabotage and offshore transport - as defined in Attachment A Note to schedule) | <p>1) a) Liner Shipping: Part X of the Trade</p> <p>1) b) Bulk, tramp and other international shipping, including international passenger transportation: None.</p> <p>2) None</p> <p>3) a) Establishment of registered company for the purpose of operating a fleet under the national flag of Australia: nationality requirements for ownership and registration of vessels as defined by the Shipping Registration Act 1981.</p> <p>3) b) Other forms of commercial presence for the supply of international maritime transport services (as defined in Attachment A): None</p> <p>4) a) Ships crews: Unbound except as indicated in the horizontal section.</p> <p>4) b) Key shore personnel: Unbound except as indicated in the horizontal section.</p> | <p>1) a) Part X of the Trade Practices Act 1974</p> <p>1) b) None</p> <p>2) None</p> <p>3) a) Unbound</p> <p>3) b) None</p> <p>4) a) Unbound except as indicated in the horizontal section.</p> <p>4) b) Unbound except as indicated in the horizontal section.</p> | <p>See Note to Schedule</p> <p>See Note to Schedule</p> |
| <u>Maritime auxiliary services</u> | | | |

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| | horizontal section. | horizontal section. | |
| Maritime cargo handling services (as described in Note to Schedule) | <ol style="list-style-type: none"> 1) Unbound* 2) None 3) Licences/concessions are granted by port authorities*** 4) Unbound except as indicated in the horizontal section. In addition there is a requirement for shore labour to undertake loading and unloading of ships under the Navigation Act 1912 | <ol style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. In addition there is a requirement for shore labour to undertake loading and unloading of ships under the Navigation Act 1912 | |
| Storage and warehousing services (742) | <ol style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| Maritime freight forwarding services (as defined in Attachment A <i>Note to schedule</i>) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section | |
| Customs clearance services (as described in Note to Schedule) | <ol style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section | <ol style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section | |
| Preshipment inspection (as defined in Attachment A <i>Note to schedule</i>) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |
| Maritime agency services (as described in Note to Schedule) | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section | <ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section | |

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| <p>C. <u>Air Transport Services</u></p> <p>Ground handling services):</p> <ul style="list-style-type: none"> - Airport operation services (7461 - excludes cargo handling - Cargo handling (74110 and 74190 air transport sector only) - Other supporting services for air transport (7469 – excludes airport and terminal firefighting services) - <p>d) Maintenance and repair of aircraft (8868**)</p> <p>Covers establishments mainly engaged in periodic maintenance and repair (routine and emergency) of airframes (including wings, doors, control surfaces) avionics, engines and engine components, hydraulics, pressurisation and electrical systems and landing gear. Includes painting, other fuselage surface treatments and repair of flight-deck (and other) transparencies. Further includes rotary and glider aircraft.</p> | <ul style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. <ul style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. | <ul style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. <ul style="list-style-type: none"> 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. | |

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| <p>Computer reservation systems (7523**)</p> <p>Activities of establishments engaged in providing and maintaining computer reservation to other enterprises engaged in the provision of travel agency services, including transport and accommodation booking, tour and travel wholesaling/retailing - to establishments engaged in providing reservation services (such as travel agencies etc.). CRS services related to air carriers include the provision of information on air carrier schedules, space availability and tariffs.</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> | |

* Unbound due to lack of technical feasibility

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

*** **Public utility concession or licensing procedures may apply in the case of the occupation of the public domain for the conduct of these activities.**

ATTACHMENT A NOTE TO SCHEDULE: MARITIME TRANSPORT SERVICES

DEFINITIONS

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

These activities include:

- marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
 - the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inland transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;
 - the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
 - the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the Annex on Telecommunications);
 - the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
 - acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
5. International Rental of Vessels with Crew: rental and/or leasing services of all types of sea-going vessels with crew (such as tankers, bulk dry cargo vessels, cargo and freight vessels) for the purpose of international trade.

- 6. Maritime Cargo Handling Services:** activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring of terminal operator companies. The activities covered include the organisation and supervision of: the loading/discharging of cargo to/from a ship; the lashing/unlashing of cargo; and, the reception/delivery and safekeeping of cargoes in the wharf area before shipment or after discharge.

The organisation and supervision includes the arrangements for (1) engaging skilled labour (dockers), (2) using all the necessary equipment for on-board or shore use and the appropriate storage space, whether by ownership, rental or otherwise, (3) the checking of parcels and markings, the weighing and measuring of cargo (upon request of the owner), and (4) the administrative duties as well as the responsibility related to the services.

Container terminal operators can furthermore be appointed for stuffing/stripping containers and e.g. the survey and supply of electricity to containers.

7. Maritime Freight Forwarding Services: the organisation and monitoring of shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.
8. Customs Clearance Services: activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through-transport of cargoes, whether this is the main activity of the service provider or a usual complement of its main activity.
9. Preshipment Inspection: all services performed on a fee or contract basis involved in the verification of the quality, quantity, price (including currency exchange rate and financial terms), and/or the customs classification of goods to be exported. Does not include customs or quarantine inspection.
10. Maritime Agency Services: activities consisting in representing, within a given geographic area, as an agent, the business interests of one or more shipping line or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information
 - acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

Note on Liner Shipping

Part X of the Trade Practices Act 1974 provides for exemptions from Australian anti-trust legislation so that liner shipping conferences can operate in and out of Australia. Part X requires that every ocean carrier who provides international liner cargo shipping services to or from Australia shall, at all times be represented by a person who is an individual resident in Australia (but not necessarily an Australian citizen) and has been appointed by the ocean carrier as the ocean carrier's agent for the purposes of Part X.