

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).

Sector	All sectors
Sub-sector	-
Industry Classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	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>
Description of Reservation	<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

	<p>ordinarily resident in Australia or a foreign corporation holds a substantial interest; or</p> <ul style="list-style-type: none">. 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>Proposals may be refused, or approved subject to the parties meeting certain conditions.</p> <p>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.</p> <p><u>Queensland</u></p> <p>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.</p> <p>Foreigners are required to register ownership of land in Queensland.</p>
--	---

Sector	All sectors
Sub-sector	
Industry Classification	
Type of Reservation	Market Access National Treatment
Source of Measure	<i>Corporations Act 2001 (Cth); Corporations Regulations 2001 (Cth)</i>
Description of Reservation	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>

Sector	Professional Services
Sub-sector	Migration advice services
Industry classification	-
Type of Reservation	Market Access National Treatment
Source of Measure	<i>Migration Act 1958 (Cth)</i>
Description of Reservation	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.

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

Sector	Professional Services
Sub-sector	Legal Services
Industry classification	861
Type of Reservation	National Treatment
Source of Measure	<i>Legal Practitioners Act 1981 (SA)</i>
Description of Reservation	<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>

Sector	Fishing and Pearling
Sub-sector	
Industry classification	
Type of Reservation	National Treatment
Source of Measure	<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>
Description of Reservation:	<p><u>Commonwealth</u></p> <p>Foreign fishing vessels¹ 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 levy².</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>

¹ 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.

² 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).

Sector	Oil
Sub-sector	
Industry classification	
Type of Reservation	National Treatment Prohibition of Performance Requirements
Source of Measure	<i>National Oil Proprietary Limited Agreement Ratification Act 1937 (NSW)</i>
Description of Reservation:	<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.

Sector	Professional Services
Sub-sector	Customs clearance (services supplied by customs brokers ³)
Industry classification	-
Type of Reservation	National Treatment
Source of Measure	<i>Customs Act 1901 (Cth)</i>
Description of Reservation	To act as a customs broker in Australia, service providers must provide the service in and from Australia.

³ 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.

Sector	Professional Services
Sub-sector	Medical services, Other Human Health Services
Industry classification	9312, 9319
Type of Reservation	National Treatment Prohibition of Performance Requirements
Source of Measure	<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>Chiropractors 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>Chiropractors 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>
Description of Reservation	<p><u>Commonwealth</u></p> <p>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”.</p> <p><u>Northern Territory</u></p> <p>Only persons who reside or intend to reside in the Northern Territory may be registered as a medical practitioner in the Northern Territory.</p> <p><u>South Australia</u></p> <p>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.</p> <p>Only persons who reside within South Australia may be registered as chiropodists in South Australia.</p> <p>Ownership of chiropractic practices is restricted to chiropractors</p>

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.

Sector	Communication services
Sub-sector	Postal Services
Industry classification	7511
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Source of Measure	<i>Australian Postal Corporation Act 1989 (Cth)</i>
Description of Reservation	<p>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:</p> <ul style="list-style-type: none"> - the collection within Australia of letters for delivery within Australia; and - the delivery of letters within Australia. <p>This reservation does not include:</p> <ul style="list-style-type: none"> - the carriage of a letter weighing more than 250 grams; - 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;⁴ and - other exceptions to the reserved services set out in Section 30 of the <i>Australian Postal Corporation Act 1989 (Cth)</i>.

⁴ As specified in accordance with the *Australian Postal Corporation Act 1989* and its subordinate legislation and regulations or any amendments thereto.

Sector	Telecommunications
Sub-sector	
Industry classification	
Type of Reservation	Market Access National Treatment
Source of Measure	<i>Telstra Corporation Act 1991 (Cth)</i>
Description of Reservation	<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 person⁵ who imports, exports, manufactures or supplies a therapeutic good⁶ 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 chemicals⁷ 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>

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

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

7 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</i> (Cth)
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.

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

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</i> (Cth)
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</i> (Cth), 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.

Sector:	Financial Services
Sub-Sector:	Insurance
Industry Classification:	
Type of Reservation:	National Treatment Market Access
Source of Measure:	<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>
Description of Reservation:	<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.

Sector:	Financial Services
Sub-Sector:	Workers compensation insurance
Industry Classification:	
Type of Reservation:	National Treatment Market Access
Source of Measure:	<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>
Description of Reservation:	<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>
--	--

Western Australia

The Insurance Commission of Western Australia is the monopoly provider of industrial disease insurance. Premiums and other policy terms are legislated.

Sector	Financial services
Sub sector	Financial markets
Industry classification	
Type of reservation	Market access
Source of Measure	<i>Corporations Act 2001</i> (Cth).
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	<p><i>Superannuation Act 1922</i> (Cth)</p> <p><i>Papua New Guinea (Staffing Assistance) Act 1973</i> (Cth)</p> <p><i>Superannuation Act 1976</i> (Cth)</p> <p><i>Superannuation Act 1990</i> (Cth)</p> <p>Establishing legislation of relevant schemes including the Commonwealth Superannuation Scheme (CSS) and the Public Sector Superannuation Scheme (PSS).</p>
Description of Reservation	<p>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.</p>

Sector	Financial services
Sub-sector	Managed investments
Industry classification	
Type of reservation	Market access
Source of Measure	<i>Corporations Act 2001 (Cth).</i>
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>Queensland</u></p> <p>Licensed second-hand dealers and pawnbrokers must have business premises in Queensland.</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>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.</p>

Sector	Health Services
Sub-sector	
Industry classification	
Type of Reservation	National Treatment
Source of Measure	<i>Commonwealth Serum Laboratories Act 1961 (Cth), Part 3</i>
Description of Reservation	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.

Sector	Transport
Sub-sector	Maritime transport
Industry classification	-
Type of Reservation	National Treatment Market Access
Source of Measure	<i>Shipping Registration Act 1981 (Cth)</i>
Description of Reservation	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.

Sector	Transport services
Sub-sector	Maritime transport
Industry classification	7211, 7212
Type of Reservation	Market Access National Treatment
Source of Measure	<i>Trade Practices Act 1974 (Cth)</i>
Description of Reservation	<p>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.</p> <p>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.</p>

Sector	Tourism and Travel-related Services
Sub-sector	Travel Agency Services
Industry classification	7471
Type of Reservation	National Treatment
Source of Measure	<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>
Description of Reservation	<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>

Sector	Transport
Sub-sector	Air Transport
Industry classification	
Type of Reservation	Market Access National Treatment Prohibition of Performance Requirements
Source of Measure	<i>Air Services Act 1995 (Cth)</i> <i>Air Services Regulations (Cth)</i> <i>Commonwealth Authorities and Companies Act 1997(Cth) (CAC Act)</i>
Description of Reservation	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.

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

Sector	Transport
Sub-sector	Air Transport
Industry classification	
Type of Reservation	Market Access National Treatment
Source of Measure	<i>Qantas Sale Act 1992 (Cth)</i>
Description of Reservation	<p>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:</p> <ul style="list-style-type: none"> • the head office of Qantas must always be located in Australia; • the majority of Qantas' operational facilities must be located in Australia; • at all times, at least two thirds of the directors of Qantas must be Australian citizens; • at a meeting of the board of directors of Qantas, the director presiding at the meeting (however described) must be an Australian citizen; and • Qantas is prohibited from taking any action to become incorporated outside Australia.

Sector	<u>Real Estate and Similar Business and Distribution Services</u>
Sub-sector	
Industry classification	
Type of Reservation	<u>National Treatment</u>
Source of Measure	<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>
Description of Reservation	<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>

Sector	<u>Retail Services</u>
Sub-sector	<u>Pharmaceutical Goods</u>
Industry classification	<u>6321</u>
Type of Reservation	<u>National Treatment</u>
Source of Measure	<i>Pharmacists Registration Act 2001 (Tasmania)</i> <i>Pharmacy Act 1964 (WA)</i>
Description of Reservation	<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>

Sector	Mining and Related Services
Sub-sector	
Industry classification	
Type of Reservation	<u>Prohibition of Performance Requirements</u>
Source of Measure	<i>Mount Isa Mines Limited Agreement Act 1985 (Qld)</i>
Description of Reservation	<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>

Sector	Distribution Services
Sub-sector	
Industry classification	
Type of Reservation	<u>Prohibition of Performance Requirements</u>
Source of Measure	<i>Wine Industry Act 1994 (Qld)</i>
Description of Reservation	<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>