

WORLD TRADE
ORGANIZATION

Trade in Services

RESTRICTED

GATS/SC/6/Suppl.2

28 July 1995

(95-2218)

AUSTRALIA

Schedule of Specific Commitments

Supplement 2

(This is authentic in English only)

This text replaces the entries relating to the Movement of Natural Persons section contained on pages 2 to 6 of document GATS/SC/6.

AUSTRALIA - SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>(4) Unbound except for measures concerning the entry and temporary stay of natural persons in the following categories:</p> <p>(a) Executives and senior managers, as intra-corporate transferees, for periods of initial stay up to four years. Executives and senior managers being natural persons who are employees of a company operating in Australia, and who will be responsible for the entire or a substantial part of that company's operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the business, including directing the company or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the company.</p>	<p>(4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p>	

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| | <ul style="list-style-type: none">(b) Independent executives, without requiring compliance with labour market tests, for periods of initial stay up to a maximum of two years. Independent executives being natural persons who meet the criteria of executives and senior managers who intend, or are responsible for the establishment in Australia, of a new business of a service supplier with its head of operations in the territory of another Member and which has no other representative, branch or subsidiary in Australia.(c) Service sellers, as business visitors, without requiring compliance with labour market tests, for periods of initial stay of up to six months. | | |
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AUSTRALIA (continued)

	<p>Service sellers being natural persons not based in Australia who are (sales) representatives of a service supplier and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier, where those representatives will not be engaged in making direct sales to the general public or in supplying services themselves. Applicants for business visitor visas are natural persons seeking to travel to Australia for business purposes and not intending to engage in work that might otherwise be carried out by an Australian citizen or permanent resident. This requirement will be satisfied where the service seller's remuneration and financial support for the duration of the visit are derived entirely from sources outside Australia.</p> <p>This requirement would also normally be regarded as being satisfied in cases where the person seeking a business visit visa had won a contract to provide a service in Australia.</p>		
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- (d) Specialists, subject to individual compliance to labour market testing, for periods of initial stay up to a maximum of two years with provision of extension provided the total stay does not exceed four years. Specialists, being natural persons with trade, technical or professional skills who are responsible for or employed in a particular aspect of a company's operations in Australia. Skills are assessed in terms of the applicant's employment experience, qualifications and suitability for the position. Labour market testing is not required for (i) natural persons who have specialised knowledge at an advanced level of a proprietary nature of the company's operations and have been employed by the company for a period of not less than two years and (ii) if the position in question is within a labour agreement in force at the time of application. A labour agreement is an agreement between the Australian Government, employers or industry organizations and unions for the entry of specialists from overseas.
- The above commitments do not apply in cases of labour/management dispute.