

ANNEX II
SCHEDULE OF AUSTRALIA

Sector: All Sectors

**Obligations
Concerned:** National Treatment (Articles 7.2 and 11.3)
Most-Favoured-Nation Treatment (Articles 7.3 and 11.4)
Market Access (Article 7.4)
Performance Requirements (Article 11.9)
Local Presence (Article 7.5)
Senior Management and Boards of Directors (Article 11.10)

Description: Cross-Border Trade in Services and Investment

Australia reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, or other movement of natural persons, including immigration, entry or temporary stay, subject to the provisions of Chapter 10 (Movement of Natural Persons).

**Existing
Measures:**

Sector:	All Sectors
Obligations Concerned:	<p>National Treatment (Articles 7.2 and 11.3)</p> <p>Market Access (Article 7.4)</p> <p>Performance Requirements (Article 11.9)</p> <p>Local Presence (Article 7.5)</p> <p>Senior Management and Boards of Directors (Article 11.10)</p>
Description:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Australia reserves the right to adopt or maintain any measure according preferences to any indigenous person or organisation or providing for the favourable treatment of any indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector.</p> <p>Australia reserves the right to adopt or maintain any measure with respect to investment that accords preferences to any indigenous person or organisation or providing for the favourable treatment of any indigenous person or organisation.</p> <p>For the purpose of this reservation, an indigenous person means a person of the Aboriginal race of Australia or a descendant of an indigenous inhabitant of the Torres Strait Islands.</p>
Existing Measures:	<p>Legislation and ministerial statements at all levels of government including:</p> <p>Australia's foreign investment policy</p> <p><i>Native Title Act 1993 (Cth)</i></p> <p><i>Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)</i></p> <p><i>Aboriginal Land Rights Act 1983 (NSW)</i></p> <p><i>Native Title (New South Wales) Act 1994 (NSW)</i></p> <p><i>Aboriginal Land Act 1991 (Qld)</i></p> <p><i>Torres Strait Islander Land Act 1991 (Qld)</i></p> <p><i>Native Title (South Australia) Act 1994 (SA)</i></p> <p><i>Maralinga Tjarutja Land Rights Act 1984 (SA)</i></p> <p><i>AnanguPitjantjatjaraYankunytjatjara Land Rights Act 1981 (SA)</i></p> <p><i>AnanguPitjantjatjaraYankunytjatjara Land Rights Regulations 2010 (SA)</i></p> <p><i>Pitjantjatjara Land Rights Regulations 2003 (SA)</i></p> <p>The statutory bodies that administer the AnanguPitjantjattjara Yankunytjatjara lands and the Maralinga Tjarutja lands</p> <p><i>Mining Act 1971 (SA)</i></p> <p><i>Opal Mining Act 1995 (SA)</i></p>

Aboriginal Lands Act 1995 (Tas)
Traditional Owner Settlement Act 2010 (Vic)

Sector: Disadvantaged Groups

**Obligations
Concerned:** National Treatment (Article 11.3)
Most-Favoured-Nation Treatment (Article 11.4)
Performance Requirements (Article 11.9)
Senior Management and Boards of Directors (Article 11.10)

Description: Investment

Australia reserves the right to adopt or maintain any measure that accords rights or preferences to socially or economically disadvantaged groups, such as the disabled, persons who have rendered distinguished services to the state and minority groups.

**Existing
Measures:**

Sector: All Sectors

**Obligations
Concerned:** Market Access (Article 7.4)

Description: Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure at the regional level of government that is not inconsistent with Australia's Revised Services Offer of 31 May 2005 in the World Trade Organization Doha Development Agenda negotiations (WTO Document - TN/S/O/AUS/Rev.1).

**Existing
Measures:**

Sector: All Sectors

**Obligations
Concerned:** National Treatment (Article 11.3)
Performance Requirements (Article 11.9)

Description: Investment

Australia reserves the right to adopt or maintain any measure with respect to proposals by foreign persons¹ and foreign government investors to invest in Australian urban land² (including interests that arise via leases, financing and profit sharing arrangements, and the acquisition of interests in urban land corporations and trusts), other than developed non-residential commercial real estate.

**Existing
Measures:** Australia's foreign investment policy, which includes the *Foreign Acquisitions and Takeovers Act 1975* (Cth) (FATA); *Foreign Acquisitions and Takeovers Regulations 1989* (Cth); *Financial Sector (Shareholdings) Act 1998* (Cth) and Ministerial Statements.
Economic Development Act 2012 (Qld)
Sustainable Planning Act 2009 (Qld)
Integrated Resort Development Act 1997 (Qld)
Mixed Use Development Act 1992 (Qld)
Sanctuary Cove Resort Act 1995 (Qld)
Townsville City Council (Douglas Land Development) Act 1993 (Qld)

¹ The term "foreign person" has the meaning set out in the FATA.

² The term "Australian urban land" has the meaning set out in the FATA.

Sector: All Sectors

**Obligations
Concerned:** National Treatment (Article 11.3)
Most-Favoured-Nation Treatment (Article 11.4)
Performance Requirements (Article 11.9)
Senior Management and Boards of Directors (Article 11.10)

Description: Investment

Australia reserves the right to adopt or maintain any measure that it considers necessary for the protection of its essential security interests with respect to proposals by foreign persons³ and foreign government investors to invest in Australia.

**Existing
Measures:** Australia's foreign investment policy, which includes the *Foreign Acquisitions and Takeovers Act 1975* (Cth); *Foreign Acquisitions and Takeovers Regulations 1989* (Cth); *Financial Sector (Shareholdings) Act 1998* (Cth); and Ministerial Statements.

³ The term "foreign person" has the meaning set out in the FATA.

Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 11.3) Most-Favoured-Nation Treatment (Article 11.4) Performance Requirements (Article 11.9) Senior Management and Board of Directors (Article 11.10)
Description:	<u>Investment</u> Australia reserves the right to adopt or maintain any measure to allow the screening of proposals by foreign persons ⁴ to invest \$A15 million or more in Australian agricultural land and \$A53 million or more in Australian agribusinesses.
Existing Measures:	Australia's foreign investment policy, which includes the <i>Foreign Acquisitions and Takeovers Act 1975</i> (FATA); <i>Foreign Acquisitions and Takeovers Regulations 1989</i> (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements.

⁴ The term "foreign person" has the meaning set out in the FATA.

Sector: All Sectors

**Obligations
Concerned:** National Treatment (Article 11.3)
Market Access (Article 7.4)
Performance Requirements (Article 11.9)
Senior Management and Boards of Directors (Article 11.10)

Description: Cross-Border Trade in Services and Investment

Australia reserves the right to adopt or maintain any measure with respect to:

- (a) the devolution to the private sector of services provided in the exercise of governmental authority at the time that the Agreement comes into force; and
- (b) the privatisation of government-owned entities or assets.

**Existing
Measures:**

Sector: All Sectors

**Obligations
Concerned:** National Treatment (Articles 7.2 and 11.3)
Most-Favoured-Nation Treatment (Articles 7.3 and 11.4)
Market Access (Article 7.4)
Local Presence (Article 7.5)
Performance Requirements (Article 11.9)
Senior Management and Boards of Directors (Article 11.10)

Description: Cross-Border Trade in Services and Investment

Australia reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for a public purpose:

- (a) income security or insurance;
- (b) social security or insurance;
- (c) social welfare;
- (d) public education;
- (e) public training;
- (f) public utilities;
- (g) public transport;
- (h) public housing;
- (i) health and
- (j) child care.

**Existing
Measures:**

Sector:	Broadcasting and Audiovisual Services ⁵ Advertising Services Live Performance ⁶
Obligations Concerned:	National Treatment (Articles 7.2 and 11.3) Most-Favoured-Nation Treatment ⁷ (Articles 7.3 and 11.4) Market Access (Article 7.4) Local Presence (Article 7.5) ⁸ Performance Requirements (Article 11.9)
Description:	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain any measure 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;⁹ (e) spectrum management and licensing of broadcasting services; and¹⁰ (f) subsidies or grants for investment in Australian cultural activity.

⁵ For greater certainty, Australia reserves the right to adopt or maintain measures under subparagraphs (a)-(f) with respect to the services supplied by the Australian Broadcasting Corporation and the Special Broadcasting Service Corporation.

⁶ Applies only in respect of subparagraph (f).

⁷ Applies only to the treatment as local content of New Zealand programs or productions.

⁸ Applies only in respect of subparagraph (e) and in respect of the licensing of services covered by subparagraph (d).

⁹ Any such measure will be implemented in a manner that is consistent with Australia's commitments under Article XVI and Article XVII of the General Agreement on Trade in Services (GATS).

¹⁰ In respect of subparagraph (e), Australia's reservation applies only in respect of the Market Access and Local Presence obligations.

This entry does not apply to foreign investment restrictions in the broadcasting and audiovisual services sector.

**Existing
Measures:**

Broadcasting Services Act 1992 (Cth)
Radiocommunications Act 1992 (Cth)
Income Tax Assessment Act 1936 (Cth)
Income Tax Assessment Act 1997 (Cth)
Screen Australia Act 2008 (Cth)
Broadcasting Services (Australian Content) Standard 2005
Children's Television Standards 2009
Television Program Standard 23 – Australian Content in Advertising
Commercial Radio Codes of Practice and Guidelines
Community Broadcasting Codes of Practice

Sector:	Broadcasting and Audiovisual Services
Obligations Concerned:	Most-Favoured-Nation Treatment (Articles 7.3 and 11.4) Performance Requirements (Article 11.9)
Description:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Australia reserves the right to adopt or maintain, under the International Co-production Program, preferential co-production arrangements for audiovisual 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.</p>
Existing Measures:	International Co-production Program

Sector:	Recreational, Cultural and Sporting Services ¹¹
Obligations Concerned:	National Treatment (Articles 7.2 and 11.3) Most-Favoured-Nation Treatment (Articles 7.3 and 11.4) Market Access (Article 7.4) Local Presence (Article 7.5) Performance Requirements (Article 11.9) Senior Management and Boards of Directors (Article 11.10)
Description:	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain any measure with respect to the creative arts ¹² , cultural heritage ¹³ and other cultural industries, including libraries, archives, museums and other cultural services.
Existing Measures:	

¹¹ For greater certainty, this reservation does not apply to Audiovisual Services.

¹² “Creative arts” include: the performing arts and other entertainment services – including live theatre, dance and music – visual arts and craft, literature, indigenous traditional practice and contemporary cultural expression, and hybrid arts work which uses new technologies to transcend discrete artform divisions.

¹³ “Cultural heritage” includes: 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.

Sector: Education Services

**Obligations
Concerned:** National Treatment (Articles 7.2 and 11.3)
Most-Favoured-Nation Treatment (Articles 7.3 and 11.4)
Market Access (Article 7.4)
Local Presence (Article 7.5)
Performance Requirements (Article 11.9)
Senior Management and Boards of Directors (Article 11.10)

Description: Cross-Border Trade in Services and Investment

Australia reserves the right to adopt or maintain any measure with respect to primary and public education.

**Existing
Measures:**

Sector: Education Services

**Obligations
Concerned:** Local Presence (Article 7.5)
National Treatment (Article 11.3)
Most-Favoured-Nation Treatment (Article 11.4)
Performance Requirements (Article 11.9)
Senior Management and Boards of Directors (Article 11.10)

Description: Cross-Border Trade in Services and Investment

Australia reserves the right to adopt or maintain any measure with respect to the supply of educational services through commercial presence.

**Existing
Measures:**

Sector: Distribution Services

**Obligations
Concerned:** Market Access (Article 7.4)

Description: Cross-Border Trade in Services

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:**

Sector:	Gambling and Betting
Obligations Concerned:	<p>National Treatment (Articles 7.2 and 11.3)</p> <p>Market Access (Article 7.4)</p> <p>Local Presence (Article 7.5)</p> <p>Performance Requirements (Article 11.9)</p> <p>Senior Management and Boards of Directors (Article 11.10)</p>
Description:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Australia reserves the right to adopt or maintain any measure with respect to gambling and betting.</p>
Existing Measures:	<p>Legislation and ministerial statements including:</p> <p><i>Interactive Gambling Act 2001 (Cth)</i></p> <p><i>Gambling and Racing Control Act 1999 (ACT)</i></p> <p><i>Unlawful Gambling Act 2009 (ACT)</i></p> <p><i>Race & Sports Bookmaking Act 2001 (ACT)</i></p> <p><i>Betting (ACTTAB Limited) Act 1964 (ACT)</i></p> <p><i>Racing Act 1999 (ACT)</i></p> <p><i>Casino Control Act 2006 (ACT)</i></p> <p><i>Gaming Machine Act 2004 (ACT)</i></p> <p><i>Interactive Gambling Act 1998 (ACT)</i></p> <p><i>Lotteries Act 1964 (ACT)</i></p> <p><i>Pool Betting Act 1964 (ACT)</i></p> <p><i>Casino Control Act 1992 (NSW)</i></p> <p><i>Gaming Machines Act 2001 (NSW)</i></p> <p><i>Public Lotteries Act 1996 (NSW)</i></p> <p><i>Lotteries and Art Unions Act 1901 (NSW)</i></p> <p><i>Racing Administration Act 1998 (NSW)</i></p> <p><i>Greyhound Racing Act 2009 (NSW)</i></p> <p><i>Harness Racing Act 2009 (NSW)</i></p> <p><i>Thoroughbred Racing Act 1996 (NSW)</i></p> <p><i>Totalizator Act 1987 (NSW)</i></p> <p><i>Unlawful Gambling Act 1998 (NSW)</i></p> <p><i>Gambling Control Act (NT)</i></p> <p><i>Gaming Machine Act (NT)</i></p> <p><i>Racing and Betting Act (NT)</i></p> <p><i>Totaliser Licensing and Regulation Act (NT)</i></p> <p><i>Soccer Football Pools Act (NT)</i></p> <p><i>TAB Queensland Limited Privatisation Act 1999 (Qld)</i></p> <p><i>Casino Control Act 1982 (Qld)</i></p> <p><i>Jupiters Casino Agreement Act 1983 (Qld)</i></p> <p><i>Brisbane Casino Agreement Act 1992 (Qld)</i></p> <p><i>Breakwater Island Casino Agreement Act 1984 (Qld)</i></p>

Lotteries Act 1997 (Qld)
Cairns Casino Agreement Act 1993 (Qld)
Charitable and Non-Profit Gaming Act 1999 (Qld)
Keno Act 1996 (Qld)
Wagering Act 1998 (Qld)
Gaming Machine Act 1991 (Qld)
Racing Act 2002 (Qld)
Casino Act 1997 (SA)
Lottery and Gaming Act 1936 (SA)
Independent Gambling Authority Act 1995 (SA)
Gaming Machines Act 1992 (SA)
State Lotteries Act 1966 (SA)
Racing (Proprietary Business Licensing) Act 2000 (SA)
Authorised Betting Operations Act 2000 (SA)
TAB (Disposal) Act 2000 (SA)
Gaming Control Act 1993 (Tas)
TT-Line Gaming Act 1993 (Tas)
Gambling Regulation Act 2003 (Vic)
Racing Act 1958 (Vic)
Casino Control Act 1991 (Vic)
Casino Management Act 1993 (Vic)
Casino (Burswood Island) Agreement Act 1985 (WA)
Racing and Wagering Western Australia Act 2003 (WA)
Gaming and Wagering Commission Act 1987 (WA)
Betting Control Act 1954 (WA)
Casino Control Act 1984 (WA)
Lotteries Commission Act 1990 (WA)

Sector:	Social Services – Human Health
Obligations Concerned:	National Treatment (Article 11.3) Most-Favoured-Nation Treatment (Article 11.4) Performance Requirements (Article 11.9) Senior Management and Boards of Directors (Article 11.10)
Description:	<u>Investment</u> Australia reserves the right to adopt or maintain any measure with respect to human health.
Existing Measures:	Legislation listed below, or replacement legislation, including measures enacted under the Australian Constitution for the provision of pharmaceutical, sickness and hospital benefits, medical and dental services (Section 51(xxiiiA.)): <i>Australian Hearing Services Act 1991</i> (Cth), subsections 8(4) to 8(8) inclusive <i>Australian Institute of Health and Welfare Act 1987</i> (Cth) <i>Australian National Preventive Health Agency Act 2010</i> (Cth) <i>Australian Organ and Tissue Donation and Transplantation Authority Act 2008</i> (Cth) <i>Australian Radiation Protection and Nuclear Safety Act 1998</i> (Cth) <i>Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998</i> (Cth) <i>Australian Sports Anti-Doping Authority Act 2006</i> (Cth) <i>Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Act 2006</i> (Cth) <i>Australian Sports Commission Act 1989</i> (Cth) <i>Cancer Australia Act 2006</i> (Cth) <i>Commonwealth Serum Laboratories Act 1961</i> (Cth) <i>Dental Benefits Act 2008</i> (Cth) <i>Epidemiological Studies (Confidentiality) Act 1981</i> (Cth) <i>Food Standards Australia New Zealand Act 1991</i> (Cth) <i>Gene Technology Act 2000</i> (Cth) <i>Gene Technology (Licence Charges) Act 2000</i> (Cth) <i>Health and Other Services (Compensation) Act 1995</i> (Cth) <i>Health and Other Services (Compensation) Care Charges Act 1995</i> (Cth) <i>Health Insurance Act 1973</i> (Cth) <i>Health Insurance Amendment (Extended Medicare Safety Net) Act 2012</i> (Cth) <i>Health Insurance Amendment (Professional Services Review) Act 2012</i> (Cth)

Health Insurance (Approved Pathology Specimen Collection Centres) Tax Act 2000 (Cth)
Health Insurance Commission (Reform and Separation of Functions) Act 1997 (Cth)
Health Insurance (Pathology) (Fees) Act 1991 (Cth)
Health Workforce Australia Act 2009 (Cth)
Healthcare Identifiers Act 2010 (Cth)
Hearing Services Administration Act 1997 (Cth)
Hearing Services and AGHS Reform Act 1997 (Cth)
Industrial Chemicals (Notification and Assessment) Act 1989 (Cth)
Industrial Chemicals (Registration Charge - Customs) Act 1997 (Cth)
Industrial Chemicals (Registration Charge - Excise) Act 1997 (Cth)
Industrial Chemicals (Registration Charge - General) Act 1997
Medical Indemnity Act 2002 (Cth)
Medical Indemnity (Competitive Advantage Payment) Act 2005 (Cth)
Medical Indemnity (Prudential Supervision and Product Standards) Act 2003 (Cth), Part 3, Division 2A
Medical Indemnity (Run-off Cover Support Payment) Act 2004 (Cth)
Medical Indemnity (UMP Support Payment) Act 2002 (Cth)
Medical Indemnity Agreement (Financial Assistance – Binding Commonwealth Obligations) Act 2002 (Cth)
Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010 (Cth)
Midwife Professional Indemnity (Run-off Cover Support Payment) Act 2010 (Cth)
Narcotic Drugs Act 1967 (Cth), sections 9, 10, 11, 13, 19 and 23 and subsection 24(1), and so much of the remaining provisions of the Act (other than sections 12 and 22 and subsection 24(2)) as relates to powers and functions under those sections
National Blood Authority Act 2003 (Cth)
National Health Act 1953 (Cth)
National Health Amendment (Pharmaceutical Benefits Scheme) Act 2012 (Cth)
National Health and Medical Research Council Act 1992 (Cth)
National Health Reform Act 2011 (Cth)
National Health Security Act 2007 (Cth)
Personally Controlled Electronic Health Records Act 2012 (Cth)
Private Health Insurance Act 2007 (Cth)
Private Health Insurance (Collapsed Insurer Levy) Act 2003 (Cth)
Private Health Insurance (Complaints Levy) Act 1995 (Cth)

Private Health Insurance (Council Administration Levy) Act 2003 (Cth)
Private Health Insurance (National Joint Replacement Register Levy) Act 2009 (Cth)
Private Health Insurance (Prostheses Application and Listing Fees) Act 2007 (Cth)
Private Health Insurance (Risk Equalisation Levy) Act 2003 (Cth)
Private Health Insurance (Transitional Provisions and Consequential Amendments) Act 2007 (Cth)
Prohibition of Human Cloning for Reproduction Act 2002 (Cth)
Research Involving Human Embryos Act 2002 (Cth)
Quarantine Act 1908 (Cth), in relation to human quarantine
Quarantine (Validation of Fees) Act 1985 (Cth), in relation to human quarantine
Tobacco Plain Packaging Act 2011 (Cth)
Therapeutic Goods Act 1989 (Cth)
Therapeutic Goods (Charges) Act 1989 (Cth)
Tobacco Advertising Prohibition Act 1992 (Cth)
World Health Organization Act 1947 (Cth)
Human Services (Medicare) Act 1973 (Cth)
Australian Participants in British Nuclear Tests (Treatment) Act 2006 (Cth)
Veterans' Entitlements Act 1986 (Cth)
Military Rehabilitation and Compensation Act 2004 (Cth)

Sector:	Health Services
Obligations Concerned:	National Treatment (Article 7.2 and Article 11.3) Performance Requirements (Article 11.9) Senior Management and Boards of Directors (Article 11.10)
Description:	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain any measure with respect to: the collection of blood and its components; the distribution of blood and blood products, including plasma derived products; plasma fractionation services; and the procurement of blood and blood products and services.
Existing Measures:	Australia's policy on blood self-sufficiency, which includes the National Blood Agreement 2003, <i>Commonwealth Serum Laboratories Act 1961</i> (Cth) and the <i>National Blood Authority Act 2003</i> (Cth).

Sector:	Maritime Transport
Obligations Concerned:	National Treatment (Articles 7.2 and 11.3) Market Access (Article 7.4) Local Presence (Article 7.5) Performance Requirements (Article 11.9) Senior Management and Boards of Directors (Article 11.10)
Description:	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain any measure with respect to maritime cabotage services and offshore transport services. ¹⁴
Existing Measures:	<i>Customs Act 1901 (Cth)</i> <i>Workplace Relations Act 1996 (Cth)</i> <i>Seafarers' Compensation and Rehabilitation Act 1992 (Cth)</i> <i>Occupational Health and Safety (Maritime Industry) Act 1993 (Cth)</i> <i>Shipping Registration Act 1981 (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 Incentive) Act 2012 (Cth)</i>

¹⁴ For the purposes of this reservation, "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.

Sector: Maritime Transport

**Obligations
Concerned:** National Treatment (Article 11.3)

Description: Investment

Australia reserves the right to adopt or maintain any measure with respect to the registration of vessels in Australia.

**Existing
Measures:**

Sector: Transport Services

**Obligations
Concerned:** National Treatment (Article 11.3)
Senior Management and Boards of Directors (Article 11.10)

Description: Investment

Australia reserves the right to adopt or maintain any measure with respect to investment in federal leased airports.

**Existing
Measures:** *Airports Act 1996 (Cth)*
Airports (Ownership-Interests in Shares) Regulations 1996 (Cth)
Airports Regulations 1997 (Cth)

Sector: All Sectors

**Obligations
Concerned:** Most-Favoured-Nation Treatment (Articles 7.3 and 11.4)

Description: Cross-Border Trade in Services and Investment

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 prior to the date of entry into force of this Agreement.¹⁵

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:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters, including salvage.

**Existing
Measures:**

¹⁵ For the avoidance of doubt, this includes measures adopted or maintained under any existing or future protocol to the *Australia New Zealand Closer Economic Relations Trade Agreement* (ANZCERTA).