

SINGAPORE-AUSTRALIA FREE TRADE AGREEMENT

AMENDMENTS

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• **SINGAPORE-AUSTRALIA FREE TRADE AGREEMENT**

Chapter 5

TECHNICAL REGULATIONS AND SANITARY AND PHYTOSANITARY MEASURES

SECTORAL ANNEX ON FOOD PRODUCTS

Pursuant to Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), the Parties agree to this Sectoral Annex on Food Products for the purpose of facilitating trade between the Parties.

Recognising the importance of improving market access opportunities and of minimising possible negative effects of sanitary measures and technical regulations on trade;

Recognising that the Parties operate different food inspection and certification systems;

Noting that the application of the principle of equivalence has mutual benefits for both exporting and importing countries;

Noting that equivalence of mandatory requirements does not require duplication or sameness of requirements, but the acceptance of alternative requirements that meet an importing country's appropriate level of sanitary protection, or regulatory objectives.

The Parties have agreed as follows:

1. Scope

1.1 This Sectoral Annex applies to:¹

(a) food standards relating to food products exported from one Party to the other Party; and

(b) assessments of manufacturers or manufacturing processes of food products exported from one Party to the other Party.

1.2 This Sectoral Annex shall not affect the Parties' existing rights and obligations to each other under the WTO Agreement on the Application

¹ For the avoidance of doubt, this Sectoral Annex shall not apply to transhipped goods.

of Sanitary and Phytosanitary Measures and the WTO Agreement on Technical Barriers to Trade.

2. Definitions

2.1 For the purpose of this Sectoral Annex:

2.1.1 “conformity assessment” means any activity undertaken by the exporting Party concerned with determining directly or indirectly that the relevant food standards of the exporting Party are fulfilled;

2.1.2 “food product” means any good defined as food in the Food Standards Australia New Zealand Act 1991 (Australia) and the Sale of Food Act (Singapore) or the respective successor Act; and

2.1.3 “food standard” means a mandatory requirement relating to food products that is made pursuant to the Food Standards Australia New Zealand Act 1991 (Australia) or the Sale of Food Act (Singapore) or the respective successor Act.

3. Obligations

3.1 Determination of Equivalence

3.1.1 A Party shall accept a food standard of the other Party as equivalent, even if that standard differs from its own, or from those used by other countries trading in the same food product, if the exporting Party objectively demonstrates to the importing Party that its food standard achieves the purposes of the importing Party’s food standard.

3.1.2 The Parties shall follow the procedures for determining equivalence of sanitary measures and technical regulations set down by the relevant WTO bodies and the Codex Alimentarius Commission, as amended from time to time.

3.1.3 The determination of equivalence of food standards may include consideration of conformity assessment procedures.

3.1.4 Compliance by a food product with a food standard that has been accepted as equivalent to a food standard of the importing Party shall not remove the need for that product to comply with any other relevant mandatory requirements of the importing Party.

3.1.5 The regulatory authorities designated by the Parties to determine and accept equivalence of food standards are listed in the Schedule to this Annex.

3.2 Conformity assessment

- 3.2.1 Regulatory authorities designated by the Parties shall enter into conformity assessment arrangements for the purpose of ensuring that food products exported by a Party under this Agreement meet the food standards of the exporting Party that are accepted as equivalent by the importing Party.
- 3.2.2 Subject to compliance with relevant conformity assessment arrangements, the importing Party shall recognise the conformity assessment certificates, issued and/or endorsed by the exporting Party, that demonstrate compliance with food standards that are accepted as equivalent to food standards of the importing Party.
- 3.2.3 Where the importing Party identifies or suspects that food products, in respect of the manufacture of which a conformity assessment certificate has been issued and/or endorsed under 3.2.2, do not comply with its relevant mandatory requirements, the importing Party may implement measures to ensure its appropriate level of sanitary protection or regulatory objectives are achieved.
- 3.2.4 The regulatory authorities designated by the Parties to enter into arrangements on conformity assessment of food products are listed in the Schedule to this Annex.

4. Changes to Food Standards

- 4.1 In addition to the notification requirements in Article 8.1 of Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), each Party shall notify the other Party of any proposed changes to its food standards at least 60 working days before the changes come into effect, unless considerations of public health and safety warrant more urgent action. For urgent action, such notification shall be provided to the exporting Party at least one working day before the changes enter into force.
- 4.2 If a food standard of one Party, which has been accepted by the other Party as equivalent, is changed, the first Party shall advise the second Party of this change and seek advice as to whether the acceptance of equivalence will need to be determined again.

5. Technical Cooperation and Information Exchange

- 5.1 The Parties shall exchange information on matters concerning relevant food products, food standards and conformity assessment procedures.
- 5.2 The Parties shall explore opportunities for joint technical cooperation programmes with a view to developing a joint work programme, consistent with the provisions of Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures).
- 5.3 The Parties shall exchange information on emergency recalls of food products and shall identify in the Schedule contact points for this information.
- 5.4 The Parties shall establish contact points for the exchange of information, as appropriate, and shall identify in the Schedule contact points for this information, in relation to the following:
 - (a) development of new food standards;
 - (b) changes to existing food standards;
 - (c) food product safety information;
 - (d) risk assessments of food products; and
 - (e) any internal guidelines relevant to the determination of equivalence.
- 5.5 The Parties shall seek to improve communications between them in matters relevant to the development of domestic food standards and the development of international standards and guidelines through the Codex Alimentarius Commission, and the relevant WTO Committees.

6. Review of Annex and Change of Regulatory Authorities

- 6.1 The Parties agree to undertake a review of the operation of this Sectoral Annex 24 months after the coming into force of this Sectoral Annex.
- 6.2 Each Party shall inform the other Party in writing of any change in its regulatory authorities responsible for the implementation of this Sectoral Annex.

7. Entry into Force

Notwithstanding Article 10(2) of Chapter 5, this Sectoral Annex shall enter into force on the date on which the Parties have exchanged notes confirming the completion of their respective procedures for the entry into force of this Sectoral Annex.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed this Sectoral Annex.

DONE in duplicate at _____ this _____ day of _____ 2005.

For Australia

For Singapore

SCHEDULE: DESIGNATED REGULATORY AUTHORITIES AND CONTACT POINTS

FOR DETERMINATION OF EQUIVALENCE OF FOOD STANDARDS, PURSUANT TO 3.1.5

For Singapore:

Agri-Food and Veterinary Authority of Singapore
5 Maxwell Road
#04-00 Tower Block MND Complex
Singapore 069110
Fax: (65) 6220 6068
Email: AVA_Email@ava.gov.sg
Designated position:
Director-General, Agri-Food and Veterinary Services

For Australia:

Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610
Australia
Fax: (61 2) 6271 2261
Email: ceo@foodstandards.gov.au
Designated position:
Chief Executive Officer

FOR NEGOTIATION OF CONFORMITY ASSESSMENT ARRANGEMENTS IN RELATION TO FOOD STANDARDS, PURSUANT TO 3.2.4

For Singapore:

Agri-Food and Veterinary Authority of Singapore
5 Maxwell Road
#04-00 Tower Block MND Complex
Singapore 069110
Fax: (65) 6220 6068
Email: AVA_Email@ava.gov.sg
Designated position:
Director-General, Agri-Food and Veterinary Services

For Australia:

Australian Quarantine and Inspection Service
GPO Box 858
Canberra ACT 2601
Australia
Fax: (61 2) 6271 6522
Email: peggy.douglass@affa.gov.au
Designated position:

General Manager, Market Maintenance Group

FOR EMERGENCY FOOD RECALL INFORMATION, PURSUANT TO 5.3

For Singapore:

Agri-Food and Veterinary Authority of Singapore
5 Maxwell Road
#04-00 Tower Block MND Complex
Singapore 069110
Fax: (65) 6220 6068
Email: AVA_Email@ava.gov.sg

Designated position:

Director-General, Agri-Food and Veterinary Services

For Australia:

Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610
Australia
Fax: (61 2) 6271 2278
Email: food.recalls@foodstandards.gov.au

Designated position:

Food Recall Officer

FOR EXCHANGE OF INFORMATION, PURSUANT TO 5.4

For Singapore:

Agri-Food and Veterinary Authority of Singapore
5 Maxwell Road
#04-00 Tower Block MND Complex
Singapore 069110
Fax: (65) 6220 6068
Email: AVA_Email@ava.gov.sg

Designated position:

Director-General, Agri-Food and Veterinary Services

For Australia:

Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610
Australia
Fax: (61 2) 6271 2278
Email: slo@foodstandards.gov.au
Internet site: www.foodstandards.gov.au

Designated position:

Standards Liaison Officer

SINGAPORE-AUSTRALIA FREE TRADE AGREEMENT
Chapter 5

**TECHNICAL REGULATIONS AND SANITARY AND PHYTOSANITARY
MEASURES**

SECTORAL ANNEX ON HORTICULTURAL GOODS

Pursuant to Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), the Parties agree to this Sectoral Annex on Horticultural Goods for the purpose of facilitating trade between the Parties.

The Parties have agreed as follows:

Scope

- 1.1 This Sectoral Annex applies to the horticultural goods listed in the Schedule to this Sectoral Annex, where they are not intended for propagation, and where they are traded between the Parties (hereinafter referred to as “scheduled horticultural goods”).
- 1.2 The Parties shall review the Schedule from time to time or upon the written request of either Party. Horticultural goods may be added to, or removed from, the Schedule by mutual decision recorded in an exchange of letters between the regulatory authorities.
- 1.3 This Sectoral Annex shall not affect the Parties’ existing rights and obligations to each other under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

2 Definitions

- 2.1 For the purpose of this Sectoral Annex:
 - a “accredited exporter” means an exporter of the scheduled horticultural goods who has demonstrated to its regulatory authority that it possesses the necessary technical capabilities, management competence, facilities, equipment and production systems required to meet the mandatory requirements of the importing Party;
 - b “actionable pest” means a pest identified by the importing Party as requiring the application of phytosanitary measures;

- c “mandatory requirements” means all phytosanitary measures of the importing Party that affect the movement of horticultural goods into that importing Party and that may, directly or indirectly, affect trade in the scheduled horticultural goods between the Parties;
- d “non-actionable pest” means a pest identified by the importing Party as not requiring the application of phytosanitary measures;
- e “other pest” means a pest for which the importing Party has not yet identified whether or not it requires the application of phytosanitary measures;
- f “pest”² means an actionable pest, a non-actionable pest or an other pest;
- g “phytosanitary measures” means any measure that a Party adopts, maintains or applies to:
 - i protect plant life or health within its territory from risks arising from the entry, establishment or spread of a pest; or
 - ii prevent or limit other damage within its territory arising from the entry, establishment or spread of a pest; and
- h “soil” means any loose surface material of the earth in which plants, trees and shrubs grow, in most cases consisting of disintegrated rock with an admixture of organic material.

3 General obligations

- 3.1 The regulatory authority of each Party shall maintain, in consultation with the regulatory authority of the other Party, a list of actionable pests and non-actionable pests relevant to its import of scheduled horticultural goods from the other Party.
- 3.2 An importing Party may apply such phytosanitary measures to other pests as it deems necessary. The regulatory authority of the importing Party, in consultation with the regulatory authority of the other Party, shall categorise such a pest as an actionable pest or a non-actionable pest as soon as practicable.
- 3.3 The importing Party shall accept and consider applications from the other Party to have additional species added to the list of permitted species referred to in the Schedule.

4 Obligations in respect of all exporters

² For the avoidance of doubt, the term “pest” is as defined in the International Plant Protection Convention.

- 4.1 The exporting Party shall issue and/or endorse phytosanitary certificates, treatment certificates and test reports in respect of scheduled horticultural goods exported to the importing Party.
- 4.2 The exporting Party shall also issue and/or endorse relevant additional certificates and/or reports as required by the importing Party in respect of the scheduled horticultural goods listed in Category B of the Schedule to this Sectoral Annex that are exported to the importing Party.
- 4.3 Phytosanitary certificates shall be issued in accordance with IPPC-ISPM (International Plant Protection Convention-International Standards for Phytosanitary Measures) No. 7 on Export Certification System.
- 4.4 The importing Party shall recognise the phytosanitary certificates, treatment certificates, test reports and/or relevant additional certificates and/or reports required by the importing Party which are provided by the exporting Party that demonstrate compliance by the relevant exporter of the scheduled horticultural goods with the importing Party's mandatory requirements.
- 4.5 Where scheduled horticultural goods from an exporter of a Party are identified after inspection as not complying with the importing Party's mandatory requirements, the importing Party can implement phytosanitary measures to achieve its appropriate level of protection.

5 Obligations in respect of accredited exporters

- 5.1 The exporting Party shall ensure that its accredited exporters of the scheduled horticultural goods exported to the importing Party possess the necessary technical capabilities, management competence, facilities, equipment and production systems to meet the mandatory requirements of the importing Party.
- 5.2 The importing Party shall facilitate the import clearance of the scheduled horticultural goods from accredited exporters of the other Party (where those goods are accompanied by the required certificates and/or reports) by minimizing import control and the inspection and approval procedures.
- 5.3 The obligations set out above shall not prevent a Party from conducting reduced inspection on consignments of the scheduled horticultural goods being imported into its territory from the accredited exporters of the other Party.
- 5.4 Where scheduled horticultural goods from an accredited exporter of a Party are identified after inspection as not complying with the importing Party's mandatory requirements, the importing Party can implement phytosanitary measures to achieve its appropriate level of protection.

- 5.5 Should an inspection by a Party result in the detection of an actionable pest or an other pest in a consignment of scheduled horticultural goods being imported into its territory from an accredited exporter of the other Party:
- a any phytosanitary measures taken by the importing Party shall be confined to that consignment only;
 - b the exporting Party shall be notified within one week by the importing Party if the latter denies entry or destroys any scheduled horticultural goods being imported from an accredited exporter of the other Party as a result of a phytosanitary measure taken under 5.5(a). The notification shall include information as to why the consignment is not in compliance with the mandatory requirements so that the exporting Party can take corrective action;
 - c the exporting Party shall ensure that corrective actions are completed within 14 days from the date of receipt of a notification of the detection of an actionable pest or an other pest in an imported scheduled horticultural good; and
 - d the corrective action shall be reported to the regulatory authority of the importing Party to ensure that its mandatory requirements are complied with.

6 Mandatory Requirements

- 6.1 Each Party shall adapt its phytosanitary measures to the phytosanitary characteristics of the area where the scheduled horticultural goods are produced, taking into account relevant conditions, including those relating to transportation and handling.
- 6.2 Each Party shall, in applying its phytosanitary measures to the scheduled horticultural goods, avoid unnecessary duplication of phytosanitary measures already taken by the other Party.
- 6.3 Each Party shall ensure that any agency or entity on which it relies in applying a phytosanitary measure acts in a manner consistent with this Sectoral Annex.
- 6.4 In addition to the notification requirements in Article 8.1 of Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), each Party shall notify the other Party of any proposed changes to its mandatory requirements at least 60 working days before the changes come into effect, unless considerations of health, safety and the environment warrant more urgent action. For urgent action, such notification shall be provided to the exporting Party at least one working day before the changes enter into force.
- 6.5 Where an importing Party is able to achieve its appropriate level of protection through the phased application of a phytosanitary measure it may, at the request of the exporting Party, allow for such a phased application, or grant specified exemptions for limited periods from the phytosanitary measure, taking into account the requesting Party's export interest.

7 Information Exchange

- 7.1 The Parties shall exchange information on matters concerning the scheduled horticultural goods and their mandatory requirements.
- 7.2 The Parties shall put in place a system for the uniform and systematic exchange of information so as to provide assurance and engender confidence in each other's phytosanitary systems.
- 7.3 The Parties shall exchange quarterly reports on pests detected in the import of the scheduled horticultural goods.

8 Contact Points and Consultations

- 8.1 For the purpose of this Sectoral Annex, each Party shall establish a contact point, which shall be that Party's regulatory authority:
- a Australia Quarantine and Inspection Service (AQIS) for Australia; and
 - b Agri-Food & Veterinary Authority of Singapore (AVA) for Singapore.
- 8.2 Each Party shall inform the other Party in writing of any change in its regulatory authority responsible for the implementation of this Sectoral Annex.
- 8.3 For the avoidance of doubt, Article 2 of Chapter 16 shall apply for the purposes of consultations regarding the implementation, interpretation or application of this Sectoral Annex.

9 Technical Cooperation

- 9.1 The Parties shall facilitate the provision of technical advice, information and assistance, which may include training and joint research and development, to allow each Party to adjust to, and comply with, the other Party's mandatory requirements.

10 Review

- 10.1 The Parties shall engage in confidence-building activities with the view to making recommendations within 12 months of the entry into force of this Sectoral Annex on the options for moving towards determining the equivalence of mandatory requirements.
- 10.2 Such confidence building activities shall include a comparative review of each Party's mandatory requirements and their equivalence; and control, inspection and certification procedures, risk assessment techniques, and appropriate levels of protection for scheduled horticultural goods.
- 10.3 In order to determine whether the mandatory requirements of the exporting Party can be accepted as equivalent to the mandatory requirements of the importing Party, the Parties shall follow the procedures set down by the WTO SPS Committee's decisions on equivalence of sanitary or phytosanitary measures.

11 Entry into Force

Notwithstanding Article 10(2) of Chapter 5, this Sectoral Annex shall enter into force on the date on which the Parties have exchanged notes confirming the completion of their respective procedures for the entry into force of this Sectoral Annex.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed this Sectoral Annex.

DONE in duplicate at _____ this _____ day of _____ 2005.

For Australia

For Singapore

SCHEDULE TO SECTORAL ANNEX ON HORTICULTURAL GOODS

Category A

1. Fresh cut flowers; and
2. cut foliage without roots

that are specified as permitted species for import by the importing Party and for which entry is permitted under specified conditions.

Category B

1. Aquarium plants without soil as growing medium;
2. Ornamental plants without soil as growing medium

that are specified as permitted species for import by the importing Party and for which entry is permitted under specified conditions..

RE-TABLING

SINGAPORE – AUSTRALIA FREE TRADE AGREEMENT

AMENDMENT

Section C: Documentary Evidence

ARTICLE 11

Certification of Origin

**Text of other amendments
and an earlier version of this amendment
tabled on 15 March 2005
with
National Interest Analysis [2005] ATNIA 5
and attachment on consultation**

Section C: Documentary Evidence

ARTICLE 11

Certification of Origin

1. The exporting Party shall provide the opportunity for a principal manufacturer, a producer or an exporter to apply to an authorised body referred to in Annex 2A (Certificate of Origin Requirements) for a Certificate of Origin.
2. An application for a Certificate of Origin and a Certificate of Origin shall meet the requirements of Annex 2A (Certificate of Origin Requirements).
3. A Certificate of Origin may be used for a single shipment or for multiple shipments of the goods described therein.
4. The exporting Party may revoke a Certificate of Origin by notice in writing. A revoked Certificate of Origin shall have no force from the date specified in that notice.
5. The exporting Party shall forward a copy of a notice revoking a Certificate of Origin to the applicant for the Certificate of Origin and to the importing Party, immediately upon the issue of that notice.
6. The importer of goods, for which preferential tariff treatment is claimed, must possess, before the goods enter the territory of the importing Party for domestic use¹, a declaration, which shall be made by the exporter of the goods in writing, that the goods for which preferential tariff treatment is claimed are originating goods. The Declaration shall be completed by a representative of the exporter competent to make the Declaration and must include:
 - (a) a reference to the exporter's invoice for the goods;
 - (b) a statement that the goods are identical to goods specified in a valid Certificate of Origin nominated in the Declaration;
 - (c) a statement that the goods are originating goods that comply with the rule specified in the nominated Certificate of Origin; and

¹ For Australia, the reference to goods entering the territory for domestic use is to be taken as a reference to goods entering the territory for home consumption.

(d) the signature, name and designation of the exporter's representative, and the date the Declaration is signed.

7. A Declaration shall not be required where a Certificate of Origin is to be used for a single shipment. Where a Certificate of Origin is to be used for multiple shipments, a Declaration is not required for the first shipment but shall be required for all subsequent shipments.

8. Where the exporter of the goods is not the producer or principal manufacturer of the goods, the exporting Party shall require that, prior to making a Declaration pursuant to Article 11.6, the exporter must ensure that the producer or principal manufacturer has a copy of the relevant Certificate of Origin and has obtained from that producer or principal manufacturer written confirmation that the goods are originating goods. The confirmation shall be completed by the representative of the producer or principal manufacturer who is competent to make the confirmation, and shall include:

(a) a reference to the evidence of sale of the goods between the producer or principal manufacturer and the exporter;²

(b) a statement that the goods are identical to goods specified in a valid Certificate of Origin nominated in the confirmation;

(c) a statement that the goods are originating goods that comply with the rule specified in the nominated Certificate of Origin; and

(d) the signature, name and designation of the principal manufacturer's representative, and the date the confirmation is signed.

9. A Certificate of Origin for a single shipment shall be valid provided that the Certificate of Origin is issued before the goods referred to therein enter the territory of the importing Party for domestic use, the certificate is used within one year from the date of issue and has not been revoked.

² Evidence of sale in most cases would refer to an invoice number and not the purchase order number.

10. A Certificate of Origin for multiple shipments shall be valid provided that the Certificate of Origin is issued before the goods referred to therein enter the territory of the importing Party for domestic use, the certificate is used within two years from the date of issue, provided that the first shipment occurs within the first year of issue and has not been revoked.

11. A Declaration shall be valid if it is made before the goods for which preferential tariff treatment is claimed enter the territory of the importing Party for domestic use.

ARTICLE 12

Claim for Preferential Tariff Treatment

1. Subject to Article 12.2 and Article 11, the importing Party shall grant preferential tariff treatment to goods imported into its territory from the other Party, provided that the goods are originating goods, the consignment criteria specified in Article 10 (Consignment) have been met, and the importer claiming preferential tariff treatment, has in its possession and provides a copy, if so requested by the importing Party:

- (a) a valid Certificate of Origin when it is used for first shipment; or
- (b) a valid Certificate of Origin and a declaration when the Certificate of Origin is used subsequently for multiple shipments.

2. The importing Party may waive the requirement for a Certificate of Origin or a Declaration in certain circumstances, in accordance with its domestic laws and practices.

3. The importing Party shall grant preferential tariff treatment to goods imported after the date of entry into force of this Agreement and for which no preferential tariff treatment was earlier applied, if:

- (a) the claim for preferential tariff treatment is made within 12 months from the date of payment of customs duties, subject to domestic laws and practices in the importing Party; and
- (b) the importer provides a copy of the valid Certificate of Origin and Declaration relevant to those goods.

Revised list of Australian Government entities (Annex 3A)

Key: Entries in bold indicate a change to the current Annex 3A.

Notes:

1. The Australian Government Information Management Office, formerly the National Office of the Information Economy, has been incorporated into the Department of Finance and Administration, and the Australian Greenhouse Office and the National Oceans Office are now Divisions of the Department of Environment and Heritage.
2. Three Parliamentary departments (Parliamentary Library, Parliamentary Reporting Service and the Joint House Department) have merged to become the Department of Parliamentary Services. Whilst some efficiencies in operations may occur due to the merger, the overall spend on procurement for goods and services and construction services would be expected to be about the same.
3. The National Native Title Registry became the National Native Title Tribunal. This was a minor technical change to the entity's name.
4. Four more entities subject to the Financial Management and Accountability Act came into existence on 1 July 2003 – after negotiations for SAFTA had concluded. They are as follows and are shown in the full listing:

Inspector General of Taxation
Office of Renewable Energy Regulator
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)
The National Blood Authority

List of Departments

Attorney-General's Department
Department of Agriculture, Fisheries and Forestry
Department of Communications, Information Technology and the Arts
Department of Defence
Department of Education, Science and Training
Department of Employment and Workplace Relations
Department of Environment and Heritage
Department of Family and Community Services
Department of Finance and Administration
Department of Foreign Affairs and Trade
Department of Health and Ageing
Department of Immigration and Multicultural and Indigenous Affairs
Department of Industry, Tourism and Resources
Department of Parliamentary Services
Department of the House of Representatives
Department of the Prime Minister and Cabinet
Department of the Senate
Department of the Treasury
Department of Transport and Regional Services
Department of Veterans' Affairs

List of other Financial Management and Accountability Act Agencies

Administrative Appeals Tribunal
Australia-Japan Foundation
Australian Agency for International Development
Australian Bureau of Statistics
Australian Centre for International Agricultural Research
Australian Competition and Consumer Commission
Australian Crime Commission
Australian Customs Service
Australian Electoral Commission
Australian Federal Police
Australian Industrial Registry
Australian National Audit Office
Australian Office of Financial Management
Australian Public Service Commission
Australian Radiation Protection and Nuclear Safety Agency
Australian Research Council
Australian Secret Intelligence Service
Australian Security Intelligence Organisation
Australian Taxation Office
Australian Transaction Reports and Analysis Centre
Bureau of Meteorology
Centrelink
Classification Board
Classification Review Board
Commonwealth Grants Commission
Commonwealth Ombudsman Office
ComSuper
CrimTrac Agency
CSS Board
Dairy Adjustment Authority
Equal Opportunity for Women in the Workplace Agency
Family Court of Australia
Federal Court of Australia
Federal Magistrates Court
Geoscience Australia
Human Rights and Equal Opportunity Commission
Insolvency and Trustee Service Australia
Inspector General of Taxation
IP Australia
Migration Review Tribunal
National Archives of Australia
National Capital Authority
National Competition Council
National Native Title **Tribunal**
Office of Film and Literature Classification
Office of National Assessments
Office of Parliamentary Counsel
Office of Renewable Energy Regulator
Office of the Director of Public Prosecutions

Office of the Inspector-General of Intelligence and Security
Office of the Official Secretary of the Governor-General
Office of the Privacy Commissioner
Productivity Commission
Professional Services Review Scheme
PSS Board
Refugee Review Tribunal
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)
The National Blood Authority*

* The National Blood Authority is listed with the exception of the procurement of plasma fractionation services.

ANNEX 4-III: ADDITIONAL COMMITMENTS TO CHAPTER 7 (TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

(II) RECOGNITION OF LAW DEGREES FOR ADMISSION AS QUALIFIED LAWYERS

Part 1 : Singapore's Commitments

(A) Scope and coverage

1. This Part describes and sets out the conditions for Singapore's commitments for the supply of legal services in Singapore by Singapore citizens and permanent residents (as defined by Singapore laws and regulations) who completed their law degree courses at prescribed universities in Australia and who wish to seek admission as advocates and solicitors of the Supreme Court of Singapore.

(B) Description of Singapore's commitments

2.(a) Any Singapore citizen or permanent resident who has undergone an undergraduate course in law at any one of the 10 Australian Universities listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001) and who is subsequently conferred the corresponding Bachelor of Laws degree ("LLB degree") as specified in the same Schedule shall be regarded as a qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if he or she –

- (i) has been ranked by that university as being amongst the highest 30%, in terms of academic performance, of the total number of the graduates in the same batch who have been conferred the degree or degrees as specified in that Schedule in respect of that university; and
- (ii) has obtained the Diploma in Singapore Law.

(b) The 10 Australian Universities listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001) referred to in paragraph 2(a) above are the Australian National University, Flinders University, Monash University, University of Melbourne, the University of New South Wales, the University of Queensland, the University of Sydney, the University of Western Australia, Murdoch University and the University of Tasmania.

(c) For the purpose of subparagraph (a) above, all graduates in the same university who, in the same calendar year, commenced the final year of 4-III-3 their course of study leading to the specified degree or degrees shall be regarded as belonging to the same batch. This means that in the case of the any one of the 10 Australian Universities listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001), in respect of which 2 degrees (i.e. LLB & LLB (Honours)) have been specified, all the persons graduating with the degree of the LLB and all the persons graduating with the degree of LLB (Honours) will

be taken together, for the purpose of ranking, as being in the same batch so long as they had, in the same calendar year, commenced the final year of their course which led to the conferment on them of their respective degrees.

(d) The 10 Australian Universities listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001) shall not include any offshore campuses established by these universities outside Australia and the recognition of each of the relevant LLB degrees conferred by these universities shall be solely on the basis of attendance and completion of full-time residential LLB degree courses of at least 3 years' duration at one of these listed universities. All part-time or distance learning law courses conducted by any of these listed universities shall not be accorded recognition.

(e) Notwithstanding the above, however –

(i) any Singapore citizen or permanent resident who has been conferred any one of the LLB degrees listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001) by the relevant university as listed in the same Schedule after completion of a full-time residential course in law of less than 3 years' duration or a dual degree course and the LLB degree is a component of such a dual degree course may, with the approval of the Board of Legal Education, be regarded as a qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if he or she –

(A) has been ranked by that university as being amongst the highest 30%, in terms of academic performance, of the total number of the graduates in the same batch (as defined in subparagraph (b) above) who have been conferred the degree or degrees as specified in that Schedule in respect of that university; and

(B) has obtained the Diploma in Singapore Law; or

(ii) any Singapore citizen or permanent resident who has been conferred a combined degree by any of these listed universities which includes a qualification in law shall be regarded as a 4-III-4 qualified person for the purposes of admission as an advocate and solicitor of the Supreme Court of Singapore if the course leading to that combined degree is approved by the Board of Legal Education and the person concerned satisfies such other requirements as the Board of Legal Education may specify.

(f) Any Singapore citizen or permanent resident who is regarded as a qualified person under subparagraphs (a) to (e) above and who wishes to be called to the Singapore Bar must serve the prescribed period of pupillage, and attend and successfully complete the Postgraduate Practical Course in Law conducted by the Board of Legal Education. Such a person must also comply with the provisions of Parts I & II of the Legal Profession Act as well as the following rules and regulations made thereunder: (i) Legal Profession Rules (Cap 161, Rule 3); (ii) Legal Profession (Oral Examinations) Rules (Cap 161, Rule 4); (iii) Legal Profession (Fees for Ad Hoc Admission) Rules (Cap 161, Rule 14); (iv) Legal Profession (Qualified Persons) Rules (S357/2001); (v) Legal Profession (Recognition of Foreign Qualifications (Consolidation) Notification (Cap 161, Notification 1); and (vi) Legal Profession (Prescribed fees) Rules (S55/2000).

(g) The list of Australian Universities in the said Schedule and the list of accepted LLB degrees conferred thereby may be amended after the entry into force of this Agreement by Singapore following consultations with Australia; Provided that the list shall not at any time contain less than 10 Australian Universities and any such amendments shall not directly or indirectly nullify the recognition already accorded to Singapore citizens and permanent residents prior to such amendments.

(h) The 10 Australian Universities listed or to be listed in the First Schedule to the Legal Profession (Qualified Persons) Rules (S357/2001) and the list of accepted LLB degrees conferred thereby may be reviewed by the Parties at the first and/or subsequent reviews of this Agreement as provided in Article 3 (Review) of Chapter 17 (Final Provisions), taking into account Singapore's prevailing or projected needs for legal services and legal professionals.

3. Australian nationals who graduated with a LLB (Hons) of at least Second Lower from the National University of Singapore shall be regarded as qualified persons for admission as advocates and solicitors of the Supreme Court of Singapore upon their completion of the prescribed period of pupillage, attendance at such courses of instruction and passing of such examinations in accordance with Parts I & II of the Legal Profession Act as well as the following rules and regulations made thereunder: (i) Legal Profession Rules (Cap 161, Rule 3); (ii) Legal Profession (Oral Examinations) Rules (Cap 161, Rule 4); (iii) Legal Profession (Fees for Ad Hoc Admission) Rules (Cap 161, Rule 14); (iv) Legal Profession (Qualified Persons) Rules (S357/2001); (v) Legal Profession (Recognition of Foreign Qualifications (Consolidation) Notification (Cap 161, Notification 1); and (vi) Legal Profession (Prescribed fees) Rules (S55/2000).

Part 2 : Australia's Commitments

1. Any Singapore citizen or permanent resident who has been conferred an accredited undergraduate law degree by any one of the Australian Universities, shall qualify for admission as an advocate/barrister and/or solicitor of any state or territory in Australia upon completion of the prescribed period of pupillage/practical legal training, attendance at such courses of instruction and passing of such examinations and meeting of other conditions as may be prescribed by the relevant state or territory in Australia.

2. Any Australian national or any Singapore citizen or permanent resident who graduated with a LLB (Hons) from the National University of Singapore shall qualify for admission as an advocate/barrister and/or solicitor of any state or territory in Australia upon completion of the prescribed period of pupillage/practical legal training, attendance at such courses of instruction and passing of such examinations and meeting of other conditions as may be prescribed by the relevant state or territory in Australia.