

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

SINGAPORE-AUSTRALIA FREE TRADE AGREEMENT

AMENDMENTS:

Chapter 8 Investment

Chapter 10 Telecommunication Services

Chapter 13 Intellectual Property

Annex 3A: Revised List of Australian Government Entities

**Annex 4-I(A) : Australia's Reservations to Chapter 7 (Trade in Services) and
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**Annex 4-II(A) : Australia's Reservations to Chapter 7 (Trade in Services)
and Chapter 8 (Investment)**

**Annex 4-I(B) : Singapore's Reservations to Chapter 7 (Trade in Services) and
Chapter 8 (Investment)**

**Annex 4-II(B) : Singapore's Reservations to Chapter 7 (Trade in Services)
and Chapter 8 (Investment)**

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08 INVESTMENT

ARTICLE 1

Definitions

1. For the purposes of this Chapter:

(a) “enterprise” means any corporation, company, association, partnership, trust, joint venture, sole-proprietorship or other legally recognised entity that is duly incorporated, constituted, set up, or otherwise duly organised under the law of a Party, including branches, regardless of whether or not the entity is organised for pecuniary gain, privately or otherwise owned, or organised with limited or unlimited liability;

(b) “freely useable currency” means a currency widely used to make payments for international transactions as classified by the International Monetary Fund;

(c) “investment” means every kind of asset, owned or controlled, directly or indirectly, by an investor, including but not limited to the following:

(i) movable and immovable property and other property rights such as mortgages, liens or pledges;

(ii) shares, stocks, bonds and debentures of an enterprise;

(iii) claims to money or to any contractual performance related to a business and having an economic value;

(iv) intellectual property rights and goodwill; and

(v) business concessions or similar rights required to conduct economic activity and having economic value conferred by law or under a contract, including any concession to search for, cultivate, extract or exploit natural resources;

(d) “investor” means:

(i) an enterprise of a Party; or

(ii) a natural person who resides in the territory of a Party or elsewhere and who under the law of that Party:

(A) is a citizen of that Party; or

(B) has the right of permanent residence in that Party;

that has made, is in the process of making, or is seeking to make an investment;

(e) “measure” means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form, and includes measures taken by:

(i) central, regional or local governments and authorities; and

(ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities; and

(f) “return” means an amount yielded by or derived from an investment, including profits, dividends, interest, capital gains, royalty payments, payments in connection with intellectual property rights, and all other lawful income.

2. For the purposes of Article 1.1(c), returns that are invested shall be treated as investments and any alteration of the form in which assets are invested or reinvested shall not affect their character as investments.

3. An investment may be owned or controlled by an investor of a Party, notwithstanding the fact that the investment was made through an enterprise duly incorporated, constituted, set up or otherwise duly organised under the law of a non-Party.

ARTICLE 2

Scope of Application

1. This Chapter shall apply to:

(a) investments made, in the process of being made, or sought to be made, by an investor of a Party in the territory of the other Party; and

(b) with respect to Article 5 (Prohibition of Performance Requirements), all investments in the territory of the Parties.

2. This Chapter shall not apply to:

(a) subsidies or grants provided by a Party or to any conditions attached to the receipt or continued receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to domestic investors and investments; or

(b) a natural person who is a permanent resident but not a citizen of a Party where:

- (i) the provisions of an investment protection agreement between the other Party and the country of which the person is a citizen have already been invoked in respect of the same matter; or
 - (ii) the person is a citizen of the other Party.
3. Unless otherwise provided, this Chapter shall not apply to any taxation measure.
4. An enterprise of a Party shall not be treated as an investor of the other Party, but any investments in that enterprise by investors of that other Party shall be protected by this Chapter.
5. Nothing in this Chapter shall be construed to impose an obligation on a Party to privatise.

ARTICLE 3

National Treatment

Each Party shall accord to investors of the other Party, and investments of investors of the other Party, in relation to the establishment, acquisition, expansion, management, conduct, operation, liquidation, sale, transfer (or other disposition) and expropriation (including any compensation) of investments in its territory, treatment that is no less favourable than that which it accords in like circumstances to its own investors and investments.

ARTICLE 4

Minimum Standard of Treatment

1. Each Party shall accord to investments of investors of the other Party treatment in accordance with the customary international law minimum standard of treatment of aliens¹, including fair and equitable treatment and full protection and security.
2. For greater certainty, the concepts of “fair and equitable treatment” and “full protection and security” do not require treatment in addition to or beyond that which is required by the customary international law minimum standard of treatment of aliens referred to in paragraph 1 and do not create additional substantive rights. The obligation in paragraph 1 to provide:

¹ The Parties confirm their shared understanding that “customary international law” generally and as specifically referenced in Article 4 results from a general and consistent practice of States that they follow from a sense of legal obligation. With regards to this article, the customary international law minimum standard of treatment of aliens refers to all customary international law principles that protect the economic rights and interests of aliens.

(a) “fair and equitable treatment” includes the obligation not to deny justice in criminal, civil or administrative adjudicatory proceedings in accordance with the principle of due process embodied in the principal legal systems of the world; and

(b) “full protection and security” requires each Party to provide the level of police protection required under customary international law.

3. A determination that there has been a breach of another provision of this Agreement, or of a separate international agreement, does not establish that there has been a breach of this Article.

ARTICLE 5

Prohibition of Performance Requirements²

1. Neither Party may, in connection with the establishment, acquisition, expansion, management, conduct, operation, or sale or other disposition of an investment of an investor of a Party or of a non-Party in its territory, impose or enforce any requirement, or enforce any commitment or undertaking, to:

(a) export a given level or percentage of goods or services;

(b) achieve a given level or percentage of domestic content;

(c) purchase, use or accord a preference to goods produced in its territory, or to purchase goods from persons in its territory;

(d) relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such investment;

(e) restrict sales of goods or services in its territory that such investment produces or supplies by relating such sales in any way to the volume or value of its exports or foreign exchange earnings;

(f) transfer a particular technology, a production process or other proprietary knowledge to a person in its territory; or

(g) supply exclusively from the territory of the Party the goods that such investment produces or the services that such investment supplies to a specific regional market or to the world market.

2. Neither Party may condition the receipt or continued receipt of an advantage, in connection with the establishment, acquisition, expansion, management, conduct, operation, or sale or other disposition of an investment in its territory of an investor of a Party or of a non-Party, on compliance with any requirement to:

² This Article does not apply to financial services.

- (a) achieve a given level or percentage of domestic content;
- (b) purchase, use or accord a preference to goods produced in its territory, or to purchase goods from persons in its territory;
- (c) relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such investment; or
- (d) restrict sales of goods or services in its territory that such investment produces or supplies by relating such sales in any way to the volume or value of its exports or foreign exchange earnings.

3. (a) Nothing in paragraph 2 shall be construed to prevent a Party from conditioning the receipt or continued receipt of an advantage, in connection with an investment in its territory of an investor of a Party or of a non-Party, on compliance with a requirement to locate production, supply a service, train or employ workers, construct or expand particular facilities, or carry out research and development, in its territory.

(b) Paragraph 1(f) does not apply:

(i) when a Party authorises use of an intellectual property right in accordance with Article 31³ of the TRIPS Agreement, or to measures requiring the disclosure of proprietary information that fall within the scope of, and are consistent with, Article 39 of the TRIPS Agreement; or

(ii) when the requirement is imposed or the commitment or undertaking is enforced by a court, administrative tribunal or competition authority to remedy a practice determined after judicial or administrative process to be anticompetitive under a Party's laws relating to the prevention of anti-competitive behaviour.⁴

(c) Provided that such measures are not applied in an arbitrary or unjustifiable manner, and provided that such measures do not constitute a disguised restriction on investment or international trade, paragraphs 1(b), (c), and (f), and 2(a) and (b), shall not be construed to prevent a Party from adopting or maintaining measures, including environmental measures:

(i) necessary to secure compliance with laws and regulations that are not inconsistent with this Agreement;

(ii) necessary to protect human, animal, or plant life or health; or

(iii) related to the conservation of living or non-living exhaustible natural resources.

³ The reference to Article 31 includes footnote 7 to Article 31.

⁴ The Parties recognise that a patent does not necessarily confer market power.

(d) Paragraphs 1(a), (b), and (c), and 2(a) and (b), do not apply to qualification requirements for goods or services with respect to export promotion and foreign aid programs.

(e) Paragraphs 1(b), (c), (f), and (g), and 2(a) and (b), do not apply to government procurement.

(f) Paragraphs 2(a) and (b) do not apply to requirements imposed by an importing Party relating to the content of goods necessary to qualify for preferential tariffs or preferential quotas.

4. For greater certainty, paragraphs 1 and 2 do not apply to any requirement other than the requirements set out in those paragraphs.

5. This Article does not preclude enforcement of any commitment, undertaking, or requirement between private parties, where a Party did not impose or require the commitment, undertaking, or requirement.

ARTICLE 6

Transparency

Each Party shall promptly make public its laws, regulations and investment policies, and any amendments thereto, of general application that pertain to or affect investments in its territory by investors of the other Party.

ARTICLE 7

Reservations

1. Article 3 (National Treatment) and Article 5 (Prohibition of Performance Requirements) shall not apply to:

(a) any existing non-conforming measure that is maintained by a Party at:

(i) the central or regional level, as set out in Annex 4-I; or

(ii) the local level; or

(b) the continuation or prompt renewal of any non-conforming measure referred to in Article 7.1(a)

2. Article 3 (National Treatment) and Article 5 (Prohibition of Performance Requirements) shall not apply to any existing or new measure that a Party adopts or maintains with respect to sectors, subsectors or activities as set out in Annex 4-II.

3. Each Party shall set out its reservation through a description of:

(a) with respect to Annex 4-I, the non-conforming measure to which the reservation applies; and

(b) with respect to Annex 4-II, the sectors, subsectors or activities to which the reservation applies.

4. If a Party undertakes any privatisation measure, that Party shall include in Annex 4-I or Annex 4-II any non-conforming measure relating to that privatisation. For the purpose of this paragraph, “privatisation measure” means the divestment by either Party of its equity interests in an enterprise where it has a controlling ownership interest. Article 16 (Settlement of Disputes between a Party and an Investor of the other Party) shall not apply to this paragraph.

ARTICLE 8

Transitional Provision on Regional Government Measures

1. Articles 3 (National Treatment) shall not apply to measures maintained by a Party at the regional level until the first review of this Agreement under Article 3 (Review) of Chapter 17 (Final Provisions), when modifications or additions may be incorporated into the reservations in Annex 4-I and Annex 4-II to extend the coverage of Article 3 (National Treatment) to these measures. Following the first review, Article 3 (National Treatment) shall apply, at the regional level, unless the non-conforming measures maintained at the regional level are covered by the reservations in Annexes 4-I and 4-II by a Party.

2. A Party shall enter into consultations at the request of the other Party with a view to ensuring that modifications or additions incorporated into the reservations in accordance with Article 8.1 are consistent with the overall balance of benefits under the Agreement, and deciding whether any necessary adjustment in the commitments of the Parties is required to preserve this balance. Article 9 (Modification or Addition of Reservations) and Chapter 16 (Dispute Settlement) shall not apply to any such adjustments. The Parties shall not apply any measure affecting investment at the regional level in such a manner as would improve their negotiating position and leverage.

ARTICLE 9

Modification or Addition of Reservations

1. By giving three months written notification to the other Party, a Party may modify or add to its non-conforming measures as set out in Annex 4-I and add new sectors, subsectors or activities to its reservations set out in Annex 4-II. At the request of the other Party, it shall hold consultations with a view to reaching agreement on any necessary adjustment required to maintain the overall balance of commitments undertaken by each Party under this Agreement. If agreement is not reached between the Parties on any necessary adjustment, the matter may be referred to arbitration in accordance with Chapter 16 (Dispute Settlement).

2. Article 9.1 shall not be construed to prejudice the right of both Parties to maintain any existing measures or adopt any new measures consistent with the reservations set out in Annexes 4-I and 4-II.

ARTICLE 10

Additional Commitments

1. The Parties shall set out their respective additional commitments in Annex 4-III of this Agreement with respect to investment matters not covered by Article 3 (National Treatment).

2. Article 16 (Settlement of Disputes between a Party and an Investor of the other Party) shall not apply to these additional commitments.

ARTICLE 11

Expropriation and Nationalisation

1. Neither Party shall nationalise, expropriate or subject to measures having effect equivalent to nationalisation or expropriation (hereinafter referred to as “expropriation”) the investments of investors of the other Party unless such a measure is taken on a non-discriminatory basis, for a public purpose, in accordance with due process of law, and upon payment of compensation in accordance with this Article.

2. The expropriation shall be accompanied by the payment of prompt, adequate and effective compensation. Compensation shall be equivalent to the fair market value of the expropriated investment immediately before the expropriation or impending expropriation became public knowledge. Compensation shall carry an appropriate interest, taking into account the length of time from the time of expropriation until the time of payment. Such compensation shall be effectively realisable, freely transferable in accordance with Article 13 (Transfers) and made without delay.

3. Notwithstanding Articles 11.1 and 11.2, any measure of expropriation relating to land, which shall be as defined in the existing domestic legislation of the expropriating Party on the date of entry into force of this Agreement, shall be for a purpose and upon payment of compensation in accordance with the aforesaid legislation and any subsequent amendments thereto relating to the amount of compensation where such amendments follow the general trends in the market value of the land.

4. This Article does not apply to the issuance of compulsory licenses granted in relation to intellectual property rights, or to the revocation, limitation or creation of intellectual property rights, to the extent that such issuance, revocation, limitation or creation is consistent with the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights and Chapter 13 (Intellectual Property).

ARTICLE 12

Compensation for Losses

A Party shall accord to investors of the other Party whose investments in the territory of the former Party have suffered losses owing to war or other armed conflict or civil strife in that territory, treatment, as regards restitution, indemnification, compensation, or other settlement or measures it adopts or maintains relating to such losses, no less favourable than that which it accords to its own investors and investors of any non-Party.

ARTICLE 13

Transfers

1. Each Party shall permit, on a non-discriminatory basis, all funds of an investor of the other Party related to an investment in its territory to be transferred freely and without undue delay. Such funds include the following:

- (a) the initial capital plus any additional capital used to maintain or expand the investment;
- (b) returns;
- (c) proceeds from the sale or partial sale or liquidation of the investment;
- (d) loan payments in connection with the investment;
- (e) unspent earnings and other remuneration of personnel engaged from abroad in connection with that investment; and
- (f) compensation paid pursuant to Article 12 (Compensation for Losses).

2. Each Party shall permit such transfers to be made in the currency of the other Party or any freely useable currency at the prevailing rate of exchange on the date of transfer.

3. Notwithstanding Article 13.1, a Party may prevent a transfer through the equitable, non-discriminatory and good faith application of its laws relating to:

- (a) bankruptcy, insolvency or the protection of the rights of creditors;
- (b) issuing, trading or dealing in securities, futures, options, or derivatives;
- (c) criminal or penal offences, and the recovery of proceeds of crime;
- (d) ensuring the satisfaction of judgements, orders or awards in adjudicatory proceedings; or
- (e) social security, public retirement or compulsory savings schemes.

4. Nothing in this Chapter shall affect the rights and obligations of the members of the International Monetary Fund under the Articles of Agreement of the Fund, including the use of exchange actions which are in conformity with the Articles of Agreement, provided that a Party shall not impose restrictions on any capital transactions inconsistently with its obligations under this Chapter regarding such transactions, except under Article 14 (Restrictions to Safeguard the Balance of Payments) or at the request of the Fund.

ARTICLE 14

Restrictions to Safeguard the Balance of Payments

1. In the event of serious balance of payments and external financial difficulties or threat thereof, a Party may adopt or maintain restrictions on payments or transfers related to investments. It is recognized that particular pressures on the balance of payments of a Party in the process of economic development may necessitate the use of restrictions to ensure, inter alia, the maintenance of a level of financial reserves adequate for the implementation of its programme of economic development.

2. The restrictions referred to in Article 14.1 shall:

(a) be consistent with the Articles of Agreement of the International Monetary Fund;

(b) avoid unnecessary damage to the commercial, economic and financial interests of the other Party;

(c) not exceed those necessary to deal with the circumstances described in Article 14.1;

(d) be temporary and be phased out progressively as the situation specified in Article 14.1 improves;

(e) be applied on a national treatment basis and such that the other Party is treated no less favourably than any non-Party.

3. Any restrictions adopted or maintained under Article 14.1, or any changes therein, shall be promptly notified to the other Party.

4. The Party adopting any restrictions under Article 14.1 shall commence consultations with the other Party in order to review the restrictions adopted by it.

ARTICLE 15

Subrogation

1. If a Party or a designated agency of a Party makes a payment to any of its investors under a guarantee, a contract of insurance or other form of indemnity it has granted in respect of an investment of an investor of that Party, the other Party shall recognise the subrogation or transfer of any right or title in respect of such

investment. The subrogated or transferred right or claim shall not be greater than the original right or claim of the investor.

2. Where a Party or a designated agency of a Party has made a payment to an investor of that Party and has taken over rights and claims of the investor, that investor shall not, unless authorised to act on behalf of the Party or the designated agency of the Party making the payment, pursue those rights and claims against the other Party.

ARTICLE 16

Settlement of Disputes between a Party and an Investor of the other Party

1. This Article shall apply to disputes between a Party and an investor of the other Party concerning an alleged breach of an obligation of the former under this Chapter which causes loss or damage to the investor or its investment.

2. The parties to the dispute shall initially seek to resolve the dispute by consultations and negotiations.

3. Where the dispute cannot be resolved as provided for under Article 16.2 within 6 months from the date of a request for consultations and negotiations, then unless the disputing investor and the disputing Party agree otherwise or either of them has already submitted the dispute to the courts or administrative tribunals of the disputing Party (excluding proceedings for interim measures of protection referred to in Article 16.5), the dispute may be submitted by either party to the dispute to:

- (a) the courts or administrative tribunals of the disputing Party;
- (b) the International Centre for Settlement of Investment Disputes (ICSID) for conciliation or arbitration pursuant to Articles 28 or 36 of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, done at Washington on 18 March 1965; or
- (c) arbitration under the rules of the United Nations Commission on International Trade Law (UNCITRAL).

4. Each Party hereby consents to the submission of a dispute to conciliation or arbitration under Articles 16.3(b) and 16.3(c) in accordance with the provisions of this Article, conditional upon:

- (a) the submission of the dispute to such conciliation or arbitration taking place within three years of the time at which the disputing investor became aware, or should reasonably have become aware, of a breach of an obligation under this Chapter causing loss or damage to the investor or its investment; and
- (b) the disputing investor providing written notice, which shall be submitted at least 30 days before the claim is submitted, to the disputing Party

of his or her intent to submit the dispute to such conciliation or arbitration and which:

- (i) nominates either Article 16.3(b) or Article 16.3(c) as the forum for dispute settlement (and, in the case of Article 16.3(b), nominates whether conciliation or arbitration is being sought);
- (ii) waives its right to initiate or continue any proceedings (excluding proceedings for interim measures of protection referred to in Article 16.5) before any of the other dispute settlement fora referred to in Article 16.3 in relation to the matter under dispute; and
- (iii) briefly summarises the alleged breach of the disputing Party under this Chapter (including the articles alleged to have been breached) and the loss or damage allegedly caused to the investor or its investment.

5. Neither Party shall prevent the disputing investor from seeking interim measures of protection, not involving the payment of damages or resolution of the substance of the matter in dispute before the courts or administrative tribunals of the disputing Party, prior to the institution of proceedings before any of the dispute settlement fora referred to in Article 16.3, for the preservation of its rights and interests.

6. Neither Party shall give diplomatic protection, or bring an international claim, in respect of a dispute which one of its investors and the other Party shall have consented to submit or have submitted to conciliation or arbitration under this Article, unless such other Party has failed to abide by and comply with the award rendered in such dispute. Diplomatic protection, for the purposes of this paragraph, shall not include informal diplomatic exchanges for the sole purpose of facilitating a settlement of the dispute.

ARTICLE 17

Review of Commitments

1. If, after this Agreement enters into force, a Party enters into any agreement on investment with a non-Party, it shall give positive consideration to a request by the other Party for the incorporation herein of treatment no less favourable than that provided under the aforesaid agreement. Any such incorporation should maintain the overall balance of commitments undertaken by each Party under this Agreement.

2. If, after this Agreement enters into force, a Party further liberalises any of its non-conforming measures in Annex 4-I or sectors, subsectors or activities in Annex 4-II unilaterally, it shall give positive consideration to a request by the other Party for the incorporation herein of the unilateral liberalisation. Any such incorporation should maintain the overall balance of commitments undertaken by each Party under this Agreement.

ARTICLE 18

Review of Subsidies

1. The Parties shall review the treatment of subsidies in the context of developments at international fora to which both Parties are Members.
2. The Parties shall consult on appropriate steps in regard to subsidies related to investments or investors where any subsidies issues arise under this Chapter.

ARTICLE 19

Government Procurement

Article 3 (National Treatment) shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of goods and services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the production of goods or the supply of services for commercial sale.

ARTICLE 20

Denial of Benefits

Subject to prior notification and consultation, a Party may deny the benefits of this Chapter to an investor of the other Party that is an enterprise of such Party and to investments of such an investor where the Party establishes that the enterprise is owned or controlled by persons of a non-Party and has no substantive business operations in the territory of the other Party.

ARTICLE 21

General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties where like conditions prevail, or a disguised restriction on investments in the territory of a Party by investors of the other Party, nothing in this Chapter shall be construed to prevent the adoption or enforcement by a Party of measures:

- (a) necessary to protect public morals or to maintain public order;⁵

⁵ The public order exception may be invoked only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

- (b) necessary to protect human, animal or plant life or health;
- (c) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Chapter including those relating to:
 - (i) the prevention of deceptive and fraudulent practices or to deal with the effects of a default on a contract;
 - (ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts;
 - (iii) safety;
- (d) imposed for the protection of national treasures of artistic, historic or archaeological value;
- (e) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption.

ARTICLE 22

Security Exceptions

Nothing in this Chapter shall be construed:

- (a) to require a Party to furnish any information, the disclosure of which it considers contrary to its essential security interests; or
- (b) to prevent a Party from taking any action which it considers necessary for the protection of its essential security interests:
 - (i) relating to fissionable and fusionable materials or the materials from which they are derived;
 - (ii) taken in time of war or other emergency in international relations;
 - (iii) relating to the production or supply of arms and ammunition; or
- (c) to prevent a Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

ARTICLE 23

Disclosure of Confidential Information

Nothing in this Chapter shall require any Party to provide confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

10 TELECOMMUNICATIONS SERVICES

ARTICLE 1

Purpose and Definitions

1. The purpose of this Chapter is to provide for commitments additional to Chapters 7 (Trade in Services) and 8 (Investment) in relation to telecommunication services.
2. For the purpose of this Chapter:
 - (a) “end user” means a person (including a service consumer and a service supplier) to whom a public telecommunications network or service is supplied, other than for use in the further supply of a public telecommunications network or service;
 - (b) “essential facilities” means facilities of a public telecommunications network or service that:
 - (i) are exclusively or predominantly provided by a single or limited number of suppliers; and
 - (ii) cannot feasibly be economically or technically substituted in order to provide a service;
 - (c) “facilities-based suppliers” means suppliers of public telecommunications networks or services that are:
 - (i) licensed carriers in Australia; or
 - (ii) facilities-based operators in Singapore;
 - (d) “leased circuits” means telecommunications facilities between two or more designated points which are set aside for the dedicated use of or availability to a particular user;
 - (e) a “major supplier” is a supplier of public telecommunications networks or services that has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market⁶ for public telecommunications networks or services as a result of:

⁶ For the avoidance of doubt, “relevant market” may refer to a market for the supply of public telecommunications networks or services (or parts thereof) provided by any supplier of public telecommunications networks or services, that give this supplier the ability to materially affect the terms of participation in the market (having regard to price and supply).

- (i) control over essential facilities; or
 - (ii) use of its position in the market;
- (f) “network element” means facilities or equipment used in the provision of a public telecommunications service, including features, functions, and capabilities that are provided by means of such facilities or equipment, which may include local loops, sub-loops and line sharing;
- (g) “number portability” means the ability of service consumers of public telecommunications networks or services to retain existing telephone numbers when switching between suppliers of like public telecommunications networks or services;
- (h) “public telecommunications service” means any telecommunications service required, explicitly or in effect, by a Party to be offered to the public generally;⁷
- (i) “public telecommunications network” means the telecommunications infrastructure authorised by a Party to be used to provide public telecommunications services between defined network termination points;
- (j) “regulator” means any person authorised or designated to have responsibility for the regulation of telecommunications;
- (k) “regulatory decisions” means decisions by regulators made pursuant to authority conferred under domestic law in relation to:
- (i) the making of rules for the telecommunications industry excluding legislation and statutory rules;
 - (ii) the approval of terms and conditions, standards and codes to apply in the telecommunications industry;
 - (iii) the adjudication or other resolution of disputes between suppliers of public telecommunications networks or services; and
 - (iv) licensing;
- (l) a “supplier of public telecommunications networks or services” means a supplier of public telecommunications networks and/or public telecommunications services to users;
- (m) “telecommunications” means the transmission and reception of signals by any electromagnetic means; and
- (n) “user” means an end-user or a supplier of public telecommunications network or services.

⁷ “Public telecommunications service” includes Internet routing and connectivity services.

ARTICLE 2

Scope

1. This Chapter shall apply to measures by a Party affecting trade in telecommunications services.
2. This Chapter shall not apply to measures by a Party affecting the distribution of broadcasting and audio-visual services, as defined in each Party's domestic law and regulations.

ARTICLE 3

*Access to and Use of Public Telecommunications Networks or Services*⁸

1. Each Party shall ensure that all service suppliers of the other Party have access to and use of any public telecommunications network or service, including leased circuits, offered in its territory or across its borders in a timely fashion, on reasonable, transparent, and non-discriminatory terms and conditions, including as set out in Article 3.2 to Article 3.6.⁹
2. Each Party shall ensure that such service suppliers are permitted to:
 - (a) purchase or lease and attach terminal or other equipment that interfaces with the public telecommunications network and which is necessary to supply a supplier's services;
 - (b) provide services to individual or multiple service consumers over any leased or owned circuits;
 - (c) interconnect leased or owned circuits with public telecommunications networks or services in the territory or across the borders of that Party or with circuits leased or owned by another service supplier;
 - (d) perform switching, signalling, processing and conversion functions;
and
 - (e) use operating protocols of their choice in the supply of any service, other than as necessary to ensure the availability of telecommunications networks and services to the public generally.

⁸ For avoidance of doubt, access to unbundled network elements is addressed in Article 9.3.

⁹ For avoidance of doubt, each Party may fulfil the obligations in this Article by any measure it considers necessary or appropriate, within the context of domestic law and regulation.

3. Each Party shall ensure that all service suppliers of the other Party may use public telecommunications networks or services for the movement of information in its territory or across its borders and for access to information contained in the databases or otherwise stored in machine-readable form in the territory of either Party.

4. Notwithstanding the preceding paragraph, a Party may take such measures as are necessary to:

- (a) ensure the security and confidentiality of messages; or
- (b) protect the privacy of personal data of end users of public telecommunications networks or services

subject to the requirement that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade in services.

5. Each Party shall ensure that no condition is imposed on access to and use of public telecommunications networks or services other than as necessary:

- (a) to safeguard the public service responsibilities of suppliers of public telecommunications networks or services, in particular their ability to make their networks or services available to the public generally; or
- (b) to protect the technical integrity of public telecommunications networks or services.

6. Provided that they satisfy the criteria set out in Article 3.5, conditions for access to and use of public telecommunications networks or services may include:

- (a) a requirement to use specified technical interfaces, including interface protocols, for interconnection with such networks and services;
- (b) requirements, where necessary, for the inter-operability of such services;
- (c) type approval of terminal or other equipment which interfaces with the network and technical requirements relating to the attachment of such equipment to such networks; or
- (d) notification, registration and licensing.

ARTICLE 4

Transparency

1. The Parties shall apply the measures referred to in Article 2.1 in a transparent manner, which:

- (a) provides suppliers of public telecommunications networks or services of the other Party who are likely to be affected by regulatory decisions with a fair and reasonable opportunity to obtain sufficient information to enable them to form informed views on proposed regulatory decisions and to provide these views to regulators;
 - (b) requires regulators to take into account views provided by such suppliers pursuant to Article 4.1(a); and
 - (c) ensures that regulators make available to such suppliers their regulatory decisions and an explanation of their reasons for those regulatory decisions.
2. At the request of a supplier of public telecommunications networks or services who is likely to be affected by regulatory decisions, regulators may, where necessary to avoid causing prejudice to the legitimate commercial interests of that supplier, impose reasonable limitations on the requirement to provide the information referred to in Article 4.1(a) and Article 4.1(c) provided that such limitations:
- (a) are applied only to the extent necessary to protect such commercial interests; and
 - (b) do not deprive suppliers of public telecommunications networks or services of the other Party of their right under Article 4.1(a) to provide their views to regulators.
3. Where a licence is required, the following shall be made publicly available:
- (a) all the licensing criteria, any terms and conditions of the licence, and the period of time normally required to reach a decision concerning an application for a licence; and
 - (b) the terms and conditions of individual licences.
4. The reasons for the denial of a licence shall be made known to the applicant upon request.

ARTICLE 5

Independent Regulators

1. Regulators shall be independent of any supplier of public telecommunications networks or services.
2. The decisions of, and the procedures used by, regulators shall be fair and impartial and shall be made and implemented without undue delay.

ARTICLE 6

Dispute Settlement and Appeal

1. Each Party shall ensure that suppliers of public telecommunications networks or services of the other Party have timely recourse to a regulator to consider and, to the extent provided for in domestic law, to resolve disputes regarding compliance with domestic measures relating to the obligations contained in this Chapter.

2. Each Party shall ensure that any supplier of public telecommunications networks or services of the other Party aggrieved by a regulatory decision has the opportunity to appeal such regulatory decision to an independent judicial or administrative authority. Such an appeal shall not constitute grounds for non-compliance by that supplier with the regulatory decision unless an appropriate authority stays such decision.

3. Each Party shall ensure that, in the hearing of appeals by an administrative authority referred to in Article 6.2:¹⁰

(a) suppliers of public telecommunications networks or services of the other Party which are party to the appeal have a fair and reasonable opportunity to obtain sufficient information to enable them to form informed views on the issues to be determined in the appeal and to provide these views to the administrative authority;

(b) the administrative authority takes into account views provided by such suppliers pursuant to Article 6.3(a); and

(c) the administrative authority makes available to such suppliers its decision and an explanation of the reasons for its decision.

4. At the request of a supplier of public telecommunications networks or services which is a party to an appeal referred to in Article 6.3, an administrative authority may, where necessary to avoid causing prejudice to the legitimate commercial interests of that supplier, impose reasonable limitations on the requirement to provide the information referred to in Article 6.3(a) and Article 6.3(c) provided that such limitations:

(a) are applied only to the extent necessary to protect such commercial interests; and

(b) do not deprive suppliers of public telecommunications networks or services of the other Party which are party to an appeal referred to in Article 6.3 of their right under Article 6.3(a) to provide their views to the administrative authority.

¹⁰ For the avoidance of doubt, this paragraph does not apply to judicial authorities of either Party.

ARTICLE 7

General Competitive Safeguards

1. Each Party shall maintain appropriate measures¹¹ for the purpose of preventing suppliers of public telecommunications networks or services in its territory from engaging in or continuing anti-competitive practices.
2. The anti-competitive practices referred to in Article 7.1 shall be defined in each Party's sectoral or generic competition regime, as the case may be, and shall include:
 - (a) anti-competitive horizontal arrangements;
 - (b) misuse of market power;
 - (c) anti-competitive vertical arrangements; and
 - (d) anti-competitive mergers and acquisitions.

ARTICLE 8

Interconnection between Suppliers of Public Telecommunications Networks

Each Party shall maintain appropriate measures to achieve connectivity between public telecommunications networks in order to ensure that end-users of telecommunications services can communicate with each other including, where that Party considers it necessary, by requiring facilities-based suppliers to interconnect with one another.

ARTICLE 9

Additional Obligations Relating to Major Suppliers¹²

1. Non-discrimination
 - (a) Each Party shall ensure that major suppliers in its territory accord suppliers of public telecommunications networks or services of the other Party treatment no less favourable than such major supplier accords to itself, its subsidiaries, its affiliates, or any non-affiliated supplier of public telecommunications networks or services regarding:

¹¹ The maintenance of appropriate measures includes the effective enforcement of such measures.

¹² For the avoidance of doubt, the obligations imposed under this Article only apply with respect to those public telecommunications networks or services, or parts thereof, that result in a supplier of public telecommunications networks or services being a major supplier.

(i) availability, provisioning, rates,¹³ or quality of like public telecommunications networks or services; and

(ii) availability of technical interfaces

where such suppliers of public telecommunications networks or services and subsidiaries, affiliates and non-affiliates of the major supplier are in like circumstances.

2. Competitive Safeguards

(a) Each Party shall maintain appropriate measures¹⁴ for the purpose of preventing major suppliers in its territory from engaging in or continuing anti-competitive practices.

(b) The anti-competitive practices referred to in Article 9.2(a) shall include:

(i) engaging in anti-competitive cross-subsidisation;

(ii) using information obtained from competitors with anti-competitive results;

(iii) not making available, on a timely basis, to suppliers of public telecommunications networks or services of the other Party, technical information about essential facilities and commercially relevant information which is necessary for them to provide services; and

(iv) pricing services in a manner that is likely to unreasonably restrict competition, such as predatory pricing.

3. Unbundled Network Elements

(a) Each Party shall ensure that major suppliers in its territory provide to facilities-based suppliers of the other Party access to network elements for the provision of public telecommunications services at any technically feasible point, on an unbundled basis, in a timely fashion; and on terms, conditions, and cost-oriented rates that are reasonable, transparent, and non-discriminatory.

(b) Each Party may determine, in accordance with its domestic laws and regulations, which network elements it requires major suppliers in its territory

¹³ The costs incurred by a major supplier in supplying public telecommunications networks or services to itself may be determined in accordance with any cost-oriented costing methodology considered appropriate by a Party. Treatment that is no less favourable regarding rates for like public telecommunications networks or services may take into account the legitimate transaction costs which the major supplier incurs in supplying such public telecommunications networks or services to suppliers of public telecommunications networks or services of the other Party.

¹⁴ The maintenance of appropriate measures includes the effective enforcement of such measures.

to provide access to in accordance with Article 9.3(a) on the basis of the technical feasibility of unbundling and the state of competition in the relevant market.

4. Co-Location

(a) Each Party shall ensure that major suppliers in its territory provide to facilities-based suppliers of the other Party physical co-location of equipment necessary for interconnection or access to unbundled network elements in a timely fashion and on terms, conditions, and cost-oriented rates that are reasonable, transparent, and non-discriminatory.

(b) Where physical co-location under Article 9.4(a) is not practical for technical reasons or because of space limitations, each Party shall ensure that major suppliers co-operate with facilities-based suppliers to find and implement the most feasible alternative solution in a timely fashion and on terms, conditions, and cost-oriented rates that are reasonable, transparent, and non-discriminatory. Such solutions may include:

- (i) permitting facilities-based suppliers to locate equipment in a nearby building and to connect such equipment to the major supplier's network;
- (ii) conditioning additional equipment space;
- (iii) optimizing the use of existing space; or
- (iv) finding adjacent space.

(c) Each Party may determine in accordance with its domestic laws and regulations the locations at which it requires major suppliers in its territory to provide co-location under Article 9.4(a) on the basis of the state of competition in the relevant market.

5. Resale

(a) Each Party shall ensure that major suppliers in its territory:

- (i) allow suppliers of public telecommunications networks or services of the other Party to purchase at reasonable rates, for the purpose of resale, specific public telecommunications services supplied by the major suppliers at retail that are designated by the first Party; and
- (ii) do not impose unreasonable or discriminatory conditions or limitations on the resale of such public telecommunications services.

6. Rights of Way

(a) Each Party shall ensure that major suppliers in its territory provide access to poles, ducts, conduits, or any other structures deemed necessary by the Party, which are owned or controlled by such major suppliers to facilities-based suppliers of the other Party:

- (i) in a timely fashion; and
- (ii) on terms, conditions, and cost-oriented rates that are reasonable, transparent, and non-discriminatory.

(b) Each Party may determine in accordance with its domestic laws and regulations the poles, ducts, conduits or other structures to which it requires major suppliers in its territory to provide access under Article 9.6(a) on the basis of the state of competition in the relevant market.

7. Interconnection with a Major Supplier

(a) Each Party shall ensure that major suppliers in its territory provide interconnection to facilities-based suppliers of the other Party:

- (i) at any technically feasible point in the major supplier's network;
- (ii) under non-discriminatory terms, conditions (including technical standards and specifications) and rates;
- (ii) of a quality no less favourable than that provided by such major supplier for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (iv) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (v) upon request, at points in addition to the network termination points offered to the majority of facilities-based suppliers, subject to charges that reflect the cost of construction of necessary additional facilities.

(b) Each Party shall ensure that suppliers of public telecommunications networks or services of the other Party may interconnect with major suppliers in its territory pursuant to at least one of the following options:

- (i) a publicly available reference interconnection offer;

(ii) any existing interconnection agreement between the major supplier and any similarly situated supplier of public telecommunications networks or services;

(iii) an individualised agreement between the major supplier and the supplier of public telecommunications networks or services that seeks to interconnect with it; or

(iv) binding arbitration.

(c) Each Party shall ensure that the applicable procedures for interconnection negotiations with major suppliers in its territory are made publicly available.

(d) Each Party shall ensure that major suppliers in its territory make publicly available either their interconnection agreements or a reference interconnection offer.

8. Resolution of Interconnection Disputes

(a) When facilities-based suppliers are unable to resolve disputes regarding the terms, conditions and rates on which interconnection is to be provided by a major supplier, they shall have recourse to the regulator, which shall aim to resolve the disputes within 180 days of the referral to it, provided that the resolution of complex disputes may take longer than 180 days.

(b) Where the regulator is unable to resolve the disputes referred to in Article 9.8(a) within 180 days, each Party shall ensure that the regulator endeavours to provide interim determinations on the disputes where necessary to ensure that facilities-based suppliers of the other Party are able to interconnect with a major supplier.

ARTICLE 10

Number Portability

Each Party shall ensure that suppliers of public telecommunications services in its territory provide number portability, for those services designated by that Party, to the extent technically feasible, on a timely basis and on reasonable terms and conditions.

ARTICLE 11

Access to Buildings¹⁵

¹⁵ To the extent of any inconsistency between this Article and Article 9, the latter shall prevail.

Each Party shall ensure that facilities-based suppliers may install, maintain and have access to their equipment in buildings or on land that the Party considers is necessary to enable public telecommunications services to be supplied to end users who are customers of the facilities-based supplier.

ARTICLE 12

Allocation and Use of Scarce Resources¹⁶

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, shall be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands shall be made publicly available, but detailed identification of frequencies allocated for specific government use shall not be required.

ARTICLE 13

Industry Participation

1. Each Party shall, through any forum or other mechanism it considers appropriate:

- (a) facilitate the involvement of suppliers of public telecommunications networks or services of the other Party operating in its territory in the development of industry standards and, where it considers appropriate, in the regulation of the telecommunications industry; and
- (b) encourage suppliers of public telecommunications networks or services of the other Party operating in its territory to provide feedback to regulators on the regulation of the telecommunications industry.

ARTICLE 14

Enforcement

Each Party shall adopt or maintain timely, proportionate and effective sanctions for the purpose of enforcing domestic measures relating to the obligations contained in this Chapter. Such sanctions may include financial penalties,

¹⁶ Decisions on the allocation and assignment of spectrum and frequency management are not measures that are per se inconsistent with Article 3 (Market Access) of Chapter 7 (Trade in Services). Accordingly, each Party retains the ability to exercise its spectrum and frequency management policies, which may affect the number of service suppliers, provided that this is done in a manner that is consistent with the provisions of this Agreement. The Parties also retain the right to allocate frequency bands taking into account existing and future needs.

injunctions, orders to cease and desist (on an interim or final basis), and/or the ability to suspend, modify or revoke licences.

ARTICLE 15

Exceptions

For the avoidance of doubt, this Chapter shall be subject to the general and security exceptions listed in Articles 18 and 19 of Chapter 7 (Trade in Services) and Articles 19 and 20 of Chapter 8 (Investment).

13 INTELLECTUAL PROPERTY

ARTICLE 1

Purpose and Definitions

1. The purpose of this Chapter is to increase the benefits from trade and investment through the protection and enforcement of intellectual property rights.
2. For the purposes of this Chapter:
 - (a) "intellectual property rights" refers to copyright and related rights; rights in trade marks, geographical indications, industrial designs, patents, and layout-designs (topographies) of integrated circuits; rights in plant varieties; and rights in undisclosed information; as defined and described in the WTO TRIPS Agreement;
 - (b) "WIPO" means the World Intellectual Property Organisation; and
 - (c) "WTO TRIPS Agreement" means the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.

ARTICLE 2

Adherence to International Instruments

1. Each Party reaffirms its commitment to the provisions of the WTO TRIPS Agreement.
2. Each Party affirms that it has ratified or acceded to the following agreements, as revised and amended:
 - (a) the Berne Convention for the Protection of Literary and Artistic Works (1971) (the Berne Convention);
 - (b) the Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (1974); (the Brussels Convention);
 - (c) the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1980);
 - (d) the International Convention for the Protection of New Varieties of Plants (1991);
 - (e) the Nice Agreement concerning the International Classification of Goods and Services for the purposes of the Registration of Marks (1979);
 - (f) the Paris Convention for the Protection of Industrial Property (1967) (the Paris Convention);

- (g) the Patent Cooperation Treaty (1970); and
- (h) the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (1989);
- (i) WIPO Copyright Treaty (1996) (WCT)
- (j) WIPO Performances and Phonograms Treaty (1996) (WPPT)
- (k) Singapore Treaty on the Law of Trademarks (2006)
- (l) Convention Establishing the World Intellectual Property Organization (1967) (the WIPO Convention)

3. Each Party reaffirms its rights and obligations under the international agreements as recorded in paragraph 2.

4. The Parties agree to comply with the provisions of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs concluded at Geneva on 2 July 1999, subject to the enactment of laws necessary to apply those provisions in their respective territories.

ARTICLE 3

Storage of Intellectual Property in Electronic Media

Copies of copyright material to which the right of reproduction applies shall include electronic copies of works, sound recordings, and cinematographic films. This is subject to limitations or exceptions as permitted under the laws of the Parties.

ARTICLE 4

Term of Protection for Copyright

1. Each Party shall provide that, where the term of protection of a work (including a photographic work), performance, or sound recording is to be calculated:

- (a) on the basis of the life of a natural person, the term shall be not less than the life of the author and 70 years after the author's death; and
- (b) on a basis other than the life of a natural person, the term shall be:

(i) not less than 70 years from the end of the calendar year of the first authorised publication of the work, performance, or sound recording; or

(ii) failing such authorised publication within 50 years from the creation of the work, performance, or sound recording, not less than 70 years from the end of the calendar year of the creation of the work, performance, or sound recording.

ARTICLE 5

Effective Technological Measures

1. Each Party shall provide that any person who:

(a) knowingly, or having reasonable grounds to know, circumvents without authority any effective technological measure that controls access to a protected work, performance, sound recording, or other subject matter; or

(b) manufactures, imports, distributes, offers to the public, provides, or otherwise traffics in devices, products, or components, or offers to the public, or provides services that:

(i) are promoted, advertised, or marketed for the purpose of circumvention of any effective technological measure;

(ii) have only a limited commercially significant purpose or use other than to circumvent any effective technological measure; or

(iii) are primarily designed, produced, or performed for the purpose of enabling or facilitating the circumvention of any effective technological measure,

shall be liable and subject to civil remedies. Each Party shall provide for criminal procedures and penalties to be applied where any person is found to have engaged wilfully and for the purposes of commercial advantage in any of the above activities. Each Party may provide that such criminal procedures and penalties do not apply to a non-profit library, archive, educational institution, or public non-commercial broadcasting entity.

2. Effective technological measure means any technology, device, or component that, in the normal course of its operation, controls access to a protected work, performance, sound recording, or other protected subject matter, or protects any copyright.

3. Each Party may provide for exceptions to the obligations in subparagraph 1 of this Article, provided that such exceptions do not impair the adequacy of legal protection or the effectiveness of the legal remedies that the Party provides against the circumvention of effective technological measures.

4. A Party may derogate from subparagraph 2 with regards to exceptions which it may provide for lawfully authorized activities carried out by government employees, agents, or contractors for the purpose of law enforcement, intelligence, national defense, essential security, or similar government activities.

ARTICLE 6

Rights Management Information

1. In order to provide adequate and effective legal remedies to protect rights management information:

(a) each Party shall provide that any person who without authority, and knowingly, or, with respect to civil remedies, having reasonable grounds to know, that it will induce, enable, facilitate, or conceal an infringement of any copyright:

(i) knowingly removes or alters any rights management information;

(ii) distributes or imports for distribution rights management information knowing that the rights management information has been altered without authority; or

(iii) distributes to the public, imports for distribution, broadcasts, communicates, or makes available to the public copies of works or sound recordings, knowing that rights management information has been removed or altered without authority,

shall be liable and subject to civil remedies. Each Party shall provide for criminal procedures and penalties to be applied where any person is found to have engaged wilfully and for the purposes of commercial advantage or private financial gain in any of the above activities. Each Party may provide that these criminal procedures and penalties do not apply to a non-profit library, archive, educational institution, or public non-commercial broadcasting entity.

(b) **rights management information** means:

(i) electronic information that identifies a work, performance, or sound recording; the author of the work, the performer of the performance, or the producer of the sound recording; or the owner of any right in the work, performance, or sound recording; or

(ii) electronic information about the terms and conditions of the use of the work, performance, or sound recording; or

(iii) any electronic numbers or codes that represent such information,

when any of these items is attached to a copy of the work, performance, or sound recording or appears in connection with the communication or making available of a work, performance or sound recording to the public. Nothing in this paragraph obligates a Party to require the owner of any right in the work, performance or sound recording to attach rights management information to copies of the work, performance, or sound recording, or to cause rights management information to appear in connection with a communication of the work, performance, or sound recording to the public.

ARTICLE 7

Protection of Encrypted Programme-carrying Satellite Signals

1. Each Party shall make it a criminal offence to:
 - (a) manufacture, assemble, modify, import, export, sell, lease or otherwise distribute a tangible or intangible device or system, knowing or having reason to know that the device or system is primarily of assistance in decoding an encrypted programme-carrying satellite signal without the authorisation of the lawful distributor of such signal; and
 - (b) wilfully receive and make use of, or further distribute a programme-carrying signal that originated as an encrypted programme-carrying satellite signal knowing that it has been decoded without the authorisation of the lawful distributor of the signal.
2. In relation to the activities described in sub-paragraphs (a) and (b), each Party shall provide for civil remedies for any person that holds an interest in the encrypted programme-carrying satellite signal or its content.

ARTICLE 8

Presumptions for Copyright

1. In civil, criminal, and if applicable, administrative procedures involving copyright, each Party shall provide for a presumption that:
 - (a) in the absence of evidence to the contrary, the natural person or legal entity whose name is indicated as the author, producer, performer, or publisher of the work, performance, or sound recording in the usual manner is the designated right holder in the work, performance, or sound recording; and
 - (b) in the absence of evidence to the contrary, that copyright subsists in such subject matter in accordance with its domestic law.

ARTICLE 9

Civil Enforcement of Intellectual Property Rights

1. In civil judicial proceedings concerning the acts described in Article 5 and Article 6, each Party shall provide that its judicial authorities shall have the authority to order or award at least:

- (a) provisional measures, including the seizure of devices and products suspected of being involved in the proscribed activity;
- (b) damages;¹⁷
- (c) payment to a prevailing right holder of court costs and fees and reasonable attorney's fees by the party engaged in the proscribed activity at the conclusion of the civil judicial proceeding; and
- (d) destruction of the devices and products found to be involved in the proscribed activity.

2. A Party may provide that damages shall not be available against a non-profit library, archive, education institution, or public non-commercial broadcasting entity that sustains the burden of proving that it was not aware or had no reason to believe that its acts constituted a proscribed activity.

ARTICLE 10

Measures to Prevent the Export of Goods that Infringe Copyright or Trade Marks

Each Party, on receipt of information or complaints, shall take measures to prevent the export of goods that infringe copyright or trade marks, in accordance with its laws, rules, regulations, directives or policies.

ARTICLE 11

Criminal Procedures and Remedies

1. Each Party shall provide for criminal procedures and penalties to be applied to wilful copyright piracy on a commercial scale. Wilful copyright piracy on a commercial scale includes: (i) significant wilful infringements of copyright that have no direct or indirect motivation of financial gain; and (ii) wilful infringements for the purposes of commercial advantage or financial gain.

¹⁷ Each Party may determine what constitutes 'damages' for the purpose of this Article.

2. Specifically, each Party shall provide:

(a) penalties that include imprisonment and monetary fines sufficiently high to deter future acts of infringement consistent with a policy of removing the monetary incentive of the infringer. Also, each Party shall encourage its judicial authorities to impose fines at levels sufficient to provide a deterrent to future infringements;

(b) that its judicial authorities have the authority to order the seizure of suspected pirated goods, any related materials and implements that have been used in the commission of the offence, any assets traceable to the infringing activity, and documentary evidence relevant to the offence that fall within the scope of the order. Items that are subject to seizure pursuant to such judicial order need not be individually identified so long as they fall within general categories specified in the order;

(c) that its judicial authorities shall have the authority to, except in exceptional cases, order the forfeiture and destruction of all pirated goods, and with respect to wilful copyright piracy, order the forfeiture and destruction of materials and implements that have been used in the creation of infringing goods. Each Party shall further provide that such forfeiture and destruction shall occur without compensation to the defendant; and

(d) that the appropriate authorities, as determined by each Party, shall have the authority to initiate criminal legal action *ex officio* with respect to the offences described in this Article without the need for a formal complaint by a private party or right holder.

ARTICLE 12

Limitation on Liability of Service Providers

1. Each Party shall provide:

(a) legal incentives for service providers to cooperate with copyright owners in deterring the unauthorized storage and transmission of copyrighted materials; and

(b) limitations in its law regarding the scope of remedies available against service providers for copyright infringements that they do not control, initiate, or direct, and that take place through systems or networks controlled or operated by them or on their behalf, as set forth in this Article.¹⁸

¹⁸ Sub-paragraph (B) is without prejudice to the availability of defences to copyright infringement that are of general applicability.

2. These limitations shall preclude monetary relief and provide reasonable restrictions on court-ordered relief to compel or restrain certain actions for the following functions and shall be confined to those functions:

- (a) transmitting, routing or providing connections for material without modification of its content, or the intermediate and transient storage of such material in the course thereof;
- (b) caching carried out through an automatic process;
- (c) storage at the direction of a user of material residing on a system or network controlled or operated by or for the service provider; and
- (d) referring or linking users to an online location by using information location tools, including hyperlinks and directories.

3. These limitations shall apply only where the service provider does not initiate the chain of transmission of the material, and does not select the material or its recipients (except to the extent that a function described in subparagraph 2 (d) in itself entails some form of selection).

4. Qualification by a service provider for the limitations as to each function in subparagraphs 2(a) through 2(d) shall be considered separately from qualification for the limitations as to each other function, in accordance with the conditions for qualification set forth in subparagraphs 5 to 8 of this Article.

5. With respect to functions referred to in subparagraph 2(b), the limitations shall be conditioned on the service provider:

- (a) permitting access to cached material in significant part only to users of its system or network who have met conditions on user access to that material;
- (b) complying with rules concerning the refreshing, reloading, or other updating of the cached material when specified by the person making the material available online in accordance with a relevant industry standard data communications protocol for the system or network through which that person makes the material available that is generally accepted in the Party's territory;
- (c) not interfering with technology used at the originating site consistent with industry standards generally accepted in the Party's territory to obtain information about the use of the material, and not modifying its content in transmission to subsequent users; and
- (d) expeditiously removing or disabling access, on receipt of an effective notification of claimed infringement, to cached material that has been removed or access to which has been disabled at the originating site.

6. With respect to the functions referred to in subparagraphs 2(c) and 2 (d), the limitations shall be conditioned on the service provider:

(a) not receiving a financial benefit directly attributable to the infringing activity, in circumstances where it has the right and ability to control such activity;

(b) expeditiously removing or disabling access to the material residing on its system or network on obtaining actual knowledge of the infringement or becoming aware of facts or circumstances from which the infringement was apparent, such as through effective notifications of claimed infringement in accordance with subparagraph 10; and

(c) publicly designating a representative to receive such notifications.

7. Eligibility for the limitations in this Article shall be conditioned on the service provider:

(a) adopting and reasonably implementing a policy that provides for termination in appropriate circumstances of the accounts of repeat infringers; and

(b) accommodating and not interfering with standard technical measures accepted in the Party's territory that protect and identify copyrighted material, that are developed through an open, voluntary process by a broad consensus of copyright owners and service providers, that are available on reasonable and nondiscriminatory terms, and that do not impose substantial costs on service providers or substantial burdens on their systems or networks.

8. Eligibility for the limitations in this Article may not be conditioned on the service provider monitoring its service, or affirmatively seeking facts indicating infringing activity, except to the extent consistent with such technical measures.

9. If the service provider qualifies for the limitations with respect to the functions referred to in subparagraph 2(a), court-ordered relief to compel or restrain certain actions shall be limited to terminating specified accounts, or to taking reasonable steps to block access to a specific, non-domestic online location. If the service provider qualifies for the limitations with respect to any other function in subparagraph 2, court-ordered relief to compel or restrain certain actions shall be limited to removing or disabling access to the infringing material, terminating specified accounts, and other remedies that a court may find necessary provided that such other remedies are the least burdensome to the service provider among comparably effective forms of relief. Each Party shall provide that any such relief shall be issued with due regard for the relative burden to the service provider and harm to the copyright owner, the technical feasibility and effectiveness of the remedy, and whether less burdensome, comparably effective enforcement methods are available. Except for orders ensuring the preservation of evidence, or other orders having no material adverse effect on the operation of the service provider's

communications network, each Party shall provide that such relief shall be available only where the service provider has received notice of the court order proceedings referred to in this subparagraph and an opportunity to appear before the judicial authority.

10. For purposes of the notice and take down process for the functions referred to in subparagraphs 2(c) and 2(d), each Party shall establish appropriate procedures for effective notifications of claimed infringement, and effective counter-notifications by those whose material is removed or disabled through mistake or misidentification. Each Party shall also provide for monetary remedies against any person who makes a knowing material misrepresentation in a notification or counter-notification that causes injury to any interested party as a result of a service provider relying on the misrepresentation.

11. If the service provider removes or disables access to material in good faith based on claimed or apparent infringement, each Party shall provide that the service provider shall be exempted from liability for any resulting claims, provided that, in the case of material residing on its system or network, it takes reasonable steps promptly to notify the person making the material available on its system or network that it has done so and, if such person makes an effective counter-notification and is subject to jurisdiction in an infringement suit, to restore the material online unless the person giving the original effective notification seeks judicial relief within a reasonable time.

12. Each Party shall provide for an administrative or judicial procedure enabling copyright owners who have given effective notification of claimed infringement to obtain expeditiously from a service provider information in its possession identifying the alleged infringer.

13. For purposes of the functions referred to in subparagraph 2(a), service provider means a provider of transmission, routing or connections for digital online communications without modification of their content between or among points specified by the user of material of the user's choosing, and for purposes of the functions referred to in subparagraphs 2(b) through 2(d) service provider means a provider or operator of facilities for online services or network access.

ARTICLE 13

Cooperation on Enforcement

The Parties agree to cooperate with a view to eliminating trade in goods infringing intellectual property rights, subject to their respective laws, rules, regulations, directives or policies. Such cooperation shall include:

- (a) the notification of contact points for the enforcement of intellectual property rights;

(b) the exchange, between respective agencies responsible for the enforcement of intellectual property rights, of information concerning infringement of intellectual property rights;

(c) policy dialogue on initiatives for the enforcement of intellectual property rights in multilateral and regional fora; and

(d) such other activities and initiatives for the enforcement of intellectual property rights as may be mutually agreed between the Parties.

ARTICLE 14

Cooperation on Education and Exchange of Information on Protection, Management and Exploitation of Intellectual Property Rights

The Parties, through their competent agencies, agree to:

(a) exchange information and material on programmes pertaining to intellectual property rights education and awareness, and to commercialisation of intellectual property, to the extent permissible under their respective laws, rules, regulations and directives; and

(b) encourage and facilitate the development of contacts and cooperation between their respective government agencies, educational institutions, organisations and other entities in the field of intellectual property rights protection and development, including in the education and training of patent agents.

ARTICLE 15

Settlement of Disputes relating to Domain Names and Trade Marks

Both Parties shall continue to monitor and support, where appropriate, endeavours to develop international policy or guidelines governing the resolution of disputes relating to domain names and trade marks.

ANNEX 4-I(A)

**AUSTRALIA'S RESERVATIONS TO
CHAPTER 7 (TRADE IN SERVICES) AND
CHAPTER 8 (INVESTMENT)**

Introductory Note for the Schedule of Australia

Australia reserves the right to maintain and to add to this Schedule any non-conforming measure at the regional level of government that existed at 1 January 2005, but was not listed in this Schedule at the date of entry into force of amendments resulting from the second review of this Agreement against the obligation under Article 5 of Chapter 8 (Prohibition of Performance Requirements – Investment Chapter).

<u>Sector</u>	<u>All sectors</u>
<u>Sub-sector</u>	=
<u>Industry Classification</u>	=
<u>Type of Reservation</u>	Market Access <u>National Treatment</u>
<u>Source of Measure</u>	Australia's foreign investment policy, which comprises the: <i>Foreign Acquisitions and Takeovers Act 1975 (Cth) (FATA)</i> ; Foreign Acquisitions and Takeovers Regulations; and Ministerial statements. <i>Land Act 1994 (QLD)</i> <i>Foreign Ownership of Land Register Act 1988 (QLD)</i>
<u>Description of Reservation</u>	<p><u>Commonwealth</u></p> <p>The following investment activities require prior approval from the Australian Government:</p> <ul style="list-style-type: none"> . Acquisitions by 'foreign interests' of 'substantial interests' in existing Australian businesses with total assets of \$A50 million or more. . Proposals by 'foreign interests' to take over offshore companies whose Australian subsidiaries or assets are valued at \$A50 million or more, or account for more than 50 per cent of the target company's global assets. . Proposals by 'foreign interests' to establish new businesses in Australia involving a total investment of \$A10 million or more. . Direct investments by foreign governments or their agencies, irrespective of size. . Proposals where any doubt exists as to whether they are notifiable. (Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment). <p>A 'foreign interest' is defined as:</p> <ul style="list-style-type: none"> . a natural person not ordinarily resident in Australia; . a corporation in which a natural person not ordinarily resident in Australia or a foreign corporation holds a controlling interest; . a corporation in which 2 or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate controlling interest;

- . the trustee of a trust estate in which a natural person not ordinarily resident in Australia or a foreign corporation holds a substantial interest; or
- . the trustee of a trust estate in which 2 or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate substantial interest.

A 'substantial interest' occurs when a single foreigner (and any associates) has 15 per cent or more of the ownership of any corporation, business or trust.

An 'aggregate substantial interest' occurs when several foreigners (and any associates) have, in aggregate, 40 per cent or more of the ownership of any corporation, business or trust.

A 'controlling interest' will be as defined in section 9 of the FATA.

A 'substantial interest in a trust estate' will be as defined in section 9A of the FATA.

Proposals may be refused, or approved subject to the parties meeting certain conditions.

Separate or additional requirements may apply to measures subject to other Annex 4-I(A) reservations and to sectors, subsectors or activities subject to Annex 4-II(A) reservations.

Queensland

Certain leases of pastoral land (obtained at ballot), and other leases at the discretion of the Minister, may be subject to a condition that the lessee personally lives on the lease for the first 7 years of its term.

Foreigners are required to register ownership of land in Queensland.

<u>Sector</u>	<u>All sectors</u>
<u>Sub-sector</u>	
<u>Industry Classification</u>	
<u>Type of Reservation</u>	Market Access <u>National Treatment</u>
<u>Source of Measure</u>	<i>Corporations Act 2001 (Cth); Corporations Regulations 2001 (Cth)</i>
<u>Description of Reservation</u>	At least two of the directors of a public company must be ordinarily resident in Australia.

Sector	Professional Services
Sub-sector	Patent attorney services
Industry classification	-
Type of reservation	National treatment
Source of Measure	Part 2 of Chapter 20 of the <i>Patents Act 1990</i> (Cth) Regulation 22.10 of the <i>Patent Regulations</i> (Cth)
Description of Reservation	<p>In order to register to practice in Australia, patent attorneys must:</p> <ul style="list-style-type: none"> (a) be ordinarily resident in Australia; (b) have an address for service in Australia; and (c) attend a place of business in Australia. <p>A person is taken to be <i>ordinarily resident</i> in Australia if:</p> <ul style="list-style-type: none"> (a) the person has his or her home in Australia; or (b) Australia is the country of his or her permanent abode even though he or she is temporarily absent from Australia. <p>However, the person is taken not to be ordinarily resident in Australia if he or she resides in Australia for a special or temporary purpose only.</p>

<u>Sector</u>	<u>Professional Services</u>
<u>Sub-sector</u>	<u>Migration advice services</u>
<u>Industry classification</u>	=
<u>Type of Reservation</u>	Market Access <u>National Treatment</u>
<u>Source of Measure</u>	<i>Migration Act 1958 (Cth)</i>
<u>Description of Reservation</u>	<u>To practise as a migration agent in Australia a person must be an Australian citizen or permanent resident or a citizen of New Zealand with a special category visa.</u>

<u>Sector</u>	<u>Professional Services</u>
<u>Sub-sector</u>	<u>Accounting, auditing and book-keeping services</u>
<u>Industry classification</u>	<u>CPC 862</u>
<u>Type of Reservation</u>	Market Access <u>National Treatment</u>
<u>Source of Measure</u>	
<u>Description of Reservation</u>	<u>Only natural persons may be registered as auditors and liquidators.</u> <u>At least one equity partner in a firm providing accounting, auditing and book-keeping services must be a permanent resident.</u>

<u>Sector</u>	<u>Professional Services</u>
<u>Sub-sector</u>	<u>Legal Services</u>
<u>Industry classification</u>	<u>861</u>
<u>Type of Reservation</u>	<u>National Treatment</u>
<u>Source of Measure</u>	<u><i>Legal Practitioners Act 1981 (SA)</i></u>
<u>Description of Reservation</u>	<p><u>South Australia</u></p> <p>A person may practice law in South Australia only if he or she is resident in Australia. A person is not taken to be practising the profession of the law if he or she is only providing legal advice or services relating to the law of a place outside Australia. Foreign natural persons practising foreign law may only join a local law firm as a consultant and may not enter into partnership with or employ local lawyers in South Australia.</p> <p>A company that is a subsidiary of a foreign law firm is not permitted to obtain a practising certificate and is not permitted to share profits with any other company or firm.</p>

<u>Sector</u>	<u>Fishing and Pearling</u>
<u>Sub-sector</u>	
<u>Industry classification</u>	
<u>Type of Reservation</u>	National Treatment
<u>Source of Measure</u>	<p><i>Fisheries Management Act 1991 (Cth)</i> <i>Foreign Fishing Licenses Levy Act 1991 (Cth)</i> <i>Fisheries Management Act 1994 (NSW)</i> <i>Fisheries Act 2002, Fisheries Regulations 2002 (NT)</i> <i>Fisheries Act 1982 (SA)</i> <i>Fisheries Act 1995 (Vic)</i> <i>Fish Resources Management Act 1994 (WA)</i> <i>Pearling Act 1990 (WA)</i></p>
<u>Description of Reservation:</u>	<p><u>Commonwealth</u></p> <p>Foreign fishing vessels¹⁹ seeking to undertake fishing activity in the Australian Fishing Zone must be authorised.</p> <p>Where foreign fishing vessels are authorised to undertake such fishing activity, they may be subject to a levy²⁰.</p> <p><u>New South Wales</u></p> <p>A foreign person or a foreign-owned body is not permitted to hold shares in a share management fishery.</p> <p><u>Northern Territory</u></p> <p>To be granted a fishing license, an applicant must be a resident of Australia or a corporation incorporated within Australia, with all directors or officers residents of Australia. Not more than 49 per cent of shares in the corporation can be held by persons who are not residents of Australia.</p> <p><u>South Australia</u></p> <p>A foreign person may not have a financial interest in a fishery.</p>

¹⁹ For the purposes of fisheries management, a foreign vessel is one that does not meet the definition of an Australian boat, that is, a boat based in Australia which is owned by an Australian resident or corporation.

²⁰ The levy charged will be in accordance with the Foreign Fishing Licenses Levy Act 1991 or any amendments thereto.

Victoria

A fishery access licence or aquaculture licence can only be issued to a natural person who is an Australian resident; or to a single corporation that has a business premises in Australia.

Western Australia

Foreign investment in the lobster processing sector in Western Australia is limited to 20 per cent.

Licensees under the Pearling Act 1990 must be Australian citizens or permanent residents.

Corporations, partnerships or trusts holding licences under the Pearling Act 1990 must be Australian owned and/or controlled (e.g. at least 51 per cent of the issued share capital, partnership interest or trust property must be owned by Australians; the Chairman, majority of the board of directors and all the company officers must be Australians and must be nominated by and represent Australian interests).

<u>Sector</u>	<u>Oil</u>
<u>Sub-sector</u>	
<u>Industry classification</u>	
<u>Type of Reservation</u>	National Treatment Prohibition of Performance Requirements
<u>Source of Measure</u>	<i>National Oil Proprietary Limited Agreement Ratification Act 1937 (NSW)</i>
<u>Description of Reservation:</u>	<u>New South Wales</u> No foreign person can be a director or a principal officer, and no shares can be held by a foreign corporation, in the National Oil Proprietary Limited company.

<u>Sector</u>	<u>Professional Services</u>
<u>Sub-sector</u>	<u>Customs clearance (services supplied by customs brokers²¹)</u>
<u>Industry classification</u>	=
<u>Type of Reservation</u>	<u>National Treatment</u>
<u>Source of Measure</u>	<u>Customs Act 1901 (Cth)</u>
<u>Description of Reservation</u>	<u>To act as a customs broker in Australia, service providers must provide the service in and from Australia.</u>

²¹ Customs brokers may complete customs formalities required by the relevant customs legislation on behalf of the owners of goods prior to their import into or export from Australia. Such formalities include the requirement to complete the import or export entries whereby owners notify the goods being exported or imported, the duty and other taxes payable and whether or not the appropriate permits have been obtained.

<u>Sector</u>	<u>Professional Services</u>
<u>Sub-sector</u>	<u>Medical services, Other Human Health Services</u>
<u>Industry classification</u>	<u>9312, 9319</u>
<u>Type of Reservation</u>	<u>National Treatment</u> <u>Prohibition of Performance Requirements</u>
<u>Source of Measure</u>	<i>Health Insurance Act 1973 (Cth)</i> <i>Medical Act 2001 (NT)</i> <i>Medical Practitioners Act 1983 (SA)</i> <i>Chiropodists Act 1950 (SA)</i> <i>Chiropactors Act 1991 (SA)</i> <i>Medical Practitioners Registration Act 1996 (Tas)</i> <i>Psychologists Registration Act 2000 (Tas)</i> <i>Physiotherapists Registration Act 1999 (Tas)</i> <i>Medical Radiation Science Professionals Registration Act 2000 (Tas)</i> <i>Chiropactors and Osteopaths Registration Act 1997 (Tas)</i> <i>Optometrists Registration Act 1994 (Tas)</i> <i>Occupational Therapists Registration Act 1980 (WA)</i> <i>Podiatrists Registration Act 1984 (WA)</i> <i>Psychologists Registration Act 1976 (WA)</i>
<u>Description of Reservation</u>	<u>Commonwealth</u> <u>Doctors who have obtained their training outside Australia and registered as medical practitioners in Australia since December 1996 may only bill Medicare for patient consultations in private medical practices if they work in a “district of workforce shortage”.</u> <u>Northern Territory</u> Only persons who reside or intend to reside in the Northern Territory may be registered as a medical practitioner in the Northern Territory. <u>South Australia</u> Only persons who reside within Australia may be registered as medical practitioners in South Australia. Ownership of medical practices is restricted to Medical Practitioners and their prescribed relatives. Only persons who reside within South Australia may be registered as chiropodists in South Australia. Ownership of chiropractic practices is restricted to chiropactors

and their prescribed relatives.

Tasmania

Only Australian citizens or persons having a right to residency (permanent or temporary) may practice in Tasmania as medical practitioners, psychologists, physiotherapists, radiation therapists, diagnostic radiographers, nuclear medicine technologists, chiropractors, osteopaths, or optometrists.

Western Australia

Only residents of Western Australia may practice as occupational therapists, podiatrists or psychologists in Western Australia.

<u>Sector</u>	<u>Communication services</u>
<u>Sub-sector</u>	<u>Postal Services</u>
<u>Industry classification</u>	7511
<u>Type of Reservation</u>	<u>Market Access</u> <u>National Treatment</u> <u>Prohibition of Performance Requirements</u>
<u>Source of Measure</u>	<u>Australian Postal Corporation Act 1989 (Cth)</u>
<u>Description of Reservation</u>	<p><u>Australia Post, a wholly-owned government entity, has the exclusive right to issue postage stamps and carry letters within Australia, whether the letters originated within or outside Australia. This includes:</u></p> <ul style="list-style-type: none"> - <u>the collection within Australia of letters for delivery within Australia; and</u> - <u>the delivery of letters within Australia.</u> <p><u>This reservation does not include:</u></p> <ul style="list-style-type: none"> - <u>the carriage of a letter weighing more than 250 grams;</u> - <u>the carriage of a letter within Australia for a charge or fee that is at least 4 times the rate of postage that is current at the time for the carriage within Australia of a standard postal article by ordinary post;²² and</u> - <u>other exceptions to the reserved services set out in Section 30 of the Australian Postal Corporation Act 1989 (Cth).</u>

²² As specified in accordance with the *Australian Postal Corporation Act 1989* and its subordinate legislation and regulations or any amendments thereto.

<u>Sector</u>	<u>Telecommunications</u>
<u>Sub-sector</u>	
<u>Industry classification</u>	
<u>Type of Reservation</u>	Market Access <u>National Treatment</u>
<u>Source of Measure</u>	<i>Telstra Corporation Act 1991 (Cth)</i>
<u>Description of Reservation</u>	<p>Aggregate foreign equity is restricted to no more than 35 per cent of the 49.9 per cent of shares of Telstra that are non-government owned (about 17.5 per cent of total equity). Individual or associated group foreign investment is restricted to no more than 5 per cent of these non-government shares (about 2.5 per cent of total equity).</p> <p>The Chairperson and a majority of directors of Telstra must be Australian citizens and Telstra is required to maintain its head office, main base of operations and place of incorporation in Australia.</p>

Sector	Wholesale trade and retailing services
Sub-sector	Supply of therapeutic goods (medical devices, medicines, blood products) and also chemicals subject to the National Industrial Chemicals Notification and Assessment Scheme.
Industry classification	
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Source of Measure	<i>Therapeutic Goods Act 1989</i> (Cth) <i>Industrial Chemicals (Notification and Assessment) Act 1989</i> (Cth)
Description of Reservation	<p>A person²³ who imports, exports, manufactures or supplies a therapeutic good²⁴ in Australia must have that product included in the Australian Register of Therapeutic Goods (ARTG), unless the product is an exempt good. The person who includes a product in the ARTG must be a resident of Australia, or carrying on business in Australia.</p> <p>A person who imports or manufactures industrial chemicals²⁵ in Australia must hold the relevant permit. The person who holds a permit must be a resident of Australia, or carrying on business in Australia.</p>

23 Under the Acts Interpretation Act 1901 "person" includes a body politic or corporate as well as an individual.

24 As defined in the Therapeutic Goods Act 1989 and any future amendments thereto.

25 As defined in the NICNAS scheme under the Industrial Chemicals (Notification and Assessment) Act 1989 and any future amendments thereto.

Sector	Financial services
Sub-sector	Life insurance services
Industry Classification	8121
Type of reservation	Market Access National Treatment
Source of Measure	<i>Life Insurance Act 1995 (Cth)</i>
Description of Reservation	Approval of non-resident life insurers is restricted to subsidiaries incorporated under Australian law.

Sector	Financial services
Sub-sector	Life insurance services
Industry Classification	8121
Type of reservation	Market Access National Treatment
Source of Measure	<i>Corporations Act 2001 (Cth)</i>
Description of Reservation	Registered foreign life insurance companies are required to have a local agent resident in Australia.

<u>Sector</u>	<u>Financial services</u>
<u>Sub-sector</u>	<u>Non-life insurance services</u>
<u>Industry classification</u>	<u>8129</u>
<u>Type of Reservation</u>	Market Access <u>National Treatment</u>
<u>Source of Measure</u>	<i><u>Insurance Act 1973 (Cth)</u></i>
<u>Description of Reservation</u>	<u>An authorised insurance company operating in Australia as a non-incorporated entity must appoint an Australian resident as agent of the insurer.</u>

Sector	Financial services
Sub-sector	Non-life insurance services
Industry classification	8129
Type of reservation	Market Access National Treatment
Source of Measure	<i>Safety, Rehabilitation and Compensation Act 1988 (Cth)</i>
Description of Reservation	Comcare, a Commonwealth Government agency, is the monopoly provider of workers' compensation insurance for Commonwealth Government employees.

Sector	Financial services
Sub-sector	Deposit taking services
Industry Classification	811
Type of reservation	National treatment Market Access
Source of Measure	<i>Banking Act 1959</i> (Cth) <i>Banking Amendment Regulations 2000 (No. 1)</i> (Cth) <i>Payment Systems (Regulation) Act 1998</i> (Cth)
Description of Reservation	<p>To undertake banking business in Australia an entity must be a body corporate and authorised by the Australian Prudential Regulation Authority (APRA) as an authorised deposit-taking institution (ADI).</p> <p>Foreign deposit-taking institutions (including foreign banks) may only operate a banking business in Australia through locally-incorporated deposit-taking subsidiaries or authorised branches (foreign ADIs), or through both structures.</p> <p>Foreign ADIs are subject to a condition which specifically restricts the acceptance of retail deposits. Foreign ADIs are not permitted to accept initial deposits (and other funds) from individuals and non-corporate institutions of less than \$A250,000. They can, however, accept deposits and other funds in any amount from incorporated entities, non-residents and their employees.</p> <p>A foreign deposit-taking institution that operates a representative office in Australia is not permitted to undertake any banking business, including advertising for deposits, in Australia. Such a representative office is only permitted to act as a liaison point.</p> <p>Foreign banks located overseas may only raise funds in Australia through the issue of debt securities provided those securities are offered/traded in parcels of not less than \$A500,000 and the securities and any associated information memoranda clearly state the issuing bank is not authorised under the <i>Banking Act 1959</i> in Australia.</p>

Sector	Financial services
Sub-sector	Banking
Industry Classification	-
Type of reservation	National treatment
Source of Measure	<i>Commonwealth Banks Act 1959 (Cth)</i>
Description of Reservation	Liabilities of the Commonwealth Bank, previously Commonwealth Government-owned, are covered by transitional guarantee arrangements. Under the <i>Commonwealth Banks Act 1959 (Cth)</i> , liabilities of the Commonwealth Bank are guaranteed by the Commonwealth.

Sector	Financial services.
Sub-sector	Banking
Industry Classification	-
Type of reservation	National Treatment
Source of Measure	<i>AIDC Sale Act 1997 (Cth).</i> <i>Australian Industry Development Corporation Act 1970 (Cth)</i>
Description of Reservation	Liabilities of the Australian Industry Development Corporation (AIDC), previously Commonwealth Government-owned, are covered by transitional guarantee arrangements. Under the AIDC Sale Act 1997, liabilities of the former AIDC are guaranteed by the Commonwealth.

<u>Sector:</u>	<u>Financial Services</u>
<u>Sub-Sector:</u>	<u>Insurance</u>
<u>Industry Classification:</u>	
<u>Type of Reservation:</u>	<u>National Treatment</u> <u>Market Access</u>
<u>Source of Measure:</u>	<p><i>Road Transport (General) Act 1999 (ACT)</i> <i>Road Transport (Third-Party Insurance (Regulations) 2000 (ACT)</i> <i>Motor Accidents Act 1988(NSW)</i> <i>Motor Accidents Compensation Act 1999 (NSW)</i> <i>Motor Accidents Amendment Legislation 2004 (NSW)</i> <i>Motor Accidents (Compensation) Act 2002 (NT)</i> <i>Motor Accident Insurance Act 1994 (QLD)</i> <i>Motor Vehicles Act 1959 (SA)</i> <i>Motor Accidents (Liabilities and Compensation) Act 1973 (Tas)</i> <i>Transport Accident Act 1986 (VIC)</i> <i>Motor Vehicle (Third Party Insurance) Act 1943 (WA)</i></p>
<u>Description of Reservation:</u>	<p><u>ACT</u></p> <p>The ACT does not have a monopoly provider of compulsory motor vehicle third party personal injury insurance. However, there is a local presence requirement so that claims may be lodged. Compulsory third party motor vehicle insurance providers must be authorised by the Minister and premium and policy terms are legislated.</p> <p><u>New South Wales</u></p> <p>Providers of compulsory third party insurance must be licensed. Premium and policy terms are legislated.</p> <p><u>Northern Territory</u></p> <p>Territory Insurance Office is the monopoly provider of personal injury indemnities for Northern Territory drivers covered by the Motor Accident Compensation Act scheme.</p> <p><u>Queensland</u></p> <p>Only body corporates carrying on the business of general insurance in Queensland may be licensed to provide Compulsory Third Party (CTP) motor accident insurance in Queensland. Premiums and policy terms are legislated.</p> <p><u>South Australia</u></p>

The Minister for Transport must approve providers of Compulsory Third Party bodily injury insurance. The Motor Accident Commission is currently the only approved insurer. Premium and policy terms are legislated.

Tasmania

The Motor Accidents Insurance Board is the designated monopoly provider of compulsory personal injury insurance for motor vehicle accidents for all motor vehicles driven on Tasmanian roads.

Victoria

The Transport Accident Commission is the monopoly provider of compulsory personal injury insurance for accidents arising from the driving of motor vehicles.

Western Australia

The Insurance Commission of Western Australia, a Government business enterprise, is the monopoly provider of compulsory motor vehicle third party personal injury insurance.

<u>Sector:</u>	<u>Financial Services</u>
<u>Sub-Sector:</u>	<u>Workers compensation insurance</u>
<u>Industry Classification:</u>	
<u>Type of Reservation:</u>	<u>National Treatment</u> <u>Market Access</u>
<u>Source of Measure:</u>	<p><i>Workers Compensation Act 1951 (ACT)</i> <i>Workers Compensation Regulation 2002 (ACT)</i> <i>Workers Compensation Act 1987 (NSW)</i> <i>Workers' Compensation and Rehabilitation Act 2003 (QLD)</i> <i>Workers Rehabilitation and Compensation Act 1986 (SA)</i> <i>Workers Compensation and Rehabilitation Act 1988 (TAS)</i> <i>Accident Compensation (WorkCover) Act 1993 (VIC)</i> <i>Accident Compensation Act 1985 (VIC)</i> <i>Workers' Compensation and Rehabilitation Act 1981 and Insurance Commission of Western Australia Act 1986 (WA)</i></p>
<u>Description of Reservation:</u>	<p><u>Australian Capital Territory</u></p> <p>A workers' compensation insurer must have a place of business in the ACT to offer insurance in the ACT.</p> <p><u>New South Wales</u></p> <p>Insurers must be licensed and are subject to legislated controls on premiums and other terms.</p> <p><u>Queensland</u></p> <p>WorkCover Queensland, an independent statutory authority, is the exclusive provider of workers' compensation insurance in Queensland, except in cases in which employers make internal provisions for workers compensation (self-insure).</p> <p><u>South Australia</u></p> <p>The Work Cover Corporation, a South Australian Government agency, is the monopoly provider of workers compensation services to employers unless they are exempted by regulation.</p> <p><u>Tasmania</u></p> <p>Restrictions are maintained by way of licensing provisions and associated controls on premiums and other terms of policies in relation to workers compensation insurance.</p> <p><u>Victoria</u></p>

	<p>The Victorian WorkCover Authority is the monopoly provider of workers compensation in Victoria.</p> <p><u>Western Australia</u></p> <p>The Insurance Commission of Western Australia is the monopoly provider of industrial disease insurance. Premiums and other policy terms are legislated.</p>
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Sector	Financial services
Sub sector	Financial markets
Industry classification	
Type of reservation	Market access
Source of Measure	<i>Corporations Act 2001 (Cth).</i>
Description of Reservation	To obtain an Australian market licence, an applicant must be a body corporate.

Sector	Financial services
Sub-sector	Superannuation
Industry classification	
Type of reservation	Market Access National Treatment
Source of Measure	<i>Superannuation Act 1922 (Cth)</i> <i>Papua New Guinea (Staffing Assistance) Act 1973 (Cth)</i> <i>Superannuation Act 1976 (Cth)</i> <i>Superannuation Act 1990 (Cth)</i> Establishing legislation of relevant schemes including the Commonwealth Superannuation Scheme (CSS) and the Public Sector Superannuation Scheme (PSS).
Description of Reservation	The Government has a monopoly on administration of Commonwealth civilian sector superannuation schemes and the Commissioner for Superannuation (the CEO of ComSuper – a Commonwealth Government agency) has a monopoly on administration services for certain Commonwealth sector superannuation schemes.

Sector	Financial services
Sub-sector	Managed investments
Industry classification	
Type of reservation	Market access
Source of Measure	<i>Corporations Act 2001</i> (Cth).
Description of Reservation	The responsible entity of a registered managed investment scheme must be a public company that holds an Australian financial services licence authorising it to operate a managed investment scheme

Sector	Financial services
Sub-sector	Credit providers, debt collectors and finance brokers
Industry classification	-
Type of reservation	National Treatment
Source of Measure	<i>Second-hand Dealers and Pawnbrokers Act 2003 (QLD)</i> <i>Credit (Administration) Act 1984</i> and <i>Credit (Administration) Regulations 1985 (WA)</i> <i>Debt Collectors Licensing Act 1964</i> and <i>Debt Collectors Licensing Regulations 1964 (WA)</i> <i>Finance Brokers Control Act 1975 (WA)</i> and <i>Finance Brokers (General) Regulations 1977 (WA)</i>
Description of Reservation	<p><u><i>Queensland</i></u> <u>Licensed second-hand dealers and pawnbrokers must have business premises in Queensland.</u></p> <p><u>Western Australia</u></p> <p>A natural person (whether alone or in partnership with other persons) or an incorporated body seeking to carry on a business of providing credit in Western Australia (including where the provision of the credit is connected with the carrying on of another business), must have a principal office in Australia and a principal place of business in Western Australia.</p> <p>Any person (including an incorporated body) seeking to exercise or carry on the business or any functions of a debt collector in Western Australia, must have a principal place of business in the State.</p> <p><i>A natural person seeking to carry on business as a finance broker in Western Australia must be ordinarily resident in Western Australia. A finance broker must have a registered office in Western Australia while carrying on business as a broker.</i></p>

<u>Sector</u>	<u>Health Services</u>
<u>Sub-sector</u>	
<u>Industry classification</u>	
<u>Type of Reservation</u>	<u>National Treatment</u>
<u>Source of Measure</u>	<u>Commonwealth Serum Laboratories Act 1961 (Cth), Part 3</u>
<u>Description of Reservation</u>	<u>The votes attached to significant foreign shareholdings are prevented from being counted in respect to the appointment, replacement or removal of more than one third of CSL's directors who hold office at a particular time. The head office and principal facilities must remain in Australia. Two-thirds of the directors of the board of CSL and the chairperson of any meeting must be Australian citizens. CSL must not seek incorporation outside of Australia.</u>

<u>Sector</u>	<u>Transport</u>
<u>Sub-sector</u>	<u>Maritime transport</u>
<u>Industry classification</u>	-
<u>Type of Reservation</u>	National Treatment Market Access
<u>Source of Measure</u>	<i>Shipping Registration Act 1981 (Cth)</i>
<u>Description of Reservation</u>	For a ship to be registered in Australia it must be majority Australian owned unless the ship is designated as chartered by an Australian operator. Every Australian-owned ship (as defined in the Act) is required to be registered under the Act.

<u>Sector</u>	<u>Transport services</u>
<u>Sub-sector</u>	<u>Maritime transport</u>
<u>Industry classification</u>	7211, 7212
<u>Type of Reservation</u>	Market Access National Treatment
<u>Source of Measure</u>	<i>Trade Practices Act 1974 (Cth)</i>
<u>Description of Reservation</u>	<p><u>Every ocean carrier that provides international liner cargo shipping services to or from Australia shall, at all times, be represented for the purposes of the Act, by a person who is an individual resident in Australia; has been appointed by the ocean carrier as the ocean carrier's agent for the purposes of the Act; and is specified in the register of ocean carrier agents as the ocean carrier's agent.</u></p> <p><u>Part X of the Trade Practices Act 1974 also allows Australian flag operators to apply to the Australian Competition and Consumer Commission to examine whether conference members and non-conference operators with substantial market power are hindering Australian flag shipping operators from engaging efficiently in the provision of outward liner cargo services to an extent which is reasonable.</u></p>

<u>Sector</u>	<u>Tourism and Travel-related Services</u>
<u>Sub-sector</u>	<u>Travel Agency Services</u>
<u>Industry classification</u>	<u>7471</u>
<u>Type of Reservation</u>	<u>National Treatment</u>
<u>Source of Measure</u>	<p><i>Travel Agents Act 1986 (NSW)</i> <i>Travel Agents Regulation_2001 (NSW)</i> <i>Travel Agents Act 1988 (Qld)</i> <i>Travel Agents Act 1985 and Travel Agents Regulations 1986 (WA)</i></p>
<u>Description of Reservation</u>	<p><u>New South Wales</u></p> <p>It is a licence requirement to have an office in NSW.</p> <p><u>Queensland</u></p> <p>In order to obtain a licence to operate as a travel agent a person must have a business address in Queensland.</p> <p><u>Western Australia</u></p> <p>To carry on business in Western Australia as a travel agent, a person must have a principal place of business in the state.</p>

<u>Sector</u>	<u>Transport</u>
<u>Sub-sector</u>	<u>Air Transport</u>
<u>Industry classification</u>	
<u>Type of Reservation</u>	Market Access <u>National Treatment</u> <u>Prohibition of Performance Requirements</u>
<u>Source of Measure</u>	<i><u>Air Services Act 1995 (Cth)</u></i> <i><u>Air Services Regulations (Cth)</u></i> <i><u>Commonwealth Authorities and Companies Act 1997(Cth) (CAC Act)</u></i>
<u>Description of Reservation</u>	Airservices Australia, a government owned commercial enterprise, is the monopoly provider of the following services: airspace management, air traffic flow information, air traffic control, traffic and flight information, navigation services, aeronautical information, and aerodrome rescue and fire fighting services.

<u>Sector</u>	<u>Transport</u>
<u>Sub-sector</u>	<u>Air Transport</u>
<u>Industry classification</u>	-
<u>Type of Reservation</u>	<u>National Treatment</u> <u>Market Access</u>
<u>Source of Measure</u>	<u>Air Navigation Act 1920 (Cth)</u> <u>Ministerial Statement</u>
<u>Description of Reservation</u>	<p><u>Total foreign ownership of Australian international airlines (other than Qantas) is restricted to a maximum of 49 per cent.</u></p> <p><u>Furthermore, it is required that:</u></p> <ul style="list-style-type: none"> • <u>at least two-thirds of the Board members must be Australian citizens;</u> • <u>the Chairperson of the Board must be an Australian citizen;</u> • <u>the airline's head office must be in Australia; and</u> • <u>the airline's operational base must be in Australia.</u>

<u>Sector</u>	<u>Transport</u>
<u>Sub-sector</u>	<u>Air Transport</u>
<u>Industry classification</u>	
<u>Type of Reservation</u>	Market Access National Treatment
<u>Source of Measure</u>	<u>Qantas Sale Act 1992 (Cth)</u>
<u>Description of Reservation</u>	<p><u>Total foreign ownership of Qantas Airways Ltd is restricted to a maximum of 49 per cent in aggregate, with individual holdings limited to 25 per cent and aggregate holdings by foreign airlines to 35 per cent. In addition:</u></p> <ul style="list-style-type: none"> • <u>the head office of Qantas must always be located in Australia;</u> • <u>the majority of Qantas' operational facilities must be located in Australia;</u> • <u>at all times, at least two thirds of the directors of Qantas must be Australian citizens;</u> • <u>at a meeting of the board of directors of Qantas, the director presiding at the meeting (however described) must be an Australian citizen; and</u> • <u>Qantas is prohibited from taking any action to become incorporated outside Australia.</u>

<u>Sector</u>	<u>Real Estate and Similar Business and Distribution Services</u>
<u>Sub-sector</u>	
<u>Industry classification</u>	
<u>Type of Reservation</u>	<u>National Treatment</u>
<u>Source of Measure</u>	<p><i>Community Land Management Act 1989 (NSW)</i> <i>Strata Schemes Management Act 1996 (NSW)</i> <i>Property, Stock and Business Agents Act 2002 (NSW)</i> <i>Agents Licensing Act (NT)</i> <i>Property Agents and Motor Dealers Act 2000 (Qld)</i> <i>Real Estate and Business Agents Act 1978 (WA)</i> <i>Real Estate and Business Agents (General) Regulations 1979 (WA)</i> <i>Settlement Agents Act 1981 and Settlement Agents Regulations 1982 (WA)</i></p>
<u>Description of Reservation</u>	<p><u>New South Wales</u></p> <p>A person cannot be appointed as an agent (for a proprietor of a development lot, neighbourhood lot or strata lot) if they are not an Australian resident. A person cannot be appointed as an agent (for an owner of a lot, for dealings with the owner's corporation) if they are not an Australian resident. To be licensed as a property, stock or business agent in NSW, licensees must have a registered office in New South Wales.</p> <p><u>Northern Territory</u></p> <p>To practice in the Northern Territory, Real Estate Agents, Business Agents, and Conveyancing Agents must maintain an office in Australia.</p> <p><u>Queensland</u></p> <p>In order to obtain a licence to operate in Queensland as a real estate agent, auctioneer, motor dealer or commercial agent, a person must have a business address in Queensland.</p> <p><u>Western Australia</u></p> <p>A person seeking to carry on business as a real estate or business agent in Western Australia must establish and maintain a registered office in the State. A person seeking to carry on business as a settlement agent (conveyancer) in Western Australia must ordinarily reside in the State and must establish and maintain a registered office in the State.</p>

<u>Sector</u>	<u>Retail Services</u>
<u>Sub-sector</u>	<u>Pharmaceutical Goods</u>
<u>Industry classification</u>	<u>6321</u>
<u>Type of Reservation</u>	<u>National Treatment</u>
<u>Source of Measure</u>	<i>Pharmacists Registration Act 2001 (Tasmania)</i> <i>Pharmacy Act 1964 (WA)</i>
<u>Description of Reservation</u>	<p><u>Tasmania</u></p> <p>Only Australian citizens or persons having right to residency (permanent or temporary) may practice as pharmacists in Tasmania.</p> <p><u>Western Australia</u></p> <p>Only residents of Western Australia may practice as pharmacists in Western Australia.</p>

<u>Sector</u>	Mining and Related Services
<u>Sub-sector</u>	
<u>Industry classification</u>	
<u>Type of Reservation</u>	<u>Prohibition of Performance Requirements</u>
<u>Source of Measure</u>	<i>Mount Isa Mines Limited Agreement Act 1985 (Qld)</i>
<u>Description of Reservation</u>	<p><u>Investment</u></p> <p>The operator of Mount Isa Mines shall, so far as is reasonably and economically practicable:</p> <p>(a) use the services of professional consultants resident and available within Queensland;</p> <p>(b) use labour available within Queensland;</p> <p>(c) when preparing specifications, calling for tenders and letting contracts for works, materials, plant, equipment and supplies ensure that Queensland suppliers, manufacturers, and contractors are given reasonable opportunity to tender or quote; and</p> <p>(d) give proper consideration and where possible preference to Queensland suppliers, manufacturers and contractors when letting contracts or placing orders for works, materials, plant, equipment and supplies where price, quality, delivery and service are equal to or better than that obtainable elsewhere.</p>

<u>Sector</u>	Distribution Services
<u>Sub-sector</u>	
<u>Industry classification</u>	
<u>Type of Reservation</u>	<u>Prohibition of Performance Requirements</u>
<u>Source of Measure</u>	<i>Wine Industry Act 1994 (Qld)</i>
<u>Description of Reservation</u>	<p><u>Investment</u></p> <p>In order to obtain a wine merchant's licence to sell wine, the business conducted by a person under the licence must contribute to the Queensland wine industry in a substantial way. In order to obtain a wine producer's licence to sell wine, a person must be selling wine made from fruit grown by the person on the premises to which the licence relates, or selling wine made by the person on the premises to which the licence relates.</p>

ANNEX 4-II(A)

AUSTRALIA'S RESERVATIONS TO CHAPTER 7 (TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

<u>Sector</u>	<u>All</u>
<u>Sub sector</u>	-
<u>Industry classification</u>	-
<u>Type of Reservation</u>	Market Access National Treatment
<u>Description of Reservation</u>	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 the Chapter 11 (Movement of Business Persons).
<u>Existing Measures</u>	-

<u>Sector</u>	<u>All</u>
<u>Sub sector</u>	-
<u>Industry classification</u>	-
<u>Type of Reservation</u>	Market Access National Treatment Prohibition of Performance Requirements
<u>Description of Reservation</u>	<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 descendent of an indigenous inhabitant of the Torres Strait Islands.</p>
<u>Existing Measures</u>	<p>Legislation and ministerial statements at all levels of government including Australia's foreign investment policy, which encompasses the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth) and the <i>Native Title Act</i> (Cth).</p> <p><i>NSW Aboriginal Land Rights Act 1983 (NSW)</i></p> <p><i>Aboriginal Land Act 1991 (QLD)</i></p> <p><i>Torres Strait Islander Act 1991 (QLD)</i></p> <p><i>Native Title (New South Wales) Act 1994 (NSW)</i></p> <p><i>Native Title (South Australia) Act 1994 (SA)</i> <i>Maralinga Tjarutja Land Rights Act 1984 (SA)</i></p> <p><i>Anangu Pitjantjatjara Yankunytjatjara Act 1981 (SA)</i></p> <p><i>Pitjantjatjara Land Rights Regulations 2003 (SA)</i></p> <p><i>Mining Act 1971 (SA)</i></p> <p><i>Opal Mining Act 1995 (SA)</i></p> <p><i>Aboriginal Lands Act 1995 (Tas)</i></p>

<u>Sector</u>	<u>All</u>
<u>Sub sector</u>	-
<u>Industry classification</u>	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Australia reserves the right to adopt or maintain any measure with respect to proposals by 'foreign interests' to invest in Australian urban land (including interests that arise via leases, financing and profit sharing arrangements and the acquisition of interests in urban land corporations and trusts).
Existing Measures	<p>Australia's foreign investment policy, which comprises the:</p> <ul style="list-style-type: none"> • <i>Foreign Acquisitions and Takeovers Act 1975 (Cth) (FATA)</i>; • Foreign Acquisitions and Takeovers Regulations (Cth) ; and Ministerial statements. <p>Prior Government approval is required where they involve the following acquisition of urban lands:</p> <ul style="list-style-type: none"> • acquisition of developed non-residential commercial real estate, where the property is subject to heritage listing, valued at \$A5 million or more; • acquisition of developed non-residential commercial real estate, where the property is not subject to heritage listing, valued at \$A50 million or more; • acquisition of accommodation facilities irrespective of value; • acquisition of vacant urban real estate irrespective of value; • acquisition of residential real estate irrespective of value; or • proposals where any doubt exists as to whether they are notifiable. (Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment.) <p><u>A 'foreign interest' is defined as:</u></p> <ul style="list-style-type: none"> • a natural person not ordinarily resident in Australia; • a corporation in which a natural person not ordinarily resident in Australia or a foreign corporation holds a controlling interest; • a corporation in which 2 or more persons, each of whom is

	<p>either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate controlling interest;</p> <ul style="list-style-type: none"> . the trustee of a trust estate in which a natural person not ordinarily resident in Australia or a foreign corporation holds a substantial interest; or . the trustee of a trust estate in which 2 or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate substantial interest. <p>A 'substantial interest' occurs when a single foreigner (and any associates) has 15 per cent or more of the ownership of any corporation, business or trust.</p> <p>An 'aggregate substantial interest' occurs when several foreigners (and any associates) have, in aggregate, 40 per cent or more of the ownership of any corporation, business or trust.</p> <p>A 'controlling interest' will be as defined in section 9 of the FATA.</p> <p>A 'substantial interest in a trust estate' will be as defined in section 9A of the FATA.</p> <p>Proposed acquisitions of residential real estate are exempt from examination in the case of:</p> <ul style="list-style-type: none"> . Australian citizens living abroad purchasing either in their own name or through an Australian corporation or trust; . foreign nationals purchasing (as joint tenants) with their Australian citizen spouse; and . foreign nationals who are the holders of permanent resident visas or are holders, or are entitled to hold, a 'special category visa' purchasing either in their own name or through an Australian corporation or trust. <p>Full details are available at www.firb.gov.au.</p> <p><i>Urban Land Development Authority Act 2007 (Qld)</i> <i>Integrated Planning Act 1997 (Qld)</i> <i>Integrated Resort Development Act 1997 (Qld)</i></p>
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<u>Sector</u>	<u>All</u>
<u>Sub sector</u>	-
<u>Industry classification</u>	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Australia reserves the right to adopt or maintain any measure with respect to: a) the devolvement 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	

<u>Sector</u>	All sectors and sub-sectors set out in the description of reservation.
<u>Sub sector</u>	-
<u>Industry classification</u>	- CPC Codes as indicated in description of reservation.
<u>Type of Reservation</u>	Market Access Prohibition of Performance Requirements
<u>Description of Reservation</u>	<p>Australia reserves the right to adopt or maintain any measure at the regional level of government in the following sectors or sub-sectors (with CPC Codes):</p> <ul style="list-style-type: none"> • Legal services (practice of Australian law) (part of 861); • Medical services (9312); • Services provided by midwives, nurses, physiotherapists and para-medical personnel (93191); • Data base services (844); • Other computer services (849); • R&D services on natural sciences (851); • Interdisciplinary R&D services (853); • Other rental leasing services without operators (832); • Arbitration and conciliation services (86602); • Technical testing and analysis services (8676); • Services incidental to mining (other than consultancy on a fee or contract basis relating to mining and oil field development) (part of 883 and 5115); • Services incidental to manufacturing (884, 885); • Services incidental to energy distribution (other than consultancy services related to transmission and distribution) (part of 887); • Maintenance and repair of equipment (633, 8861, 8866); • Packaging services (876); • Printing, publishing (88442); • Credit reporting services (87901), and collecting agency services (87902); • Postal services (7511); • Courier services (7512); • Other construction services (511,515,518); • Sales of Motor Vehicles and Motorcycles, and of parts and accessories (6111, 6113, 6121) • Retail sales of pharmaceutical, medical and orthopaedic goods (63211); • Adult education (924); • Other education services (other than English language tuition) (part of 929); • Hospital services (9311);

	<ul style="list-style-type: none"> • Other human health services (other than podiatry and chiropody) (part of 9319) • Social services (933); • Maritime transport services (maintenance and repair of vessels) (8868); • Maritime transport services (pushing and towing services) (7214); • Maritime transport services (supporting services) (745) • Internal waterways transport (721, 745, 8868); • Space transport (733); • Rail transport services (711, 743); • Urban and suburban regular and special transportation (71211, 71212); • Road transport (rental of commercial vehicles with operator) (7124); • Road transport (maintenance and repair of road transport equipment) (6112, 8867); • Road transport (supporting services for road transport services) (744); • Cargo handling services (741).
<p><u>Existing Measures</u></p>	

<u>Sector</u>	All
<u>Sub-sector</u>	-
<u>Industry classification</u>	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Australia reserves the right to adopt or maintain any measure with respect to the provision of public law enforcement and correctional services, and the following to the extent that they are social services established for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities and public transport.
Existing Measures	

<u>Sector</u>	Agriculture
<u>Sub-sector</u>	-
<u>Industry classification</u>	-
Type of Reservation	Market Access National Treatment
Description of Reservation	Australia reserves the right to adopt or maintain any measures with respect to marketing boards.
Existing Measures	<i>Wheat Marketing Act 1989 (Cth)</i> <i>Grain Marketing Act 1991 (NSW)</i> <i>Marketing of Primary Products Act 1983 (NSW)(1)</i> <i>Sugar Industry Act 1999 (Qld)</i> <i>Barley Marketing Act 1993 (SA)</i> <i>Marketing of Potatoes Act 1946 (WA),</i> <i>Potato Marketing Regulations 1989 (WA)</i> <i>Marketing of Eggs Act 1945 (WA)</i> <i>Grain Marketing Act 2002 (WA)</i>

(1)This Act covers:

- (a) any grain, cereal, fruit (fresh, dried or canned), vegetable, livestock, meat, hay, chaff, poultry (live or dead), honey, beeswax or other product of agriculture, grazing, poultry-farming or bee-keeping in New South Wales, and
- (b) any dairy produce (including butter and cheese) and any other article prepared directly from the produce of agriculture, grazing, poultry-farming or bee-keeping in New South Wales.

The Act does not include wool, fresh milk, eggs or any coarse grain, oilseed or other primary product to which the *Grain Marketing Act 1991* for the time being applies.

<u>Sector</u>	<u>Media</u>
<u>Sub-sector</u>	-
<u>Industry classification</u>	-
Type of Reservation	Market Access <u>National Treatment</u> <u>Prohibition of Performance Requirements</u>
Description of Reservation	<u>Australia reserves the right to adopt or maintain any measure with respect to foreign investment in the media sector, including broadcasting, audiovisual services and newspapers.</u>
Existing Measures	<p>(a) <u>Australia's foreign investment policy, which comprises the:</u></p> <ul style="list-style-type: none"> - <u>Foreign Acquisitions and Takeovers Act 1975 (Cth);</u> - <u>Foreign Acquisitions and Takeovers Regulations; and Ministerial Statements.</u> <p><u>All proposals by foreign interests for direct (i.e., non-portfolio) investment in the media sector irrespective of size are subject to prior approval under the Government's foreign investment policy. Proposals involving portfolio shareholdings of 5 per cent or more must also be submitted for examination.</u></p> <p><u>Foreign investment in mass circulation national, metropolitan, suburban and provincial newspapers is restricted. All proposals by foreign interests to acquire an interest of 5 per cent or more in an existing newspaper or to establish a new newspaper in Australia are subject to case-by-case examination.</u></p> <p><u>For national and metropolitan newspapers, the maximum permitted aggregate foreign interest direct (non-portfolio) investment/involvement is 30 percent with any single foreign shareholder limited to a maximum interest of 25 per cent.</u></p> <p><u>For provincial and suburban newspapers, aggregate foreign interest direct involvement is limited to less than 50 per cent for non-portfolio shareholdings.</u></p> <p><u>Financial arrangements designed to avoid limits are treated as if they were directly covered.</u></p> <p>(b) <u>The Broadcasting Services Act 1992 (Cth) (BSA).</u></p> <p><u>While proposals for a foreign person to acquire an interest in an</u></p>

existing broadcasting service or to establish a new broadcasting service are subject to case-by-case examination under foreign investment policy, the following criteria must also be satisfied.

Foreign interests in commercial television broadcasting services are limited to a 15 per cent company interest for individuals and a 20 per cent company interest in aggregate. A foreign person is prohibited from being in a position to exercise control of a commercial television licence. The BSA outlines when such control is deemed to exist. No more than 20 percent of the directors of each commercial television licensee may be foreign persons.

For each subscription television broadcasting licence, foreign interests are limited to a 20 per cent company interest for an individual and a 35 per cent company interest in aggregate.

Financial arrangements designed to avoid limits are treated as if they were directly covered.

<u>Sector</u>	<u>Communication Services, and Recreational, Cultural and Sporting Services</u>
<u>Sub-sector</u>	<u>Broadcasting and audiovisual, entertainment and cultural services</u>
<u>Industry classification</u>	-
<u>Type of Reservation</u>	<u>Market Access</u> <u>National Treatment</u> <u>Prohibition of Performance Requirements</u>
<u>Description of Reservation</u>	<u>Australia reserves the right to adopt or maintain any measure with respect to:</u> <ul style="list-style-type: none"> - <u>the creative arts,²⁶ cultural heritage²⁷ and other cultural industries, including audiovisual services, entertainment services and libraries, archives, museums and other cultural services;</u> - <u>broadcasting and audiovisual services, including measures with respect to planning, licensing and spectrum management, and including:</u> <ul style="list-style-type: none"> . <u>services offered in Australia;</u> . <u>international services originating from Australia.</u>
<u>Existing Measures</u>	<u><i>Broadcasting Services Act 1992 (Cth)</i></u> <u><i>Radiocommunications Act 1992 (Cth)</i></u> <u>There are minimum Australian content requirements for commercial television.</u> <u><i>Film and Television Office Act 1988 (NSW)</i></u>

²⁶ 'Creative arts' include: the performing arts – including theatre, dance and music – visual arts and craft, literature, film, television, video, radio, creative on-line content, indigenous traditional practice and contemporary cultural expression, and digital interactive media and hybrid arts work which uses new technologies to transcend discrete artform divisions.

²⁷ '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.

<u>Sector</u>	Wholesale trade services and retail trade services
<u>Sub-sector</u>	Wholesale trade services and retail trade services of alcoholic beverages and tobacco.
<u>Industry classification</u>	6222, 6310
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Australia reserves the right to adopt or maintain any measure with respect to wholesale trade services of tobacco products and alcoholic beverages. Australia reserves the right to adopt or maintain any measure with respect to retail trade services of tobacco products and alcoholic beverages.
Existing Measures	<i>Liquor Act 1992 (NSW)</i> <i>Kava Management Act 2001 (NT)</i> <i>Liquor Act 1992 (QLD)</i> <i>Wine Industry Act 1994 (QLD)</i> <i>Liquor Licensing Act 1997 (SA)</i> <i>Liquor Licensing Act 1990 (TAS)</i> <i>Liquor Licensing Act 1988 (WA)</i>

<u>Sector</u>	<u>Education services</u>
<u>Sub-sector</u>	<u>Primary education services</u>
<u>Industry classification</u>	921
<u>Type of Reservation</u>	Market Access <u>National Treatment</u> <u>Prohibition of Performance Requirements</u>
<u>Description of Reservation</u>	Australia reserves the right to adopt or maintain any measure with respect to primary education.
<u>Existing Measures</u>	-

<u>Sector</u>	<u>Education services</u>
<u>Sub-sector</u>	
<u>Industry classification</u>	
<u>Type of Reservation</u>	<u>Prohibition of Performance Requirements</u>
<u>Description of Reservation</u>	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain any measure with respect to the supply of public secondary and higher educational services.
<u>Existing Measures</u>	

<u>Sector</u>	Education services
<u>Sub-sector</u>	Education services other than primary education services
<u>Industry classification</u>	922, 923, 924, 929
Type of Reservation	National Treatment Prohibition of Performance Requirements
Description of Reservation	Australia reserves the right to adopt or maintain any measure with respect to the supply of educational services through commercial presence.
Existing Measures	

Sector	Financial services
Sub-sector	Insurance and insurance related services.
Industry classification	-
Type of reservation	Market Access National Treatment
Description of Reservation	<p>Australia reserves the right to adopt or maintain any measure with respect to cross border supply or consumption abroad of insurance intermediation, such as brokerage and agency.</p> <p>Australia reserves the right to adopt or maintain any measure with respect to cross border supply or consumption abroad of direct life and non-life insurance (including co-insurance), other than insurance of risks relating to maritime shipping, commercial aviation, space launching, freight (including satellites) and goods in international transit.</p>
Existing Measures	-

Sector	Financial services
Sub-sector	Banking and other financial services (excluding insurance)
Industry classification	-
Type of reservation	National treatment
Description of Reservation	Australia reserves the right to adopt or maintain any measure with respect to the guarantee by government of government-owned entities which may conduct financial operations.
Existing Measures	

Sector	Financial services
Sub-sector	Banking and other financial services (excluding insurance).
Industry classification	-
Type of reservation	Market Access National Treatment
Description of Reservation	Australia reserves the right to adopt or maintain any measure with respect to cross-border supply of banking and other financial services including intermediation, but not including the provision and transfer of financial information, financial data processing and related software by suppliers of other financial services, advisory and other auxiliary services.
Existing Measures	-

<u>Sector</u>	<u>Gambling and Betting</u>
<u>Sub-sector</u>	-
<u>Industry classification</u>	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Australia reserves the right to adopt or maintain any measure with respect to gambling and betting.
Existing Measures	<p>Legislation and ministerial statements including the <i>Interactive Gambling Act 2001</i> (Cth) .</p> <p><i>Casino Control Act 1988</i> (ACT)</p> <p><i>Betting (ACTTAB) Act 1964</i> (ACT)</p> <p><i>Interactive Gambling Act 1998</i> (ACT)</p> <p><i>Race and Sports Bookmaking Act 2001</i> (ACT)</p> <p><i>Gaming Machine Act 1987</i> (ACT)</p> <p><i>Pool Betting Act 1964</i> (ACT)</p> <p><i>Casino Control Act 1992</i> (NSW)</p> <p><i>Racing Administration Act 1998</i> (NSW)</p> <p><i>Lotteries and Art Unions Act 1901</i> (NSW)</p> <p><i>Totalizator Act 1987</i> (NSW)</p> <p><i>Gaming Machines Act 2001</i> (NSW)</p> <p><i>Public Lotteries Act 1996</i> (NSW)</p> <p><i>Greyhound and Harness Racing Administration Act 2004</i> (NSW)</p> <p><i>Thoroughbred Racing Act 1996</i> (NSW)</p> <p><i>Unlawful Gambling Act 1998</i> (NSW)</p> <p><i>TAB Queensland Limited Privatisation Act 1999</i> (QLD)</p> <p><i>Casino Control Act 1982</i> (QLD)</p> <p><i>Jupiters Casino Agreement Act 1983</i> (QLD)</p> <p><i>Racing Act 2002</i> (QLD)</p> <p><i>Brisbane Casino Agreement Act 1992</i> (Qld)</p> <p><i>Breakwater Island Casino Agreement Act 1984</i> (Qld)</p> <p><i>Lotteries Act 1997</i> (Qld)</p> <p><i>Casino Act 1997</i> (SA)</p> <p><i>Lottery and Gaming Act 1936</i> (SA)</p> <p><i>Independent Gambling Authority Act 2001</i> (SA)</p> <p><i>Gaming Machines Act 1992</i> (SA)</p> <p><i>State Lotteries Act 1966</i> (SA)</p> <p><i>Racing Act 1976</i> (SA)</p> <p><i>Authorised Betting Operations Act 2000</i> (SA)</p> <p><i>TAB (Disposal) Act 2000</i> (SA)</p> <p><i>Casino (Burswood Island) Agreement Act 1985</i> (WA)</p> <p><i>Racing and Wagering Western Australia Act 2003</i> (WA)</p> <p><i>Gaming and Wagering Commission Act 1987</i> (WA)</p> <p><i>Betting Control Act 1954</i> (WA)</p> <p><i>Casino Control Act 1984</i> (WA)</p>

	<p><i>Lotteries Commission Act 1990 (WA)</i> <i>Gaming Control Act (NT) & Regulations</i> <i>Gaming Machine Act (NT) & Regulations</i> <i>Racing and Betting Act (NT) & Regulations</i> <i>Totaliser Licensing and Regulation Act (NT) & Regulations</i> <i>Soccer Football Pools Act (NT)</i> <i>Gaming Control Act 1993 (Tas)</i> <i>Racing (Totalizator Betting) Act 1952 (Tas)</i> <i>TT-Line Gaming Act 1993 (Tas)</i> <i>Gambling Regulation Act 2003 (Vic)</i> <i>Racing Act 1958 (Vic)</i></p>
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<u>Sector</u>	<u>Maritime Transport</u>
<u>Sub-sector</u>	<u>Coastal shipping</u>
<u>Industry classification</u>	<u>7211, 7212</u>
<u>Type of Reservation</u>	<u>Market Access</u> <u>National Treatment</u> <u>Prohibition of Performance Requirements</u>
<u>Description of Reservation</u>	<p><u>Australia reserves the right to maintain or adopt any measure with respect to maritime cabotage services and offshore transport services.</u></p> <p><u>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.</u></p> <p><u>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.</u></p>
<u>Existing Measures</u>	<p><i>Navigation Act 1912 (Cth) supported by Migration Act 1958 (Cth), Customs Act 1901 (Cth), Workplace Relations Act 1996 (Cth), Seafarers' Compensation and Rehabilitation Act 1992 (Cth), Occupational Health and Safety (Maritime Industry) Act 1993 (Cth), Shipping Registration Act 1981 (Cth) and Income Tax Assessment Act 1936 (Cth)</i></p> <p><u>Currently, authorisation to carry coastal cargo is subject to compliance with relevant provision of the above legislation.</u></p>

<u>Sector</u>	<u>Transport</u>
<u>Sub-sector</u>	-
<u>Industry classification</u>	-
<u>Type of Reservation</u>	Market Access National Treatment
<u>Description of Reservation</u>	<u>Australia reserves the right to maintain or adopt any measure with respect to investment in federal leased airports.</u>
<u>Existing Measures</u>	<i><u>Airports Act 1996 (Cth)</u></i> <i><u>Airports (Ownership-Interests in Shares) Regulations 1996 (Cth)</u></i> <i><u>Airports Regulations 1997 (Cth)</u></i>

ANNEX 4-I(B)

SINGAPORE'S RESERVATIONS TO CHAPTER 7 (TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

Sector	All
Sub-Sector	-
Industry classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Insurance Act, Cap. 142, MAS Notice 149 Banking Act, Cap. 19, MAS Notice 757 Finance Companies Act, Cap. 108, MAS Notice 816 Monetary Authority of Singapore Act, Cap. 186, MAS Notice 1105 Securities and Futures Act 2001, Act 42 of 2001, MAS Notice 1201
Description of Reservation	<p>Financial institutions extending Singapore dollar (S\$) credit facilities exceeding S\$5 million per entity to non-resident financial entities or arranging S\$ equity or bond issues for non-residents, shall ensure that where the S\$ proceeds are to be used outside Singapore, they are swapped or converted into foreign currency upon draw-down or before remittance abroad.</p> <p>Financial institutions shall not extend S\$ credit facilities to non-resident financial entities if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.</p>

Sector	All
Sub-Sector	-
Industry Classification	-
Type of Reservation	<i>Market Access</i> National Treatment
Source of Measure	Administrative
<i>Description of Reservation</i>	<p>The aggregate of foreign shareholdings in PSA Corporation and/or its successor body shall be subject to a 49% limit.</p> <p>The “aggregate of foreign shareholdings” is defined as the total number of shares owned by:</p> <ul style="list-style-type: none"> (i) any individual who is not a Singapore citizen; (ii) any corporation which is not more than 50% owned by Singapore citizens or by the Singapore Government; and/or (iii) any other enterprise which is not owned or controlled by the Singapore Government.

Sector	All
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Administrative
Description of Reservation	<p>All individual investors, apart from the Singapore government, shall be subject to the following equity ownership limits in the enterprises, and/or its successor bodies, as listed below:</p> <p><u>Singapore Technologies Engineering - 15%</u></p> <p>PSA Corporation – 5%,</p> <p>Singapore Airlines – 5%</p> <p>Singapore Power, Power Grid, Power Supply, Power Gas – 10%</p> <p>For the purposes of this reservation, ownership of equity by an investor in these enterprises and/or its successor bodies includes both direct and indirect ownership of equity.</p>

Sector	All
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Business Registration Act, Cap. 32, 2001 Revised Edition Companies Act, Cap. 50, 1994 Revised Edition
Description of Reservation	<p>Only a service supplier who is a Singapore citizen, Singapore permanent resident or Singapore Employment Pass holder shall be allowed to register a business without appointing a local manager.</p> <p>A local manager shall be a Singapore citizen, Singapore permanent resident or Singapore Employment Pass holder.</p> <p>All locally incorporated companies shall comply with the following requirements:</p> <p>(i) at least 1 director of the company shall be resident in Singapore.</p> <p>(ii) all branches of foreign companies registered in Singapore shall have at least 2 agents resident in Singapore.</p> <p>To be resident in Singapore, a person shall be either a Singapore citizen or Singapore permanent resident or Singapore Employment Pass holder.</p>

Sector	Business Services
Sub-Sector	<p>Architectural Services</p> <p>Architectural services includes selling or supplying for gain or reward any architectural plan, drawing, tracing or the like for use in the construction, enlargement or alteration of any building or part thereof. It includes the certification and inspection of buildings for compliance with fire safety regulations.</p>
Industry Classification	-
Type of Reservation	<p>Market Access</p> <p>National Treatment</p>
Source of Measure	Architects Act, Cap.12, 2000 Revised Edition
Description of Reservation	<p>All corporations and partnerships (including those which are providing architectural services as part of a multi-disciplinary corporation or practice) providing architectural services shall obtain a licence from the Board of Architects (BOA) and/or its successor body. To qualify for the licence, the corporation or partnership shall:</p> <p>(i) be under the control and management of a director or partner who is a Singapore-registered architect; where a multi-disciplinary corporation or partnership is concerned, the business of the corporation or partnership relating to architectural services shall be under the control and management of a director or partner who is a Singapore-registered architect; and</p> <p>(ii) where limited corporations are concerned, the Chairman and at least two thirds of the directors of a corporation shall be Singapore-registered architects or allied professionals; where unlimited corporations are concerned, the directors or members shall be registered professional engineers or allied professionals; where partnerships are concerned, the beneficial interest in the capital assets and profits of the partnership shall be held by Singapore-registered architects or allied professionals.</p> <p>Allied professionals are Singapore-registered land surveyors and engineers.</p>

Sector	Business Services
Sub-Sector	Financial Auditing services
Industry Classification	CPC 86211 Financial auditing services
Type of Reservation	<i>Market Access</i> National Treatment
Source of Measure	Accountants Act, Cap. 2, 2001 Revised Edition
Description of Reservation	<p>Only service suppliers who are registered with the Institute of Certified Public Accountants of Singapore (ICPAS) and the Public Accountants Board (PAB) and/or their successor bodies and resident in Singapore shall be appointed as an approved company auditor.</p> <p>At least one of the partners of the firm shall be effectively resident in Singapore.</p>

Sector	Business Services
Sub-Sector	Other tax-related services
Industry Classification	CPC 86309 Other tax-related services
Type of Reservation	<i>Market Access</i> <i>National Treatment</i>
Source of Measure	Administrative
Description of Reservation	Public accountants shall be effectively resident in Singapore or at least one of the partners of the firm shall be effectively resident in Singapore. Only public accountants registered with the Public Accountants Board (PAB) and/or its successor body shall practise as tax consultants for local tax laws.

Sector	Business services
Sub-Sector	Collection agency services
Industry Classification	CPC 87902 Collection agency services
Type of Reservation	Market Access National Treatment
Source of Measure	Administrative
Description of Reservation	Only service suppliers designated by the relevant government bodies and which have local presence shall be allowed to supply collection agency services.

Sector	Business services
Sub-Sector	Non-financial intangible assets
Industry Classification	CPC 892 Non-financial intangible assets
Type of Reservation	Market Access National Treatment
Source of Measure	Administrative
Description of Reservation	Only service suppliers with local presence shall be allowed to set up and register royalty collection management entities.

Sector	Business Services
Sub-Sector	Land Surveying Services
Industry Classification	-
Type of Reservation	<i>Market Access</i> National Treatment
Source of Measure	Land Surveyors Act, Cap. 156, 1992 Revised Edition
Description of Reservation	<p>Only service suppliers who are registered with the Land Surveyors Board (LSB) and/or its successor body, resident in Singapore and have had practical experience in surveying in Singapore shall be allowed to provide land surveying services.</p> <p>All corporations and partnerships (including those which are providing land surveying services as part of a multi-disciplinary corporation or practice) providing land surveying services shall obtain a licence from the LSB. To qualify for the licence, the corporation or partnership shall:</p> <p>(i) be under the control and management of a director or partner who is a Singapore-registered surveyor resident in Singapore; where a multi-disciplinary corporation or partnership is concerned, the business of the corporation or partnership relating to land surveying services shall be under the control and management of a director or partner who is a Singapore-registered surveyor resident in Singapore;</p> <p>(ii) where limited corporations are concerned, all its directors shall be Singapore-registered surveyors or allied professionals and not less than two-thirds of each class of shares shall be beneficially owned by and registered in the names of registered surveyors and/or allied professionals; where unlimited corporations are concerned, the directors or members shall be registered professional engineers or allied professionals; where partnerships are concerned, only Singapore-registered surveyors and allied professionals shall have a beneficial interest in the capital assets and profits of the partnership.</p> <p>For limited, unlimited and multi-disciplinary corporations, the director who has control and management shall be the registered owner of at least one share of the corporation and shall also have a valid practising certificate.</p> <p>Allied professionals are Singapore-registered engineers and architects.</p>

Sector	Business services
Sub-Sector	Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator
Industry Classification	CPC 83101, 83102, 83105 Leasing or rental services concerning private cars, goods transport vehicles and other land transport equipment without operator
Type of Reservation	Market Access National Treatment
Source of Measure	Road Traffic Act, Cap. 276, 1994 Edition
Description of Reservation	The cross-border rental of private cars, goods transport vehicles and other land transport equipment without operator by Singapore residents with the intent to use the vehicles in Singapore is prohibited.

Sector	Business services
Sub-Sector	Mailing List compilation and mailing services
Industry Classification	CPC 87906 Mailing list compilation and mailing services
Type of Reservation	Market Access National Treatment
Source of Measure	Administrative
Description of Reservation	Commitments in mailing list compilation and mailing services shall be subject to the reservations in the postal service sector.

Sector	Business Services
Sub-Sector	Patent Agent Services
Industry Classification	-
Type of Reservation	<i>Market Access</i> National Treatment
Source of Measure	Patents Act, Cap. 221, 1995 Revised Edition
Description of Reservation	<p>Only service suppliers registered with the Intellectual Property Office of Singapore (IPOS) and/or its successor body and resident in Singapore shall be allowed to carry on a business, practise or act as a patent agent in Singapore.</p> <p>Only service suppliers which have at least one Singapore-registered patent agent resident in Singapore either as a director or partner, shall be allowed to carry on a business, practise or act as a patent agent in Singapore.</p>

Sector	Business services
Sub-Sector	Placement and supply services of personnel
Industry Classification	CPC 87204 Supply services of domestic help personnel
Type of Reservation	Market Access National Treatment
Source of Measure	Employment Agencies Act, Cap. 92
Description of Reservation	<p>Only service suppliers with local presence shall be allowed to set up employment agencies and place foreign workers in Singapore.</p> <p>These agencies are not the direct employer of foreign workers in Singapore. They serve as intermediaries to help source and supply foreign workers to employers of these workers. Thus, this reservation shall be read with the Annex 4-II(B) reservation relating to the supply of a service by a natural person.</p>

Sector	Business Services
Sub-Sector	<p>Professional Engineering services</p> <p>Professional engineering services includes any professional service, consultation, investigation, evaluation, planning, design or responsible supervision of construction or operation in connection with any public or privately owned public utilities, buildings, machines, equipment, processes, works or projects wherein the public interest and welfare, or the safeguarding of life, public health or property is concerned or involved, and that requires the application of engineering principles and data.</p>
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Professional Engineers Act, Cap. 253, 1992 Revised Edition
Description of Reservation	<p>The implementation in Singapore of engineering works which require approval by the authorities shall be carried out by a professional engineer physically present in Singapore for the duration when the project is being implemented.</p> <p>All corporations and partnerships (including those which are providing professional engineering services as part of a multi-disciplinary corporation or practice) providing professional engineering services shall obtain a licence from Professional Engineers Board and/or its successor body. To qualify for the licence, the corporation or partnership shall:</p> <p>(i) be under the control and management of a director or partner who is a Singapore-registered professional engineer and who has a valid practising certificate; where a multi-disciplinary corporation or partnership is concerned, the business of the corporation or partnership relating to professional engineering services shall be under the control and management of a director or partner who is a Singapore-registered professional engineer and who has a valid practising certificate; and</p> <p>(ii) where limited corporations are concerned, the Chairman and at least two thirds of the directors shall be Singapore-registered professional engineers or allied professionals; where unlimited corporations are concerned, the directors or members shall be registered professional engineers or allied professionals; where partnerships are concerned, the beneficial interest in the capital assets and profits of the partnerships shall be held by Singapore-registered professional engineers or allied professionals.</p>

Allied professionals are Singapore-registered land surveyors and architects.

Sector	Business Services
Sub-Sector	Real Estate Services
Industry Classification	CPC 82202 Non-residential property management services on a fee or contract basis
Type of Reservation	Market Access National Treatment
Source of Measure	Sentosa Development Corporation Revised Edition 1998 (30 th May 1998)
Description of Reservation	Only the Sentosa Development Corporation and/or its successor body shall be allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore.

Sector	Business Services
Sub-Sector	Technical testing and analysis services
Industry Classification	CPC 86769 Other technical testing and analysis services
Type of Reservation	Market Access National Treatment
Source of Measure	Agri-Food and Veterinary Authority Act, Cap. 5, 2001 Revised Edition Animals and Birds Act, Cap. 7, 1985 Revised Edition Control of Plants Act, Cap. 57A, 2000 Revised Edition
Description of Reservation	<p>Only service suppliers with local presence shall be allowed to provide testing, analytical and certification services on animals, plants, and products derived from animals and plants which are physically present in Singapore, including but not limited to, where such items are intended for import, export and import for the purposes of re-export.</p> <p>Singapore reserves the right and flexibility to modify and/or increase the items as defined and/or listed in the Animals and Birds Act and the Control of Plants Act.</p>

Sector	Business services
Sub-Sector	Testing and analysis services of automobiles
Industry Classification	CPC 86763 Testing and analysis services of automobiles
Type of Reservation	Market Access National Treatment
Source of Measure	Road Traffic Act, Cap. 276, 1994 Edition
Description of Reservation	Only service suppliers with local presence shall be allowed to supply testing and analysis services of automobiles.

Sector	Business services
Sub-Sector	Private Investigation Services Unarmed Guard Services
Industry Classification	CPC 87301 Investigation Services CPC 87302 Security Consultation Services CPC 87305 Guard Services (only applies to unarmed security guard services)
Type of Reservation	Market Access National Treatment
Source of Measure	Private Investigation and Security Agencies Act, Cap. 249, 1985 Revised Edition
Description of Reservation	<p>Foreigners are permitted to set up legal persons to provide unarmed guards for hire but must register a company with local participation. At least two of the directors must be a Singapore citizen or Singapore permanent resident.</p> <p>Foreigners shall not be allowed to work as guards, but can be involved in the administration of the company.</p> <p>The foreign directors shall produce a certificate of no criminal conviction from their country of origin or a statutory declaration before a local commissioner of oaths.</p> <p>All service suppliers providing unarmed guard services shall be precluded from escorting cash-in transit operations of S\$250,000 and above.</p> <p>Private investigators do not have police powers of seizure, search or arrest.</p>

Sector	Business - Professional Services (Legal Services)
Sub-Sector	Supply of legal services in Australian law, international law and/or third country law by Australian law firms and Australian lawyers (but excluding activities of representatives offices of Australian law firms and Australian lawyers; and the supply of legal services in Australian law, international law and third country law by Australian law firms and Australian lawyers engaged in joint law ventures, formal law alliances or any other informal or strategic alliances or any newly-created entities with Singapore law firms as defined and provided under Singapore law)
Industry Classification	-
Type of Reservation	Market Access National Treatment
Description of Reservation	<p>(1) Australian law firms shall apply for registration as foreign law firms (as defined under Singapore law) for their practice of Australian law, international law and third country law with offices in Singapore, and upon registration, they can employ :</p> <p>(i) qualified foreign lawyers (as defined under Singapore law) of any nationality to practise Australian law, international law and/or third country law;</p> <p>(ii) Singapore lawyers (as defined under Singapore law) to practise only Australian law, international law and/or third country law but not Singapore law; and</p> <p>(iii) non-legally trained local staff in their Singapore offices.</p> <p>(2) Australian lawyers shall apply for registration as foreign lawyers for their practice of Australian law, international law and/or third country law with physical presence in Singapore in order to work in foreign law firms (either from Australia or any other jurisdiction) in Singapore.</p> <p>(3) Australian lawyers who are registered as foreign lawyers for practice of Australian law, international law and/or third country law with local presence in Singapore and are working in foreign law firm (either from Australia or any other jurisdiction) in Singapore shall be allowed to prepare and appear in international commercial arbitration proceedings in Singapore; except that, where the applicable law in the case of any arbitration proceedings is the law of Singapore, the Australian lawyer concerned shall appear in the proceedings jointly with a Singapore advocate and solicitor who has in force a practising certificate or with a legal officer of the Singapore Legal Service as defined under Singapore law.</p>

Source of Measure	(1) Legal Profession Act, Cap. 161 (2001 Revised Edition) (2) Legal Profession (International Services) Rules (2002 Revised Edition) (3) Notice to Foreign Law Firms and Foreign Lawyers dated 5 May 2000
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Sector	Communication Services
Sub-Sector	Production, distribution and public display of sound recordings
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Administrative
Description of Reservation	Commitments in production, distribution and public display of sound recordings shall not include all the broadcasting and audiovisual services and materials that are broadcasting-related. Examples of services that are not included are: free-to-air broadcasting, cable and pay television, direct broadcasting by satellite and teletext.

Sector	Education Services
Sub-Sector	Higher Education Services in relation to the training of doctors
Industry Classification	CPC 92390 Other Higher Education Services (Only applies to Higher Education Services in relation to the training of doctors)
Type of reservation	<i>Market Access</i> National Treatment
Source of Measures	Administrative
Description of Reservation	Only local tertiary institutions shall be allowed to operate undergraduate or graduate programmes for the training of doctors. Local tertiary institutions are tertiary institutions which are established pursuant to an Act of Parliament.

Sector	Financial Services
Sub-Sector	Banking
Industry Classification	CPC 811 Financial Intermediation Services, except insurance and pension fund services
Type of Reservation	Market Access National Treatment
Source of Measure	Banking Act, Cap. 19 MAS Notice 619 Guidelines for Operation of Wholesale Banks, Guidelines for Operation of Offshore Banks
Description of Reservation	<p><u>Foreign banks may only establish as Singapore branch offices of a corporation or Singapore-incorporated companies.</u></p> <p><u>Wholesale Banks</u></p> <p><u>Wholesale banks are not permitted to:</u></p> <ol style="list-style-type: none"> a) accept Singapore dollar fixed deposits of less than S\$250,000; b) offer savings accounts; c) operate interest-bearing Singapore dollar current accounts for natural persons who are Singapore residents; d) issue Singapore dollar bonds and negotiable certificates of deposit, unless the requirements pertaining to minimum maturity period, minimum denomination or class of investors contained in the Guidelines for Operation of Wholesale Banks issued by the Monetary Authority of Singapore and/or its successor body are complied with. <p>Only a maximum of 20 new Wholesale Bank licenses will be granted by the Monetary Authority of Singapore and/or its successor body between 30 June 2001 and 30 June 2003.</p> <p><u>Offshore banks</u></p> <p><u>Offshore banks are not permitted to:</u></p> <ol style="list-style-type: none"> a) provide credit facilities to non-bank residents of Singapore in Singapore dollars exceeding a total of S\$500 million at any one time; b) offer savings account; c) accept any fixed or other interest-bearing deposits in Singapore dollars from non-bank residents of Singapore; d) operate current accounts for non-bank residents unless the accounts are offered: <ol style="list-style-type: none"> i. in connection with credit facilities granted to, or other business dealings with the

customer; or

ii. to customers of the bank's head office;

- e) operate interest-bearing Singapore dollar current accounts for natural persons who are Singapore residents;
- f) accept Singapore dollar fixed deposits of less than S\$250,000 from non-bank non-residents;
- g) issue Singapore dollar bonds and negotiable certificates of deposit, unless the requirements pertaining to minimum maturity period, minimum denomination or class of investors contained in the Guidelines for Operation of Offshore Banks issued by the Monetary Authority of Singapore and/or its successor body are complied with.

Sector	Financial Services
Sub-Sector	Banking
Industrial Classification	CPC 811 Financial Intermediation Services, except insurance and pension fund services
Type of Reservation	Market Access National Treatment
Source of Measure	Finance Companies Act, Cap. 108
Description of Reservation	<p>No new finance company licenses will be granted.</p> <p>Finance companies may only establish as Singapore-incorporated companies.</p> <p>Finance companies are not permitted to establish off-premise ATMs, ATM networking or allow their accounts to be debited through an Electronic Funds Transfer at Point of Sale (EFTPOS).</p>

Sector	Financial Services
Sub-Sector	Banking
Industrial Classification	CPC 8111 Services of Monetary Intermediaries
Type of Reservation	Market Access
Source of Measure	Banking Act, Cap. 19 Monetary Authority of Singapore Act, Cap. 186 Guidelines for Operation of “Merchant” Banks
Description of Reservation	Merchant banks may only establish as Singapore branch offices of a corporation or Singapore-incorporated companies. No merchant bank may establish more than one office (excluding back-office operations).

Sector	Financial Services
Sub-Sector	Banking
Industry Classification	CPC 811 Financial Intermediation Services, except insurance and pension fund services
Type of Reservation	Market Access National Treatment
Source of Measure	Banking Act, Cap. 19 Monetary Authority of Singapore Act, Cap. 186 MAS Notice No. 622
Description of Reservation	<p>No foreign shareholder shall, acting alone or in concert with other shareholders, assume control of any Singapore-incorporated bank or a company belonging to a class of financial institutions approved as financial holding companies under section 28 of the Monetary Authority of Singapore Act (“referred to as financial holding company”).</p> <p>A majority of the directors of a bank incorporated in Singapore must be either Singapore citizens or Singapore permanent residents.</p> <p>Approval from the Minister is required before a person, either alone or together with associated persons, is allowed to acquire 5%, 12% or 20% shareholdings in a Singapore-incorporated bank or a financial holding company, and before a Singapore-incorporated bank or a financial holding company is merged or taken over by any other body.</p> <p>In approving applications to exceed the threshold limits, the Minister may impose conditions that are considered necessary to prevent undue control, protect public interests, and ensure the integrity of the financial system.</p> <p>A foreign shareholder is a person that is:</p> <p>(a) in the case of a natural person, not a citizen of Singapore; and</p> <p>(b) in the case of a corporation, not controlled by citizens of Singapore.</p>

Sector	Financial Services
Sub-Sector	Settlement and clearing services for financial assets
Industry Classification	CPC 813 Services auxiliary to financial intermediation other than to insurance and pension funding
Type of Reservation	Market Access National Treatment
Source of Measure	Banking Act, Cap. 19
Description of Reservation	Only a clearing house established under the Banking Act may provide clearing services for cheques and other credit instruments which are drawn on a bank in Singapore (whether payable in Singapore dollars or other currency), and services for interbank GIRO transfers.

Sector	Financial Services
Sub-Sector	-
Industry Classification	CPC 8131 Services related to the administrative of financial markets CPC 8132 Services related to securities markets
Type of Reservation	Market Access National Treatment
Source of Measure	Securities and Futures Act 2001, Act 42 of 2001
Description of Reservation	The establishment or operation of securities and futures markets as exchanges, exempt exchanges or recognized trading system providers, is subject to the authorization, including the imposition of conditions for authorization, by the Monetary Authority of Singapore and/or its successor body.

Sector	Financial Services
Sub-Sector	Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise; participation in all kinds of securities, including underwriting and placement as agent and provision of service related to such issues
Industry Classification	CPC 8132 Services related to securities markets
Type of Reservation	Market Access
Source of Measure	Banking Act, Cap. 19
Description of Reservation	Banks and merchant banks are required to establish separate subsidiaries to trade financial futures for customers.

Sector	Financial Services
Sub-Sector	Asset management
Industry Classification	CPC 8132 Services related to securities market
Type of Reservation	Market Access National Treatment
Source of Measure	Admission Criteria, Guidelines and Application Forms for Fund Management and Insurance Companies included under CPFIS
Description of Reservation	<p>In considering the admission of Fund Management Companies (FMCs) under the Central Provident Fund Investment Scheme (CPFIS), the Central Provident Fund Board and/or its successor body takes into consideration the following factors:</p> <ul style="list-style-type: none"> (a) whether the FMC has a minimum one-year track record as a capital markets services license holder under the Securities and Futures Act 2001 (or its equivalent under the Securities Industry Act) in the fund management industry in Singapore while the group as a whole has a minimum of 3 years track record in fund management; (b) whether the FMC manages at least S\$500 million worth of funds in Singapore; (c) whether the FMC has a minimum of 3 fund managers, two of whom must have at least 5 years of fund management experience; (d) whether the FMC is able to show evidence of its commitment to grow in its Singapore operations; (e) whether the FMC demonstrates a commitment to contribute to the future development of the fund management industry in Singapore, such as the transfer of fund management and other related skills to personnel employed locally and in investor education.

Sector	Financial Services
Sub-Sector	Participation in all kinds of securities, including underwriting and placement as agent and provision of service related to such issues
Industry Classification	CPC 8132 Services related to securities markets
Type of Reservation	Market Access National Treatment
Source of Measure	Banking Act, Cap. 19
Description of Reservation	Banks' and merchant banks' membership on any securities exchange or futures exchange established in Singapore must be held through subsidiaries.

Sector	Financial Services
Sub-Sector	Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services
Industry Classification	CPC 9119 Other financial intermediation services, other than insurance and pension fund services CPC 8131 Services related to the administration of financial markets] CPC 8132 Services related to securities markets
Type of Reservation	Market Access National Treatment
Source of Measure	Companies Act, Cap. 50
Description of Reservation	Only the Central Depository Pte Ltd and/or its successor body is authorised to provide custodial services for book-entry securities.

Sector	Financial Services
Sub-Sector	Securities
Industry classification	CPC 8132 Services related to securities markets
Type of Reservation	Market Access National Treatment
Source of Measure	Securities and Futures Act 2001, Act 42 of 2001
Description of Reservation	Holders of a capital markets services licence may only establish as Singapore-incorporated companies or Singapore branch offices of a corporation.

Sector	Financial Services
Sub-Sector	Payment and non-money transmission services
Industry Classification	CPC 811 Financial Intermediation Services, except insurance and pension fund services
Type of Reservation	Market Access National Treatment
Source of Measure	Money-Changing and Remittance Businesses Act, Cap. 187
Description of Reservation	Remittance shops and money-changing businesses, except where the remittance or money-changing business is conducted by banks, merchant banks and finance companies, must be majority-owned by Singapore citizens (i.e. ownership of more than 50% shareholding).

Sector	Financial Services
Sub-Sector	Insurance
Industry Classification	CPC 812 Insurance (including reinsurance) and pension fund services except compulsory social security services
Type of Reservation	Market Access National Treatment
Source of Measure	Admission Criteria, Guidelines and Application Forms for Fund Management and Insurance Companies included under CPFIS
Description of Reservation	<p>In considering the admission of insurers under the Central Provident Fund Investment Scheme (CPFIS), the Board takes into consideration the following factors:</p> <p>a) whether the insurer is registered under the Insurance Act to carry on life insurance business;</p> <p>b) whether the insurer has a minimum one-year track record as a registered insurer in Singapore;</p> <p>c) whether the insurer employs a minimum of three fund management staff, two of whom have at least five years of fund management experience. The third may only have two years of fund management experience if he or she:</p> <ul style="list-style-type: none"> i) is a fully qualified Chartered Financial Analyst (CFA), or ii) is an Associate of the Society of Actuaries, or iii) holds a Certificate in Finance and Investments from the Institute of Actuaries, or iv) holds an equivalent qualification from any of the professional actuarial bodies recognised in Singapore; <p>d) whether the insurer and its related group of companies have a sound financial position;</p> <p>e) whether the insurer and its related group of companies have a good regulatory compliance record in Singapore and in other countries where they operate;</p> <p>f) whether the insurer is able to show evidence of its commitment to grow its Singapore operations in areas such as:</p> <ul style="list-style-type: none"> i) the amount of funds managed; ii) range of products offered. <p>g) whether the insurer demonstrates a commitment to contribute to the future development of the insurance industry in Singapore eg. in the transfer of insurance, fund management and other related skills to personnel employed locally and in investor education.</p>

Note: The above listed is the basic criteria for insurers to be included under CPFIS. The Board, in consultation with MAS, may consider an applicant for admission, on case by case basis, if the applicant does not meet a specific criterion but has other strengths. Insurers that pass the qualifying criteria stated above will be allowed to offer new investment-linked insurance products (ILPs) and manage ILP sub-funds.

Sector	Financial Services
Sub-Sector	Insurance
Industry Classification	CPC 81 Services auxiliary to insurance
Type of Reservation	Market Access National Treatment
Source of Measure	Insurance Act, Cap. 142
Description of Reservation	All insurance (including reinsurance) brokers must be established as Singapore-incorporated companies.

Sector	Financial Services
Sub-Sector	Insurance
Industry Classification	CPC 812 Insurance (including reinsurance) and pension fund services except compulsory social security services
Type of Reservation	Market Access National Treatment
Source of Measure	Insurance Act, Cap. 142
Description of Reservation	<p>Direct life insurers may only establish as Singapore-incorporated companies. Reinsurers and non-life direct insurers may only establish as Singapore-incorporated companies or Singapore branch offices of a corporation.</p> <p>Captive insurers may only establish as Singapore-incorporated companies.</p>

Sector	Financial Services
Sub-Sector	Insurance
Industry Classification	CPC 812 Insurance (including reinsurance) and pension fund services except compulsory social security services
Type of Reservation	Market Access National Treatment
Source of Measure	Motor Vehicles (Third Party Risks and Compensation) Act, Cap. 189 Workmen's Compensation Act, Cap. 354
Description of Reservation	Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can only be purchased directly or through an intermediary from registered insurers in Singapore.

Sector	Health and Social Services
Sub-Sector	Contact Lens Practitioners
Industry Classification	-
Type of Reservation	<i>Market Access</i> National Treatment
Source of Measure	Contact Lens Practitioner Act, Cap. 53A, 1996 Revised Edition
Description of Reservation	<i>Only service suppliers who are resident in Singapore shall be allowed to be Contact Lens Practitioners.</i>

Sector	Health and Social Services
Sub-Sector	Deliveries and related services, nursing services, physiotherapeutic and para-medical services (only for nursing and midwifery services)
Industry Classification	CPC 93191 Deliveries and related services, nursing services, physiotherapeutic and para-medical services (Only applies to nursing and midwifery services)
Type of Reservation	<i>Market Access</i> National Treatment
Source of Measure	Nurses and Midwives Act, Cap. 209, 2000 Revised Edition
Description of Reservation	Only service suppliers who are registered with the Singapore Nursing Board and/or its successor body and resident in Singapore shall be allowed to supply nursing and midwifery services.

Sector	Health and Social Services
Sub-Sector	Medical Services
Industry Classification	CPC 9312 Medical Services
Type of Reservation	<i>Market Access</i> National Treatment
Source of Measure	Medical Registration Act, Cap. 174, 1998 Revised Edition
Description of Reservation	<p>Only service suppliers who are registered with the Singapore Medical Council and/or its successor body and resident in Singapore shall be allowed to supply medical services.</p> <p>This reservation shall be read in conjunction with the Annex 4-II(B) reservation on the limit on the number of doctors who can practise in Singapore.</p>

Sector	Health and Social Services
Sub-Sector	Pharmacy Services
Industry Classification	-
Type of Reservation	<i>Market Access</i> National Treatment
Source of Measure	Pharmacists Registration Act, Cap. 230, 1985 Revised Edition Medicines Act, 1985 Revised Edition
Description of Reservation	<p>Only service suppliers who are registered with the Singapore Pharmacy Board and/or its successor body and resident in Singapore shall be allowed to supply pharmacy services.</p> <p>This reservation shall be read in conjunction with the Annex 4-II(B) reservation relating to the limit on the number of pharmacists who can practise in Singapore.</p> <p>Only Singapore-registered pharmacists (apart from medical professionals) shall be able to do the following: prepare, dispense, assemble or sell medicinal products as defined under the Medicines Act.</p> <p>Singapore reserves the right and flexibility to modify and/or increase the list of products as defined and/or listed in the Medicines Act.</p>

Sector	Import, export and trading services
Sub-Sector	-
Industry Classification	-
Type of Reservation	<i>Market Access</i> National Treatment
Source of Measure	Regulation of Imports and Exports Act, Cap. 272 A, 1996 Revised Edition
Description of Reservation	Only services suppliers with local presence shall be allowed to apply for import/export permits, certificates of origin or other trade documents from the relevant authorities.

Sector	Post and Telecommunications Services
Sub-Sector	Postal Services
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Source of Measure	Postal Services Act, Cap. 237A
Description of Reservation	<p>(i) Only Singapore Post Pte Ltd is allowed to convey letters and postcards and perform all incidental services of receiving, collecting, sending, dispatching and delivering of letters and postcards.</p> <p>A letter is defined as any written or printed communication in the nature of current and personal correspondence. Current correspondence refers to daily correspondence between individuals and organisations, while personal correspondence refers to any correspondence that is addressed to any person, company or organisation by name or designation. A postcard means a card recognised as a postcard in accordance with the terms of the Convention regulating the affairs of the Universal Postal Union.</p> <p>(ii) Paragraph (i) of this reservation does not apply to express letter services, which is defined as a local, or an international express letter service or both. This service is administered under the Telecommunications (Class License for Postal Services) Regulations 1997.</p> <p>Local express letters must be delivered and received in the same working day and charges must be more than S\$1 per item or 3 times Singapore Post's postage for a 20 gram non-express letter, whichever is higher.</p> <p>An outgoing international express letter must be delivered faster than Singapore Post's published delivery standards for outgoing (non-express) airmail letters and must have a price which is at least 3 times higher than Singapore Post's non-express rate for a 20 gram airmail letter to the same country of destination.</p> <p>Incoming international express letters must be delivered within the same working day.</p> <p>(iii) Service suppliers providing express letter services must have a local presence in Singapore.</p>



Sector	Telecommunications Services
Sub-Sector	Telecommunication Services
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Info-communications Development Authority of Singapore Act, Cap. 137A Telecommunications Act, Cap. 323
Description of Reservation	Facilities-based operators and service-based operators must be locally incorporated under the Companies Act, Cap. 50, 1994 Revised Edition.

Sector	Telecommunications Services
Sub-Sector	Telecommunications Services Domain name allocation policies in Internet country code top level domains (ccTLDs) corresponding to Singapore territories (.sg)
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Info-communications Development Authority of Singapore Act, Cap. 137A Telecommunications Act (Cap. 323) The Internet Corporation for Assigned Names and Numbers (ICANN), which recognises the ultimate authority of sovereign Governments over ccTLDs corresponding to their territories.
Description of Reservation	Registrars for the .sg domain name must be locally incorporated under the Companies Act, Cap. 50, 1994 Revised Edition.

Sector	Power supply
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Electricity Act, Cap. 89A, 2002 Revised Edition
Description of Reservation	<p>Power producers, whether or not foreign-owned and whether located within or outside Singapore, shall only sell power through the Singapore electricity wholesale market and shall not be allowed to sell directly to consumers.</p> <p>The amount of power supplied cumulatively by power producers located outside of Singapore to Singapore's wholesale power market shall not exceed 600 MW.</p> <p>Singapore reserves the right and flexibility to revise and/or reduce the power supply threshold of 600MW.</p>

Sector	Power supply
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Electricity Act, Cap. 89A, 2002 Revised Edition
Description of Reservation	<p>Only Power Supply Ltd and/or its successor body shall be allowed to supply electricity to:</p> <p>(i) all household consumers of electricity; and</p> <p>(ii) non-household consumers of electricity whose maximum demand is below 5 MW.</p>

Sector	Power transmission and distribution
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Electricity Act, Cap. 89A, 2002 Revised Edition
Description of Reservation	<p>Only Power Grid Ltd and/or its successor body shall be the transmission licensee as defined in the Electricity Act.</p> <p>Power Grid Ltd and/or its successor body shall be the sole owner and operator of the electricity transmission and distribution network in Singapore.</p>

Sector	Private households with employed persons
Sub-Sector	Private households with employed persons
Industry Classification	CPC 980 Private households with employed persons
Type of Reservation	Market Access National Treatment
Source of Measure	Circular No: URA/PB/2001/20-PPD Technopreneur Home Office Scheme
Description of Reservation	Only service suppliers who qualify under the home office schemes shall be allowed to set up businesses in their homes. As set out in Circular No: URA/PB/2001/20-PPD, home office businesses are only allowed on limited sites which are zoned “Commercial & Residential” and “Residential with Commercial on First Storey Only”.

Sector	Tourism and Travel Related services
Sub-Sector	Beverage serving services for consumption on the premises Meal serving services in eating facilities run by the government Retail sales of foods
Industry Classification	CPC 643 Beverage serving services for consumption on the premises. CPC 642 Food serving services CPC 6310 Retail sales of food
Type of Reservation	Market Access National Treatment
Source of Measure	Environmental Public Health Act, Cap. 95, 1999 Revised Edition
Description of Reservation	Only a Singapore citizen or permanent resident can apply for a licence to operate a food establishment in places such as hawker centres, restaurants and cafes, in their personal capacity.

Sector	Trade services
Sub-Sector	Distribution and Sale of Hazardous Substances
Industry Classification	-
Type of Reservation	<i>Market Access</i> National Treatment
Source of Measure	Environmental Pollution Control Act, Cap. 94A, 2000 Revised Edition
Description of Reservation	<p>Only service suppliers with local presence shall be allowed to distribute and sell hazardous substances as defined in the Environmental Pollution Control Act.</p> <p>Singapore reserves the right and flexibility to modify and/or increase the list of hazardous substances as defined and/or listed in the Environmental Pollution Control Act.</p>

Sector	Trade services
Sub-Sector	Distribution Services Retailing Services Wholesale Trade Services
Industry Classification	-
Type of Reservation	<i>Market Access</i> National Treatment
Source of Measure	Medicines Act, Cap. 176, 1985 Revised Edition
Description of Reservation	<p>Only service suppliers who appoint a local agent shall be allowed to supply wholesale, retail and distribution services for medical and health-related products and materials as defined under the Medicines Act, intended for purposes such as treating, alleviating, preventing or diagnosing any medical condition, disease or injury, as well as any other such items that may have an impact on the health and well-being of the human body.</p> <p>Singapore reserves the right and flexibility to modify and/or increase the list of medical and health-related products and materials as defined and/or listed in the Medicines Act.</p>

Sector	Transport Services
Sub-Sector	Air Transport Services - Ground Handling Services (including but not limited to cargo handling services)
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Civil Aviation Authority of Singapore Act, Cap. 41, 1985 Revised Edition
Description of Reservation	Only Singapore Airport Terminal Services (SATS) and Changi International Airport Services (CIAS) and/or their respective successor bodies shall be allowed to provide ground handling services, including but not limited to cargo handling services at airports.

Sector	Transport Services
Sub-Sector	Air Transport Services - Passengers Transportation by Air Freight Transportation by Air
Industry Classification	CPC 731 Passenger Transportation by Air CPC 732 Freight Transportation by Air
Type of Reservation	Market Access National Treatment
Source of Measure	-
Description of Reservation	<p><i>Service suppliers providing air transport services (for both passenger and freight) as a Singapore designated airline shall have to comply with the “effective control” and/or “substantial ownership” requirements of Singapore’s bilateral and multilateral air services agreements.</i></p> <p>Compliance with the requirements of these agreements may require these service suppliers to comply with conditions on effective control and limits on the foreign ownership as stipulated in Singapore’s bilateral and multilateral air services agreements.</p>

Sector	Transport services
Sub-Sector	Maintenance and repair of transport equipment and related manufacturing activities
Industry Classification	CPC 61120 Maintenance and repair services of motor vehicles CPC 88** Maintenance and repair services of parts of motor vehicles
Type of Reservation	Market Access National Treatment
Source of Measure	Administrative
Description of Reservation	Only service suppliers with local presence shall be allowed to supply maintenance and repair services of transport equipment and related manufacturing activities.

Sector	Transport Services
Sub-Sector	Air transport services
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Source of Measure	-
Description of Reservation	Only the Civil Aviation Authority of Singapore (CAAS) and/or its successor body shall be allowed to provide rescue and firefighting services at all civil and military airports in Singapore.

Sector	Transport Services
Sub-Sector	Maritime Transport Services Cargo Handling Services Pilotage Services Supply of Desalinated Water to Ships berthed at Singapore ports or in Singapore territorial waters
Industry Classification	CPC 741 Cargo Handling Services CPC 74520 Pilotage and Berthing Services (only applies to Pilotage Services) Supply of Desalinated Water to Ships berthed at Singapore ports or in Singapore territorial waters
Type of Reservation	Market Access National Treatment
Source of Measure	Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Revised Edition
Description of Reservation	Only PSA Corporation Ltd and Jurong Port Pte Ltd and/or their respective successor bodies shall be allowed to provide cargo handling services. Only PSA Marine (Pte) Ltd and/or its successor body shall be allowed to provide pilotage services and supply desalinated water to ships berthed at Singapore ports or in Singapore territorial waters.

Sector	Transport Services
Sub-Sector	Maritime Transport Services
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Revised Edition
Description of Reservation	<p>Only local service suppliers shall be allowed to operate and manage cruise and ferry terminals.</p> <p><i>Local service suppliers are either Singapore citizens or legal persons which are more than 50% owned by Singapore citizens.</i></p>

Sector	Transport Services
Sub-Sector	Maritime Transport Services
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Merchant Shipping Act, Cap. 179, 1996 Revised Edition
Description of Reservation	<p>Only a Singapore citizen or permanent resident or Singapore legal person shall be allowed to register a ship under the Singapore flag.</p> <p>To register a ship in Singapore, the company shall have a paid-up capital of a minimum of S\$50,000 or at least 10% of the value of the first vessel registered under its ownership whichever is higher. Its holding company, if any, shall also have the same amount of paid-up capital.</p> <p>All Singapore legal persons seeking to register ships under the Singapore flag shall appoint a ship manager who is resident in Singapore.</p> <p>Vessels or ships owned by Singapore legal persons that are not majority owned by Singapore citizens or Singapore permanent residents shall be of at least 1,600 Gross Tonnage and be self-propelled before they can be registered under the Singapore flag.</p> <p>For the purposes of this reservation, a Singapore legal person is a locally incorporated company.</p>

Sector	Transport Services
Sub-Sector	Maritime Transport Services
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Revised Edition Maritime and Port Authority of Singapore (Registration and Employment of Seamen) Regulations
Description of Reservation	Only Singapore citizens and permanent residents can register as Singapore seamen as defined in the Maritime and Port Authority of Singapore Act.

Sector	Production, retail, transportation and distribution of manufactured gas and natural gas (piped gas)
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	Gas Act, Cap. 116A
Description of Reservation	<p>Only City Gas Ltd and/or its successor body shall be allowed to produce and retail manufactured gas.</p> <p>Only Power Gas Ltd and/or its successor body shall be allowed to transport and distribute manufactured and natural gas (piped gas).</p> <p>Power Gas Ltd and/or its successor body shall be the sole owner and operator of the gas pipeline in Singapore.</p>

Sector	Transport Services
Sub-Sector	Transportation services via pipeline
Industry Classification	Transportation of goods via pipeline of goods such as chemical and petroleum products and petroleum, and other related products
Type of Reservation	Market Access National Treatment
Source of Measure	Administrative
Description of Reservation	<p>Only service suppliers with local presence shall be allowed to provide transportation services via pipeline of goods such as chemical and petroleum products and petroleum, and other related products.</p> <p>Singapore reserves the right and flexibility to modify and/or increase the list of the chemical and petroleum products, and other related products that are subject to this reservation.</p>

ANNEX 4-II(B)

SINGAPORE'S RESERVATIONS TO CHAPTER 7 (TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

Sector	All
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment
Description of Reservation	Singapore 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 the Chapter 11 (Movement of Business Persons).
Existing Measures	-

Sector	All
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<u>Singapore reserves the right to maintain or adopt any measure affecting the supply of health services by government-owned or controlled healthcare institutions, such as hospitals and polyclinics, including investments in these institutions, hospitals and polyclinics.</u>
Existing Measures	-

Sector	All
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<u>Singapore reserves the right to maintain or adopt any measure affecting the supply of social security, public training, public law enforcement, ambulance services, correctional services and firefighting services.</u>
Existing Measures	-

Sector	Urban and Land Planning and Development
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the type of activities which may be conducted on land or the usage of land, including but not limited to, its land zoning, land use and urban planning policies.
Existing Measures	-

Sector	All
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting, including but not limited to, the alienation and divestment of real estate owned by the State.
Existing Measures	State Lands Act, Cap. 314, 1996 Revised Edition

Sector	All
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<p><u>Singapore reserves the right to maintain or adopt any measure affecting:</u></p> <p>a) the full or partial devolvement to the private sector of services provided in the exercise of governmental authority;</p> <p>b) the divestment of its equity interests in, and/or the assets of, an enterprise that is wholly owned by the Singapore government; and</p> <p>c) the divestment of its equity interests in, and/or the assets of, an enterprise that is partially owned by the Singapore government.</p>
Existing Measures	-

Sector	Administration and operation of national electronic systems
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the administration and operation of any national electronic system which contains proprietary information of the government or information gathered pursuant to regulatory functions and powers. Such measures apply to existing national electronic systems like TradeNet and Marinet and any other national electronic systems that may be established in the future.
Existing Measures	-

Sector	Arms and explosives
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the arms and explosives sector. The manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives are regulated for protection of vital security interests.
Existing Measures	Arms and Explosives Act, Cap. 13, Revised Edition 1985

Sector	<p>Broadcasting Services</p> <p>Broadcasting services refers to the scheduling of a series of literary and artistic works by a content provider for aural and/or visual reception, and for which the content consumer has no choice over the scheduling of the series.</p>
Sub-Sector	-
Industry Classification	-
Type of Reservation	<p>Market Access</p> <p>National Treatment</p> <p>Prohibition of Performance Requirements</p>
Description of Reservation	<p>Singapore reserves the right to maintain or adopt any measure affecting broadcasting services receivable by Singapore's domestic audience and to the allocation of spectrum in relation to broadcasting services.</p> <p>This reservation does not apply to the sole activity of transmitting licensed broadcasting services to a final consumer.</p>
Existing Measures	-

Sector	Broadcasting, entertainment and cultural services
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<p><u>Singapore reserves the right to maintain or adopt any measure relating to:</u></p> <ul style="list-style-type: none"> - the creative arts, cultural heritage and other cultural industries, including entertainment services and other cultural services; “Creative arts” include: the performing arts – including theatre, dance and music – visual arts and craft, literature, film, television, video, radio, creative on-line, indigenous traditional practice and contemporary cultural expression, and digital interactive media and hybrid arts work which uses new technologies to transcend discrete artform divisions. “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. - broadcasting services, including measures relating to planning, licensing and spectrum management, and including services offered in Singapore and international services originating from Singapore.
Existing Measures	-

Sector	Business Services
Sub-Sector	Credit Reporting Services
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to adopt or maintain any measure affecting the supply of credit reporting services.
Existing Measures	-

Sector	Business Services
Sub-Sector	Patent Agent Services
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the recognition of educational and professional qualifications for purposes such as admission, registration and qualification for patent agents.
Existing Measures	Patents Act, Cap. 221, 1995 Revised Edition

Sector	Business Services
Sub-Sector	Real Estate Services (does not apply to real estate consultancy services, real estate agency services, real estate auction services and real estate valuation services)
Industry Classification	CPC 82 Real Estate Services (does not apply to real estate consultancy services, real estate agency services, real estate auction services and real estate valuation services)
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting real estate services. This includes, but is not limited to, measures affecting the ownership, sale, purchase, development and management of real estate. This reservation does not apply to real estate consultancy services, real estate agency services, real estate auction services and real estate valuation services.
Existing Measures	Residential Property Act, Cap. 274, 1985 Revised Edition State Lands Act, Cap. 314, 1996 Revised Edition Housing and Development Act, Cap. 129, 1997 Revised Edition Jurong Town Corporation Act, Cap. 150, 1998 Revised Edition Executive Condominium Housing Scheme Act, Cap. 99A, 1997 Revised Edition

Sector	Business Services
Sub-Sector	Scientific and technical consulting services
Industry Classification	CPC 8675 Related scientific and technical consulting services
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the supply of scientific and technical consulting services.
Existing Measures	-

Sector	Business services
Sub-Sector	Armed Escort Services and armoured car services Armed Guard Services
Industry Classification	CPC 87305 Guard Services
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the provision of armed escort, armoured car and armed guard services.
Existing Measures	Private Investigation and Security Agencies Act, Cap. 249, 1985 Revised Edition

Sector	Business services
Sub-Sector	Betting and Gambling Services
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the supply of betting and gambling services.
Existing Measures	Betting Act, Cap. 21, 1985 Revised Edition Common Gaming Houses Act, Cap. 49, 1985 Revised Edition

Sector	Business - Professional Services (Legal Services)
Sub-Sector	<p>(1) Activities of representative offices of Australian law firms and Australian lawyers</p> <p>(2) Supply of legal services in Australian law, international law and/or third country law by Australian law firms and Australian lawyers when they are engaged in joint law ventures, formal law alliances, informal or strategic alliances or any newly-created entities with Singapore law firms as defined and provided under Singapore law.</p> <p>(3) Supply of legal services in Singapore law.</p>
Industry Classification	-
Type of Reservation	<p>Market Access</p> <p>National Treatment</p> <p>Prohibition of Performance Requirements</p>
Description of Reservation	<p>(1) Singapore reserves the right to maintain or adopt any measure affecting the activities of representative offices of Australian law firms and Australian lawyers in Singapore.</p> <p>(2) Singapore reserves the right to maintain or adopt any measure affecting the supply of legal services in Australian law, international law and/or third country law by Australian law firms and Australian lawyers when they are engaged in joint law ventures, formal law alliances, informal or strategic alliances or any newly-created entities with Singapore law firms (as defined and provided under Singapore law).</p> <p>(3) Singapore reserves the right to maintain or adopt any measure affecting the supply of legal services in Singapore law by :</p> <p>(i) all Australian law firms, including those operating as foreign law firms or representative offices, or are engaged in joint law ventures, formal law alliances, informal or strategic alliances or any newly-created entities with Singapore law firms (as defined and provided under Singapore law); and</p> <p>(ii) all Australian lawyers, including those working in representative offices, foreign law firms, Singapore law firms (as defined under Singapore law), joint law ventures, formal law alliances, informal or strategic alliances or any newly-created entities with Singapore law firms (as defined and provided under Singapore law).</p> <p>(4) Singapore reserves the right to maintain or adopt any measure affecting the recognition of educational and professional</p>

	<p>qualifications for the purposes of admission, registration and qualification as Singapore lawyers (as defined under Singapore law).</p> <p>(5) Singapore reserves the right to maintain or adopt any limits on the number of Singapore lawyers (as defined under Singapore law).</p> <p>(6) The reservations herein are subject to Annex 4-III on Additional Commitments under Article 8 of Chapter 7 (Trade in Services).</p>
Existing Measures	<p>(1) Legal Profession Act, Cap. 161 (2001 Revised Edition)</p> <p>(2) <u>Legal Profession (International Services) Rules (2002 Revised Edition)</u></p> <p>(3) Guidelines for Applications for Joint Law Ventures and Formal Law Alliances dated 5 May 2000</p> <p>(4) Additional Practical Guidelines dated 14 September 2000</p> <p>(5) Guidelines for Registration of Foreign Lawyers in Joint Law Ventures to Practise Singapore Law dated 15 March 2001</p> <p>(6) Common Licence Conditions imposed on all Joint Law Ventures Licences dated 10 August 2000</p> <p>(7) Common Licence Conditions imposed on all Formal Law Alliances Licences dated 10 August 2000</p> <p>(8) Notice to all Joint Law Ventures dated 29 March 2001 on Use of Email Domain Name.</p>

Sector	Community, Personal and Social Services
Sub-Sector	Services furnished by co-operative societies Services furnished by trade unions
Industry Classification	CPC 952 Services furnished by trade unions
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting services provided by co-operative societies and trade unions.
Existing Measures	Co-operative Societies Act, Cap. 62, 1985 Revised Edition Trade Unions Act, Cap. 333, 1985 Revised Edition

Sector	Defence
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to adopt or maintain any measure in relation to the retention of a controlling interest by the Singapore Government in Singapore Technologies Engineering (the Company) and/or its successor body, including but not limited to controls over the appointment and termination of members of the Board of Directors, divestment of equity and dissolution of the Company for the purpose of safeguarding the security interest of Singapore.
Existing Measures	-

Sector	Distribution, publishing and printing of newspapers Newspapers means any physical publication containing news, intelligence, reports of occurrences, or any remarks, observations or comments relating thereto or to any matter of public interest, printed in any language and published for sale or free distribution at intervals not exceeding one week.
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the publishing or printing of newspapers, including but not limited to, shareholding limits and management control. <i>The distribution of any newspaper, whether published outside of Singapore or in Singapore, shall be subject to market access and national treatment restrictions if that newspaper is found to have contravened content standards and requirements.</i>
Existing Measures	Newspaper and Printing Presses Act, Cap 206. 1991 Revised Edition

Sector	Trade Services
Sub-Sector	Distribution Services Commission Agents' Services Wholesale Trade Services Retailing Services Franchising
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<p>Singapore reserves the right to maintain or adopt any measure affecting the supply of any products subject to import prohibition or non-automatic import licensing.</p> <p><u>Singapore reserves the right to modify and/or increase the list of products stipulated in the laws, regulations and other measures governing Singapore's import prohibition or non-automatic import licensing regime.</u></p>
Existing Measures	-

Sector	Educational Services
Sub-Sector	Primary Education Services Secondary Education Services
Industry Classification	CPC 921 Primary Education Services CPC 92210 General Secondary Education Services CPC 92220 Higher Secondary Education Services (only applies to Junior colleges and pre-university centres under the Singapore educational system)
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the supply of primary, general secondary and higher secondary (only applies to junior colleges and pre-university centres under the Singapore educational system) education services for Singapore citizens. <u>Commitments on market access and national treatment through any mode of supply shall not be construed to apply to the recognition of university degrees for the purposes of admission, registration and qualification for professional practice in Singapore.</u>
Existing Measures	Education Act, Cap. 87, 1985 Revised Edition Administrative Guidelines

Sector	Educational Services
Sub-Sector	Sports Education Services
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the supply of sports education services at the primary, secondary, post-secondary and higher education levels.
Existing Measures	Education Act, Cap. 87, 1985 Revised Edition

Sector	Financial Services
Sub-Sector	Banking
Industry Classification	CPC 811 Financial intermediation services except insurance and pension fund services
Type of Reservation	Market Access National Treatment
Description of Reservation	<u>Singapore reserves the right to adopt or maintain any measure affecting the supply of services by foreign full banks or in relation to Qualifying Full Bank licences.</u>
Existing Measures	Banking Act, Cap. 19 MAS Notice 619

Sector	Financial Services
Sub-Sector	Banking
Industry Classification	CPC 811 Financial intermediation services except insurance and pension fund services
Type of Reservation	Market Access National Treatment
Description of Reservation	<u>Singapore reserves the right to adopt or maintain any measure in relation to Supplementary Retirement Scheme accounts and Central Provident Fund Investment Scheme accounts.</u>
Existing Measures	Banking Act, Cap. 19 Central Provident Fund Act, Cap. 36

Sector	Financial Services
Sub-Sector	Banking
Industry Classification	CPC 811 Financial intermediation services except insurance and pension fund services
Type of Reservation	Market Access National Treatment
Description of Reservation	Singapore reserves the right to adopt or maintain any measure, which may include limitations on juridical form, with regard to safeguarding the interests of depositors of the Singapore branch.
Existing Measures	Where a foreign financial institution is subject to legislation in its home country which requires that institution to confer lower priority to depositors of its foreign offices vis-à-vis the home country depositors in receivership or winding-up proceedings, or if that institution is systemically important, Singapore may exercise appropriate differentiating measures against that foreign financial institution in Singapore to safeguard the interests of depositors of the Singapore branch.

Sector	Financial Services
Sub-Sector	Banking
Industry Classification	CPC 811 Financial intermediation services except insurance and pension fund services
Type of Reservation	Market Access National Treatment
Description of Reservation	Singapore reserves the right to adopt or maintain any measure in relation to foreign ownership of a finance company incorporated in Singapore.
Existing Measures	Finance Companies Act, Cap. 108

Sector	Financial Services
Sub-Sector	All financial services except reinsurance / retrocession and services auxiliary to insurance
Industry Classification:	CPC 811 Financial intermediation services except insurance and pension fund services CPC 813 Services auxiliary to financial intermediation other than to insurance and pension funding CPC 812 Insurance (including reinsurance) and pension fund services except compulsory social security services CPC 814 Services auxiliary to insurance and pension funding
Type of Reservation	Market Access National Treatment
Description of Reservation	Singapore reserves the right to adopt or maintain any measure affecting the cross-border supply of all financial services except reinsurance / retrocession and services auxiliary to insurance comprising actuarial, loss adjustors, average adjustors and consultancy services.
Existing Measures	Insurance Act, Cap. 142 Banking Act, Cap. 19 Finance Companies Act, Cap. 108 Monetary Authority of Singapore Act, Cap. 186 Securities and Futures Act, Act 42 of 2001 Financial Advisers Act, Act 43 of 2001 Money-changing and Remittance Businesses Act, Cap. 187

Sector	Financial Services
Sub-Sector	Settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments
Industry Classification	CPC 81329 Other services related to securities market
Type of Reservation	Market Access National Treatment
Description of Reservation	Singapore reserves the right to adopt or maintain any measure affecting the supply of clearing and settlement services for exchange traded securities, financial futures and interbank transfers.
Existing Measures	Companies Act, Cap. 50 Securities and Futures Act 2001, Act 42 of 2001

Sector	Financial Services
Sub-Sector	Insurance
Industry Classification	CPC 814 Services auxiliary to insurance and pension funding
Type of Reservation	National Treatment
Description of Reservation	Singapore reserves the right to adopt or maintain any measure affecting the supply of services for the placement of domestic risks outside Singapore, with the exception of reinsurance risks and insurance risks relating to maritime liabilities of ship owners insured by protection and indemnity clubs.
Existing Measures	Insurance Act Cap. 142 Financial Advisers Act 2001, Act 43 of 2001

Sector	Financial Services
Sub-Sector	Insurance
Industry Classification	CPC 812 Insurance (including reinsurance) and pension fund services, except compulsory social security service
Type of Reservation	Market Access National Treatment
Description of Reservation	<u>Singapore reserves the right to adopt or maintain any measure in relation to using CPF monies for the purchase of health insurance schemes and annuities.</u>
Existing Measures	Admission criteria set by CPF Board and Ministry of Health

Sector	Health and Social Services
Sub-Sector	Medical Services Services Provided by Nurses Pharmacy Services
Industry Classification	CPC 9312 Medical Services CPC 93191 Services provided by midwives, nurses, physiotherapists and para-medical personnel
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<i>Singapore reserves the right to maintain or adopt any limit on the number of doctors and pharmacists who can practise in Singapore. Singapore reserves the right to maintain or adopt any conditions with respect to the registration conditions of doctors, nurses and pharmacists who can practise in Singapore.</i>
Existing Measures	-

Sector	Health and Social Services
Sub-Sector	Services provided by health-related professionals
Industrial Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to adopt or to maintain any measure in relation to the recognition of educational and professional qualifications for the purposes of admission, registration and qualification of health-related professionals, including but not limited to contact lens practitioners, dentists, doctors, pharmacists, nurses, midwives and traditional Chinese medicine practitioners.
Existing Measures	Contact Lens Practitioner Act, Cap. 53A, 1996 Revised Edition Dentists Act, Cap. 76, 2000 Revised Edition Medical Registration Act, Cap. 174, 1998 Revised Edition Nurses and Midwives Act, Cap. 209, 2000 Revised Edition Pharmacists Registration Act, Cap. 230, 1985 Revised Edition Traditional Chinese Medicine Practitioners Act, Cap. 333A, 2001 revised Edition

Sector	Manufacturing and Services incidental to Manufacturing
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<p>Singapore reserves the right to maintain or adopt any measures affecting the imposition of duty, restrictions on the manufacture of goods, and/or penalties for offences under the Control of Manufacture Act.</p> <p>Singapore reserves the right and flexibility to modify and/or increase the list of goods as scheduled in the Control of Manufacture Act.</p> <p>The current list of scheduled goods is:-</p> <ul style="list-style-type: none"> (a) air-conditioners, (b) beer and stout, (c) cigars, (d) drawn steel products, (e) firecrackers, (f) pig iron and sponge iron, (g) refrigerators, (h) rolled steel products, (i) steel ingots, billets, blooms and slabs, (j) chewing gum, bubble gum, dental chewing gum or any like substance, (k) CD (compact disc), CD-ROM (compact disc - read only memory), VCD (video compact disc), (l) DVD (digital video disc), DVD-ROM (digital video disc-read only memory), (m) cigarettes, and (n) matches.
Existing Measures	Control of Manufacture Act, Cap. 57, 2001 Revised Edition

Sector	Recreational, Cultural and Sporting Services
Sub-Sector	Archive services for government records
Industry Classification	CPC 96312 Archive services
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<u>Singapore reserves the right to maintain or adopt any measure affecting the supply of archive services for government records specified under the National Heritage Board and/or its successor body.</u>
Existing Measures	-

Sector	Recreational, Cultural and Sporting Services
Sub-Sector	Museum services Preservation of historical sites, monuments and buildings
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<u>Singapore reserves the right to maintain or adopt any measure affecting the supply of museum services and the preservation services of historical sites, monuments and buildings.</u>
Existing Measures	-

Sector	Nature reserve services (includes national parks, nature reserves and parklands)
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<u>National Parks Board and/or its successor body is the only agency authorised to control, administer, build and manage national parks, nature reserves and parklands as defined under the National Parks Act.</u>
Existing Measures	National Parks Act, Cap. 198A, 1997 Revised Edition Parks and Trees Act, Cap. 216, 1996 Revised Edition

Sector	Sewage and refuse disposal, sanitation and other environmental Protection services
Sub-Sector	Waste Water Management, including but not limited to collection, disposal and treatment of solid waste and waste water.
Industry Classification	CPC 9401 Sewerage Services
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<u>Singapore reserves the right to maintain or adopt any measure affecting waste water management, including but not limited to the collection, treatment and disposal of waste water.</u>
Existing Measures	Code of Practice on Sewerage and Sanitary Works Sewerage and Drainage Act, Cap. 294, 2001 Revised Edition

Sector	Health and Social Services
Sub-Sector	Social Services
Industry Classification	CPC 933 Social Services
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<u>Singapore reserves the right to maintain or adopt any measure affecting the supply of social services.</u>
Existing Measures	-

Sector	Telecommunications Services
Sub-Sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measures affecting foreign ownership in telecommunications services.
Existing Measures	-

Sector	Trade services
Sub-Sector	Supply of potable water for human consumption
Industry Classification	CPC 18000 Natural Water The sectors listed above apply only insofar as they relate to the supply of potable water.
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<u>Singapore reserves the right to maintain or adopt any measure affecting the supply of potable water.</u>
Existing Measures	Public Utilities Act, Cap. 261, 1996 Revised Edition Public Utilities Act 2001, Act 8 of 2001

Sector	Transport Services
Sub-Sector	Air transport services
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the investment in, and/or the supply of, air navigation services; air traffic control services; licensing of air traffic controllers; airspace management; air traffic flow information; air traffic and flight information; navigation services; aeronautical information, aerodrome rescue and fire fighting services; ground operations, terminal operations, flight information management, apron control services, security of aerodromes and commercial activities, and the real estate management of airports and heliports.
Existing Measures	-

Sector	Transport Services
Sub-Sector	Air transport services
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting, including but not limited to, the building, ownership, operation and management of airports and heliports in Singapore.
Existing Measures	-

Sector	Transport Services
Sub-Sector	<p>Land Transport Services – Public Transport Services, including but not limited to Passenger Transportation services by Railway, Urban and Suburban Regular Transportation Services, Taxi Services; Bus and Rail Station Services and Ticketing Services related to public transport services</p> <p>Public Transport Services are services which are used by and accessible to members of the public for the purposes of transporting themselves within Singapore.</p>
Industry Classification	-
Type of Reservation	<p>Market Access</p> <p>National Treatment</p> <p>Prohibition of Performance Requirements</p>
Description of Reservation	<p>Singapore reserves the right to maintain or adopt any measure affecting the supply of public transport services.</p> <p>Public transport services are services which are used by and accessible to members of the public for the purposes of transporting themselves within Singapore.</p>
Existing Measures	<p>Rapid Transit Systems Act, Cap. 263A</p> <p>Land Transport Authority of Singapore Act, Cap. 158A, 1996 Revised Edition</p> <p>Public Transport Council Act, Cap. 259B, 2000 Revised Edition</p>

Sector	Transport Services
Sub-Sector	Land Transport Services – Rail and Road Freight transportation. Supporting services for rail and road transport services.
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the supply of land transport services as set out above.
Existing Measures	-

Sector	Transport services
Sub-Sector	Maritime Transport Services Services Auxiliary to All Modes of Transport
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the supply of storage and warehousing, freight forwarding, inland trucking, container station and depot services.
Existing Measures	-

Sector	Transport Services
Sub-Sector	Maritime Transport Services – Towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; port captain’s services; navigation aids; emergency repair facilities; anchorage; and other shore-based operational services essential to ship operations, including communications, water and electrical supplies.
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	<u>Singapore reserves the right to maintain or adopt any measure affecting the supply of towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; port captain’s services; navigation aids; emergency repair facilities; anchorage; and other shore-based operational services essential to ship operations, including communications, water and electrical supplies.</u>
Existing Measures	-

Sector	Transport services
Sub-Sector	Internal Waterways Transport Services
Industry Classification	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to maintain or adopt any measure affecting the supply of internal waterways transportation services.
Existing Measures	-

<u>Sector</u>	Trade Services
<u>Sub-Sector</u>	Wholesale trade services and retail trade services of alcoholic beverages and tobacco
<u>Industry classification</u>	-
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Description of Reservation	Singapore reserves the right to adopt or maintain any measure affecting the supply of wholesale and retail trade services of tobacco products and alcoholic beverages.
Existing Measures	-