

ANNEX 9A

AUSTRALIA'S SCHEDULE OF SPECIFIC COMMITMENTS ON TEMPORARY MOVEMENT OF NATURAL PERSONS

1. This Schedule sets out Australia's commitments in accordance with Chapter 9 (Temporary Movement of Natural Persons). This Schedule and Chapter 9 (Temporary Movement of Natural Persons) comprise the entirety of Australia's commitments in respect of the temporary movement or temporary entry and temporary stay of natural persons.
2. The Schedules of India shall not be used to interpret Australia's commitments or obligations under Chapter 9 (Temporary Movement of Natural Persons) or other Chapters of this Agreement.

| Description of Category | Conditions and Limitations (including length of stay) |
|---|--|
| A. Business Visitors | |
| <p><u>Definition:</u></p> <p>Business visitors being natural persons seeking to travel to Australia for business 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 the goods or services themselves.</p> <p>Business visitors comprise:</p> <p style="padding-left: 40px;">(a) Service sellers, as business visitors being natural persons not based in Australia who are sales representatives of a service supplier, and are 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 style="padding-left: 40px;">(b) Business visitors, being natural persons seeking to travel to Australia for the purpose of participating in business negotiations or meetings.</p> | <p style="padding-left: 40px;">(a) Temporary entry is for an initial stay of 6 months and up to a maximum of 12 months.</p> <p style="padding-left: 40px;">(b) Temporary entry is for periods of stay up to a maximum of 3 months.</p> |

(c) Business visitors, being natural persons who are seeking to travel to Australia for business purposes, including investment purposes.

(d) Business visitors, being natural persons who are seeking entry for the purposes of negotiating the sale of goods where such negotiations do not involve direct sale to the general public.

(c) Temporary entry is for periods of stay up to a maximum of 3 months.

(d) Temporary entry is for periods of stay up to a maximum of 3 months.

| Description of Category | Conditions and Limitations (including length of stay) |
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| B. Installers and Servicers | |
| <p><u>Definition:</u></p> <p>A natural 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. An installer or servicer must abide by Australian workplace standards and conditions and must not perform services which are not related to the service activity which is the subject of the contract.</p> | <p>Temporary entry is for periods of stay up to a maximum of 3 months.</p> |

| Description of Category | Conditions and limitations (including length of stay) |
|---|---|
| C. Intra-Corporate Transferees | |
| <p><u>Definition:</u></p> <p>A natural person employed by an enterprise of India 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 natural 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 natural 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 immediately preceding the date of the application for temporary entry.</p> | <p>Temporary entry and temporary stay of such natural persons is subject to employer sponsorship. Full details of employer sponsorship requirements, including eligible occupations for sponsorship, are available on the website of the Australian government department responsible for immigration matters (as at the date of entry into force of this Agreement, the address of that website was www.homeaffairs.gov.au).</p> <p>Sponsorship requirements, including the eligible occupations for specialists, may change from time to time.¹</p> <p>Temporary entry for executives and senior managers is for all services sectors and for a period of stay of up to 4 years, with the possibility of further stay.</p> <p>Temporary entry for specialists is for a period of stay up to 4 years, with the possibility of further stay.</p> <p>Labour market testing may be required, to the extent that this is not inconsistent with Australia's commitments under the WTO.</p> |

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

| Description of Category | Conditions and Limitations (including length of stay) |
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| D. Independent Executives | |
| <p><u>Definition:</u></p> <p>Natural 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 India 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 others 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 and temporary stay of such natural persons is subject to employer sponsorship.</p> <p>Employer sponsorship requirements, including eligible occupations, may change from time to time. Full details of employer sponsorship requirements, including eligible occupations, are available on the website of the Australian government department responsible for immigration matters (as at the date of entry into force of this Agreement, the address of that website was www.homeaffairs.gov.au).</p> <p>Temporary entry is for periods of stay up to a maximum of 4 years.</p> |

| Description of Category | Conditions and Limitations (including length of stay) |
|---|--|
| E. Contractual Service Suppliers | |
| <p><u>Definition:</u></p> <p>Natural 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 India 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 and temporary stay of such natural persons is subject to employer sponsorship.</p> <p>Full details of employer sponsorship requirements, including eligible occupations, are available on the website of the Australian government department responsible for immigration matters (as at the date of entry into force of this Agreement, 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>Temporary entry and temporary stay shall be granted for up to a combined total of 1,800 per year of qualified, professional Indian traditional chefs and yoga instructors entering as Contractual Service Suppliers of India.</p> <p>Labour market testing may be required, to the extent that this is not inconsistent with Australia's commitments under the WTO.</p> <p>Temporary entry is for periods of stay up to 4 years, with the possibility of further stay.</p> <p>Australia also makes separate commitments on the temporary entry and temporary stay of certain Contractual Service Suppliers in Appendix I to this Schedule, subject to the conditions and limitations set out therein.</p> |

| Description of Category | Conditions and Limitations (including length of stay) |
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| F. Spouses and Dependents | |
| <p>For a natural person of India who has been granted temporary entry and temporary stay or an extension of temporary stay under the commitments set out in sections (C), (D) and (E) (except for the commitments set out in Appendix I) 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 natural person.</p> | |

APPENDIX I

AUSTRALIA'S COMMITMENTS WITH RESPECT TO CERTAIN CONTRACTUAL SERVICE SUPPLIERS

1. In this Appendix, Australia makes the following commitments with respect to temporary entry and temporary stay of natural persons of India entering Australia as Contractual Service Suppliers in the sectors or subsectors, or parts thereof, set out in Table A and Table B, and 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 natural persons of India 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 India 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. Natural persons under subparagraph 2(a) must meet the following conditions:
 - (a) the natural person must be engaged in the supply of a service on a temporary basis as an employee of an enterprise in India which has obtained a contract for the supply of a service of up to 12 months' duration;
 - (b) the natural person must have been employed by the enterprise supplying the services for not less than 12 months immediately preceding the date of submission of an application for entry into Australia; and
 - (c) the natural person must possess 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. Natural persons under subparagraph 2(b) must meet the following conditions:
 - (a) the natural person must be engaged in the supply of a service on a temporary basis by an enterprise in Australia under a contract for the supply of a service of up to 12 months duration; and
 - (b) the natural person must possess at least six years professional experience in the sector of activity which is the subject of the contract referred to in subparagraph 4(a), at the date of submission of an application for entry into Australia.
5. Natural persons under subparagraphs 2(a) and 2(b) must also meet the following conditions:

- (a) the natural person must possess:
 - (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 natural person must 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 must only undertake service activity in Australia which is the subject of the service contract;² 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 India seeking entry pursuant to the commitments in this Appendix is for a cumulative period of not more than 6 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 sectors or subsectors, or parts thereof, 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
8. For greater certainty, Australia does not undertake any commitment in this Appendix for natural persons of India 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 9.3 (Grant of Temporary Entry – Temporary Movement of Natural Persons), the grant of temporary entry of a natural person of India in sectors or subsectors set out in Table A or Table B is subject to that natural person meeting any applicable licensing or other

² 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.

³ For greater certainty, the sectors or subsectors listed in Table A and Table B are only committed under the terms and conditions set out in this Appendix.

requirements relevant to the position.

10. Australia's commitments on spouses and dependants do not apply with respect to commitments made in this Appendix.

Table A

| Sector or Subsector |
|---|
| Engineering Services |
| Integrated Engineering Services |
| Management Consulting Services (excluding all services relating to legal services) |
| Services related to Management Consulting (excluding all services relating to legal services) |
| Architectural Services |
| Urban Planning and Landscape Architectural Services |
| Insurance and Insurance Related Services, only in respect of advisory and consulting services |
| Computer and Related Services |
| Taxation Advisory Services ⁴ |
| Accounting and Bookkeeping Services ⁵ |
| Other Financial Services, only in respect of advisory and consulting services |
| Advertising Services |
| Site Investigation Work |
| Mining (advisory and consulting services only) |
| Research and Development Services |
| Telecommunication Services, only in respect of advisory and consulting services |
| Environmental Services |
| Related Scientific and Technical Consulting Services |
| Technical testing and analysis services |
| Travel agency and tour operator services |

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

⁵ For greater certainty, excludes auditing services.

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| Transport (advisory and consulting services only) |
| Maintenance and repair of vessels, rail, road, and aircraft equipment |
| Translation and interpretation services, excluding official or certified activities |
| Maintenance and repair of personal and household goods |
| Services incidental to agriculture and animal husbandry |
| Manufacturing (advisory and consulting services only) |

Table B

| Sector or Subsector |
|---|
| Accounting and Book-keeping services ⁶ |
| Engineering Services |
| Integrated Engineering Services |
| Management Consulting Services (excluding all services relating to legal services) |
| Services related to Management Consulting (excluding all services relating to legal services) |
| Architectural Services |
| Urban Planning and Landscape Architectural Services |
| Computer and Related Services |
| Mining (advisory and consulting services only) |
| Research and Development Services |
| Environmental Services |
| Travel agency and tour operator services |
| Services incidental to agriculture and animal husbandry |
| Manufacturing (advisory and consulting services only) |

⁶ For greater certainty, excludes auditing services.