

Appendix 9-F-2

SCHEDULE OF AUSTRALIA

HEADNOTES

1. Australia requires a natural person of the Union seeking temporary entry¹ to its territory under Section D of Chapter 9 (Temporary entry and presence of natural persons for business purposes) and this Annex to obtain appropriate immigration formalities prior to entry.
2. Grant of temporary entry in accordance with this Annex is contingent on meeting eligibility requirements contained within Australia's migration law and regulations, as applicable at the time of an application for grant of temporary entry. Eligibility requirements for grant of temporary entry in accordance with this Annex include, but are not limited to, employer sponsorship, nomination and occupation requirements.
3. The sole fact that Australia allows temporary entry to a natural person of the Union pursuant to Chapter 9 (Investment liberalisation and trade in services) shall not be construed to exempt that natural person from meeting any applicable licensing, workplace standards or other requirements, including any mandatory codes of conduct, to practise a profession or otherwise engage in business activities.
4. The following sets out Australia's commitments, conditions and limitations in accordance with Article 9.20 (General obligations) in respect of the temporary entry of natural persons.

Contractual Service Suppliers

5. Further to Article 9.23(1) (Contractual service suppliers), temporary entry shall be granted to contractual service suppliers defined in point (c)(ii) of Article 9.19 (Definitions), for a period of up to four years with the possibility of further stay.
6. Temporary entry of contractual service suppliers is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible skilled 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 eligible occupations, may change from time to time.
7. Labour market testing may be required, to the extent that this is not inconsistent with

¹ For Australia, the term "temporary entry" means the temporary entry into and stay in the territory of Australia by a natural person of the Union, in accordance with Australian immigration law.

Australia's commitments under the WTO.

8. Notwithstanding paragraph 7, Australia shall not impose or maintain any economic needs test¹ for the sectors or sub-sectors, or parts thereof, set out in Table A, provided that:

- (a) at the time of application for temporary entry, an eligible occupation in the service sector or sub-sector, or part thereof, set out in Table A is included on the list of eligible skilled occupations for employer sponsorship; and
- (b) such eligible occupation is classified at Skill Level 1 under the Australian and New Zealand Standard Classification of Occupations, or at the highest skill level under any successor instrument.

9. For greater certainty, nothing in this Annex, including Table A, shall be construed as requiring Australia to maintain or include any specific occupation on the list of eligible skilled occupations for employer sponsorship. Sponsorship requirements, including eligible occupations, may change from time to time.

Table A

Sector or Subsector
(a) Engineering Services (CPC 8672, 8673, 8675)
(b) Management Consulting Services (CPC 865, 866)
(c) Architectural Services (CPC 8671, 8674)
(d) Financial Services, only in respect of advisory and consulting services
(e) Computer and Related Services (CPC 84)
(f) Mining (advisory and consulting services only) (CPC 883)
(g) Telecommunication Services, only in respect of advisory and consulting services (CPC 7544)
(h) Environmental Services (CPC 9401, 9402, 9403, 9404, 9405, part of 9406 and 9409)

¹ For greater certainty, economic needs tests include labour market tests, or other procedures of similar effect, as a condition for temporary entry.

Sector or Subsector
(i) Transport (advisory and consulting services only) (CPC 71, 72, 73, 74)
(j) Manufacturing (advisory and consulting services only) (CPC 884, 885)
(k) Construction (CPC 5133, 5134 only for maritime-based activities such as dredging, cable laying)

10. In accordance with, and subject to, Australia's laws and regulations, Australia shall, upon application, grant the right of temporary entry, movement and work to the accompanying spouse or dependants of a contractual service supplier that is granted temporary entry or an extension of temporary stay under these commitments.

11. Temporary entry of spouse and dependants is for the same period as the contractual service supplier concerned.

12. Australia also makes separate commitments on the temporary entry of certain contractual service suppliers in Section A of this Appendix, subject to the conditions and limitations set out therein.

SECTION A

AUSTRALIA'S SECTORAL COMMITMENTS FOR CERTAIN CONTRACTUAL SERVICE SUPPLIERS OF THE UNION

1. In this Section, Australia makes the following commitments for temporary entry of natural persons as contractual service suppliers of the Union in the sectors or subsectors, or parts thereof, set out in Tables B and C, subject to the conditions and limitations set out in paragraphs 2 to 10.

2. Australia's commitments in this Appendix shall only apply to natural persons of the Union 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 Union that have 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. Natural persons under point (a) of paragraph 2 must meet the following conditions:
 - (a) the natural person is engaged in the supply of a service on a temporary basis as an employee of an enterprise in the Union which has obtained a service contract up to 12 months;
 - (b) the services contract shall comply with the laws of Australia;
 - (c) the natural 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
 - (d) the natural person possesses on that date, at least two years professional experience in the sector of activity that is the object of the contract.
4. Natural persons under point (b) of paragraph 2 must meet the following conditions:
 - (a) the natural 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;
 - (b) the services contract shall comply with the laws of Australia; and
 - (c) the natural person shall possess 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. Natural persons under points (a) and (b) of paragraph 2 must also meet the following conditions:
 - (a) the natural person possesses:
 - (i) a bachelor's degree or higher 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) if applicable, the professional qualifications, licensing or other requirements to supply the service, if this is required under the laws of Australia where the service is supplied;
 - (b) the natural 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 natural person will only undertake the service activity in Australia which is the subject of

the service contract¹; 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 natural persons of the Union 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 B for Contractual Service Suppliers who meet the definition set out in point (a) of paragraph 2; and
 - (b) Table C for Contractual Service Suppliers who meet the definition set out in point (b) of paragraph 2².
8. For greater certainty, Australia does not undertake any commitment in this Appendix for natural persons of the Union in sectors or subsectors which are not listed in Table B or Table C, nor for positions with skill or experience requirements below those set out in this Appendix.
9. For greater certainty and further to Article 9.20 (General obligations), the grant of temporary entry of a natural person of the Union in sectors or subsectors set out in Table B or Table C is subject to that natural 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 Section.

¹ Eligible service contracts must require the presence of the natural 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.

² For greater certainty, the sectors or subsectors listed in Tables B and C are only committed under the terms and conditions set out in this Appendix.

Table B

Sector or Subsector
(a) Legal services only with respect to foreign law and public international law (part of CPC 861)
(b) Engineering Services (CPC 8672)
(c) Integrated Engineering Services (CPC 8673)
(d) Management Consulting Services (CPC 865)
(e) Services related to Management Consulting (CPC 866)
(f) Architectural Services (CPC 8671)
(g) Urban Planning and Landscape Architectural Services (CPC 8674)
(h) Insurance and Insurance Related Services, only in respect of advisory and consulting services
(i) Computer and Related Services (CPC 84)
(j) Taxation Advisory Services ¹ (CPC 863)

¹ For greater certainty, excludes legal advisory and legal representational services on tax matters.

Sector or Subsector
(k) Market Research and Public Opinion Polling Services (CPC 864)
(l) Accounting and Bookkeeping Services (part of CPC 86212, 86213, 86219, 86220) ¹
(m) Other Financial Services, only in respect of advisory and consulting services
(n) Advertising Services (CPC 871)
(o) Site Investigation Work (CPC 5111)
(p) Mining (advisory and consulting services only) (CPC 883)
(q) Research and Development Services (CPC 851, 852 excluding psychologist services, 853)
(r) Telecommunication Services, only in respect of advisory and consulting services (CPC 7544)
(s) Environmental Services (CPC 9401, 9402, 9403, 9404, 9405, part of 9406 and 9409)
(t) Related Scientific and Technical Consulting Services (CPC 8675)
(u) Technical testing and analysis services (CPC 8676)
(v) Travel agency and tour operator services (CPC 7471)
(w) Postal and courier services (advisory and consultancy services only) (CPC 751)
(x) Transport (advisory and consulting services only) (CPC 71, 72, 73, 74)
(y) Maintenance and repair of vessels, rail, road, and aircraft equipment (CPC 6112, 6122, part of 8867, part of 8868)
(z) Translation and interpretation services, excluding official or certified activities (CPC 87905)

¹ For greater certainty, excludes auditing services.

Sector or Subsector
(aa) Maintenance and repair of personal and household goods (CPC 633)
(bb) Services incidental to agriculture and animal husbandry (CPC 8811 and 8812)
(cc) Manufacturing (advisory and consulting services only) (CPC 884, 885)

Table C

Sector or Subsector
(a) Legal services only with respect to foreign law and public international law (part of CPC 861)
(b) Engineering Services (CPC 8672)
(c) Integrated Engineering Services (CPC 8673)
(d) Management Consulting Services (CPC 865)
(e) Services related to Management Consulting (CPC 866)
(f) Architectural Services (CPC 8671)
(g) Urban Planning and Landscape Architectural Services (CPC 8674)
(h) Computer and Related services (CPC 84)
(i) Market Research and Public Opinion Polling Services (CPC 864)
(j) Research and Development Services (CPC 851, 852 excluding psychologist services, 853)
(k) Translation and interpretation services, excluding official or certified activities (CPC 87905)
(l) Postal and courier services (advisory and consultancy services only) (CPC 751)

Sector or Subsector
(m) Insurance and Insurance Related Services, only in respect of advisory and consulting services
(n) Other Financial services, only in respect of advisory and consulting services
(o) Mining (advisory or consulting services only) (CPC 883)
(p) Telecommunication Services only in respect of advisory and consulting services (CPC 7544)
(q) Transport (advisory and consulting services only) (CPC 71, 72, 73, 74)
(r) Services incidental to agriculture and animal husbandry (CPC 8811 and 8812)
(s) Manufacturing (advisory and consulting services only) (CPC 884, 885)