

ANNEX I

1. The Schedule of Australia to this Annex sets out, pursuant to Paragraph 1 of Article 9 (Non-Conforming Measures), Australia's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 5 (National Treatment);
- (b) Article 6 (Most Favoured Nation Treatment);
- (c) Article 7 (Performance Requirements); or
- (d) Article 8 (Senior Management and Boards of Directors).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the general sector for which the entry is made;
- (b) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 1 that, pursuant to Paragraph 1(a) of Article 9 (Non-Conforming Measures), do not apply to the listed measure(s);
- (c) **Level of Government** indicates the level of government maintaining the listed measure(s);
- (d) **Source of Measure** means the laws, regulations, or other measures that are the source of the non-conforming measures for which the entry is made. A measure cited in the **Source of Measure** element:
 - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Protocol, and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure;
- (e) **Description** sets out the non-conforming measure for which the entry is made.

3. In accordance with Paragraph 1(a) of Article 9 (Non-Conforming Measures), the articles of this Protocol specified in the **Obligations Concerned** element of an entry do not apply to the non-conforming measure identified in the **Description** element of that entry.

SCHEDULE OF AUSTRALIA

Sector:	All sectors
Obligations Concerned:	National Treatment Most Favoured Nation Treatment Performance Requirements Senior Management and Boards of Directors
Level of Government:	Regional
Source of Measure:	All existing non-conforming measures at the regional level of government.
Description:	All existing non-conforming measures at the regional level of government.

Sector:	All sectors
Obligations Concerned:	National Treatment Senior Management and Boards of Directors
Level of Government:	Central
Source of Measure:	Australia's Foreign Investment Policy, which comprises the: <i>Foreign Acquisitions and Takeovers Act 1975 (FATA)</i> ; Foreign Acquisitions and Takeovers Regulations 1989; <i>Financial Sector (Shareholdings) Act 1998</i> ; and Ministerial Statements on foreign investment policy.
Description:	<p>A. The following investments may be subject to objections by the Australian Government and may also require notification to the Government¹:</p> <p>(a) Investments by foreign persons² in existing³ Australian businesses in the media sector as follows:</p> <p style="padding-left: 40px;">(i) Direct (i.e., non-portfolio) investment irrespective of size; and</p> <p style="padding-left: 40px;">(ii) Portfolio investments of 5 per cent or more;</p> <p>(b) Investments by foreign persons in existing Australian businesses, or prescribed corporations,⁴ the value of</p>

¹ *Foreign Acquisitions and Takeovers Act 1975 (FATA)*. **Investments** means activities covered by Part II of FATA or, where applicable, ministerial statements on foreign investment policy. Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment.

² A **foreign person** means, as defined in section 5 of the FATA,:

- (a) a natural person not ordinarily resident in Australia;
- (b) a corporation in which a natural person not ordinarily resident in Australia or a foreign corporation holds a controlling interest;
- (c) 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;
- (d) 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
- (e) 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.

³ For the purposes of this entry, **existing** means in existence at the time the investment is proposed or made.

⁴ For the purposes of this entry, **prescribed corporation** means:

- (a) a trading corporation;
- (b) a financial corporation;
- (c) a corporation incorporated in a Territory under the law in force in that Territory relating to companies;

whose assets exceeds \$A231 million[#] in the following sectors:

- (i) The telecommunications sector;
- (ii) The transport sector, including airports, port facilities, rail infrastructure, international and domestic aviation and shipping services provided

(d) a foreign corporation that, on its last accounting date, held assets the sum of the values of which exceeded A\$231 million (for item (b) of the entry) or A\$1004 million (for item (c) of the entry), being assets consisting of all or any of the following:

- (i) land situated in Australia (including legal and equitable interests in such land);
- (ii) mineral rights;
- (iii) shares in a corporation incorporated in Australia;

(e) a foreign corporation that was, on its last accounting date, a holding corporation of an Australian corporation or Australian corporations, where the sum of the values on that date of the assets of the Australian corporation or Australian corporations exceeded A\$231 million (for item (b) of the entry) or A\$1004 million (for item (c) of the entry);

(f) a corporation that was, on its last accounting date, a holding corporation of an foreign corporation referred to in paragraph (d) or (e) of this footnote;

(g) a foreign corporation that, on its last accounting date, held assets of a kind or kinds referred to in paragraph (d) of this footnote, where the sum of the values on that date of those assets was not less than one-half of the sum of the values on that date of the assets of the foreign corporation and of all the subsidiaries of that corporation; or

(h) a foreign corporation that was, on its last accounting date, a holding corporation of an Australian corporation or Australian corporations, where the sum of the values on that date of the assets of that Australian corporation or those Australian corporations was not less than one-half of the sum of the values on that date of the assets of the foreign corporation and of all the subsidiaries of that corporation.

[#] This is the figure as at 1 January 2010. To be indexed on 1 January each year to the GDP implicit price deflator in the Australian National Accounts for the previous financial year. If the Protocol has not entered into force by 1 January 2011, this figure will be indexed on entry into force.

⁵ A **financial sector company** means, as defined in section 3 of the *Financial Sector (Shareholdings) Act 1998*:

- (a) an authorised deposit-taking institution; or
- (b) an authorised insurance company; or
- (c) a holding company of a company covered by paragraph (a) or (b) of this footnote.

[#] This is the figure as at 1 January 2010. To be indexed on 1 January each year to the GDP implicit price deflator in the Australian National Accounts for the previous financial year. If the Protocol has not entered into force by 1 January 2011, this figure will be indexed on entry into force.

⁶ A **foreign custodian company** means, as defined in the *Foreign Acquisitions and Takeovers Regulations 1989*, a corporation that:

- (a) is a foreign person; and
- (b) is the holder of an Australian financial services licence under Chapter 7 of the *Corporations Act 2001*; and
- (c) is in the business of providing custodian services to other persons in relation to the ownership of shares.

⁷ As provided by the *Foreign Acquisitions and Takeovers Regulations 1989*.

⁸ **Unacceptable shareholding situation** and **practical control** as defined in the *Financial Sector (Shareholdings) Act 1998*.

⁹ Ministerial statements on foreign investment policy including the Treasurer's Press Release No. 28 of 9 April 1997.

either within, or to and from, Australia;

- (iii) The supply of training or human resources, or the manufacture or supply of military goods, equipment, or technology, to the Australian or other defence forces;
 - (iv) The manufacture or supply of goods, equipment or technologies able to be used for a military purpose;
 - (v) The development, manufacture or supply of, or provision of services relating to, encryption and security technologies and communication systems; and
 - (vi) The extraction of (or rights to extract) uranium or plutonium, or the operation of nuclear facilities;
- (c) Investments by foreign persons in existing Australian businesses, or prescribed corporations, in all other sectors, excluding financial sector companies⁵, the value of whose total assets exceeds \$A1004 million[#];
 - (d) Acquisitions by foreign persons of developed non-residential commercial real estate valued at more than \$A1004 million[#]; and
 - (e) Direct (i.e., non-portfolio) investment by foreign governments or their agencies, or companies with greater than a 15 per cent direct or indirect holding by a foreign government or agency or otherwise regarded as controlled by a foreign government, irrespective of size.

Notified investments may be refused, subject to interim orders, and/or approved subject to compliance with certain conditions. Investments referred to in (a) through (e) for which no notification is required or received may be subject to orders under Sections 18, 19, 20, 21 and 21A of the FATA.

B. The acquisition of an interest in shares in an Australian corporation by a custodian company⁶ is exempt from the application of the FATA where the company is granted a certificate of exemption in respect of that interest⁷.

C. The acquisition of a stake in an existing financial sector company by a foreign investor, or entry into an arrangement by a foreign investor, that would lead to an unacceptable shareholding situation or to practical control⁸ of an existing financial sector company, may be refused, or

be subject to certain conditions⁹.

D. In addition to the measures identified in this entry, other entries in Annex I or Annex II set out additional non-conforming measures imposing specific limits on, or requirements relating to, foreign investment in the following areas:

- Telstra;
- Commonwealth Serum Laboratories;
- Qantas Airways Ltd.;
- Australian international airlines, other than Qantas;
- Urban land;
- Federal leased airports; and
- Shipping.

Sector:	Fishing
Obligations Concerned:	National Treatment
Level of Government:	Central
Source of Measure:	<i>Fisheries Management Act 1991</i> <i>Foreign Fishing Licenses Levy Act 1991</i>
Description:	Foreign fishing vessels ¹⁰ seeking to undertake fishing activity in the Australian Fishing Zone must be authorised. Where foreign fishing vessels are authorised they may then be subject to a levy ¹¹ .

¹⁰ 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.

¹¹ The levy charged will be in accordance with the *Foreign Fishing Licenses Levy Act 1991* or any amendments thereto.

Sector:	Postal Services
Obligations Concerned:	National Treatment
Level of Government:	Central
Source of Measure:	<i>Australian Postal Corporation Act 1989</i>
Description:	<p>The Australian Postal Corporation (Australia Post) has, under section 29 of the <i>Australian Postal Corporation Act 1989</i>, the exclusive right to carry letters for reward within Australia, whether the letters originated within or outside Australia. Section 30 of the Act sets out a number of exceptions to the reserved service including:</p> <ul style="list-style-type: none">• the carriage of letters weighing more than 250 grams;• the carriage of letters where the charge or fee is at least four times the standard letter rate;• the movement of documents within document exchange services; and• the carriage of letters between offices of the same organisation by a third party.

Sector:	Telecommunications
Obligations Concerned:	National Treatment Senior Management and Boards of Directors
Level of Government:	Central
Source of Measure:	<i>Telstra Corporation Act 1991</i>
Description:	<p>Aggregate foreign equity is restricted to no more than 35 per cent of shares of Telstra. Individual or associated group foreign investment is restricted to no more than five per cent of shares.</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:	Broadcasting and Audiovisual Services Advertising Services
Obligations Concerned:	Performance Requirements
Level of Government:	Central
Source of Measure:	<i>Broadcasting Services Act 1992</i>
Description:	<p>Transmission quotas for local content imposed on free-to-air commercial analogue and digital (other than multichannelling) television broadcasting services shall not exceed 55 per cent of programming transmitted annually between 6:00 a.m. and midnight. Subquotas for particular programme formats (e.g., drama, documentary) may be applied within the 55 per cent quota.</p> <p>Transmission quotas for local content imposed on advertising broadcast by providers of free-to-air commercial analogue and digital (other than multichannelling) television broadcasting services shall not exceed 80 per cent of advertising time transmitted annually between 6:00 a.m. and midnight.</p>

Sector:	Financial Services
Obligations Concerned:	National Treatment
Level of Government:	Central
Source of Measure:	<i>Banking Act 1959</i> <i>Payment Systems (Regulation) Act 1998</i>
Description:	<p>A branch of a foreign bank that is authorised as a deposit taking institution in Australia (foreign ADI) is not permitted to accept initial deposits (and other funds) from individuals and non-corporate institutions of less than A\$250,000.</p> <p>A foreign bank 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>

Sector:	Health Services
Obligations Concerned:	National Treatment Senior Management and Boards of Directors
Level of Government:	Central
Source of Measure:	<i>Commonwealth Serum Laboratories Act 1961</i>
Description:	The votes attaching to significant foreign shareholdings ¹² may not be counted in respect of the appointment, replacement or removal of more than one-third of the directors of Commonwealth Serum Laboratories (CSL) who hold office at a particular time. The head office, principal facilities used by CSL and any CSL subsidiaries used to produce products derived from human plasma collected from blood or plasma donated by individuals in Australia 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.

¹² For the purposes of this entry, **significant foreign shareholding** means a holding of voting shares in CSL in which a foreign person has a relevant interest, if the foreign person has relevant interests in at least 5 per cent of the voting shares in CSL.

Sector:	Transport services
Obligations Concerned:	National Treatment
Level of Government:	Central
Source of Measure:	<i>Trade Practices Act 1974</i>
Description:	Only a person ¹³ affected by a registered conference agreement or by a registered non-conference ocean carrier with substantial market power may apply to the Australian Competition and Consumer Commission to examine whether conference members, and non-conference operators with substantial market power, are hindering other shipping operators from engaging efficiently in the provision of outward liner cargo services to an extent that is reasonable.

¹³ For the purposes of this entry, section 10.48 and 10.58 of Part X of the *Trade Practices Act 1974* list the categories of persons to whom this reservation will apply.

Sector: Air Transport

**Obligations
Concerned:** National Treatment

**Level of
Government:** Central

**Source of
Measure:**

Description: Scheduled passenger and freight services within and between Australia and New Zealand are governed by the *Australia-New Zealand Single Aviation Market Agreement* of 2002.

Sector:	Transport
Obligations Concerned:	National Treatment Senior Management and Boards of Directors
Level of Government:	Central
Source of Measure:	<i>Air Navigation Act 1920</i> Ministerial Statement
Description:	Total foreign ownership of individual Australian international airlines (other than Qantas) is restricted to a maximum of 49 per cent. Furthermore: <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
Obligations Concerned:	National Treatment Senior Management and Boards of Directors
Source of Measure:	<i>Qantas Sale Act 1992</i>
Description:	<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's 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.

ANNEX II

1. The Schedule of Australia to this Annex sets out, pursuant to Paragraph 2 of Article 9 (Non-Conforming Measures), the specific sectors, sub-sectors, or activities for which Australia may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

- (a) Article 5 (National Treatment);
- (b) Article 6 (Most Favoured Nation Treatment);
- (c) Article 7 (Performance Requirements); or
- (d) Article 8 (Senior Management and Boards of Directors).

2. Each Annex entry sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 1 that, pursuant to Paragraph 2 of Article 9 (Non-Conforming Measures), do not apply to the sectors, sub-sectors, or activities listed in the entry;
- (c) **Description** sets out the scope of the sector, sub-sector, or activities covered by the entry; and
- (d) **Existing Measures** identifies, for transparency purposes, existing measures that apply to the sector, sub-sector, or activities covered by the entry.

3. In accordance with Paragraph 2 of Article 9 (Non-Conforming Measures), the articles of this Protocol specified in the **Obligations Concerned** element of an entry do not apply to the sectors, sub-sectors, and activities identified in the **Description** element of that entry.

SCHEDULE OF AUSTRALIA

Sector:	All
Obligations Concerned:	National Treatment Performance Requirements Senior Management and Board of Directors
Description:	<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 provides for the favourable treatment of any indigenous person or organisation.</p> <p>For the purpose of this entry, indigenous person means a person of the Aboriginal race of Australia or a descendent of an indigenous inhabitant of the Torres Strait Islands.</p>
Existing Measures:	Legislation and Ministerial Statements at all levels of government including Australia's foreign investment policy and the <i>Native Title Act 1993</i> .

Sector:	All
Obligations Concerned:	National Treatment Performance Requirements
Description:	Australia reserves the right to adopt or maintain any measure with respect to proposals by 'foreign persons' to invest in Australian urban land ¹⁴ (including interests that arise via leases, financing and profit sharing arrangements, and the acquisition of interests in urban land corporations and trusts), other than developed non-residential commercial real estate.
Existing Measures:	Australia's foreign investment policy, which comprises the: <i>Foreign Acquisitions and Takeovers Act 1975 (FATA)</i> ; <i>Foreign Acquisitions and Takeovers Regulations 1989</i> ; and Ministerial Statements.

¹⁴ **Australian urban land** means land situated in Australia that is not used wholly and exclusively for carrying on a business of primary production.

Sector: Social Services

Obligations Concerned: National Treatment
Most Favoured Nation Treatment
Performance Requirements
Senior Management and Boards of Directors

Description: Australia reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities, public transport and public housing.

Existing Measures:

Sector:	Broadcasting and Audiovisual Services Advertising Services Live Performance ¹⁵
Obligations Concerned:	National Treatment Performance Requirements
Description:	Australia reserves the right to adopt or maintain: <u>(a) Interactive audio and/or video services</u> Measures to ensure that, upon a finding by the Government of Australia that Australian audiovisual content or genres thereof is not readily available to Australian consumers, access to such programming on interactive audio and/or video services is not unreasonably denied to Australian consumers. Any measures addressing such a situation will be implemented through a transparent process permitting participation by any affected parties, be based on objective criteria, be the minimum necessary, be no more trade restrictive than necessary, not be unreasonably burdensome, and be applied only to a service provided by an enterprise that carries on business activities in Australia in relation to the supply of that service. <u>(b) Spectrum and licensing</u> Measures, as specified in the <i>Broadcasting Services Act 1992</i> at 1 January 2005, that restrict the eligibility for broadcasting services licences to enterprises that are a specific legal type and/or are established in Australia or in an external territory. <u>(c) Subsidies or grants</u> Subsidies or grants for investment in Australian cultural activity where eligibility for the subsidy or grant is subject to local content or production requirements.
Existing Measures:	<i>Broadcasting Services Act 1992</i> <i>Radiocommunications Act 1992</i> <i>Income Tax Assessment Act 1936</i> <i>Income Tax Assessment Act 1997</i> <i>Australian Film Commission Act 1975</i> Broadcasting Services (Australian Content) Standard 1999 Television Program Standard 23 – Australian Content in

¹⁵ Applies only in respect of item (c).

Advertising
Commercial Radio Codes of Practice and Guidelines
Community Broadcasting Codes of Practice

Sector: Broadcasting and Audiovisual Services
Advertising Services

**Obligations
Concerned:** Performance Requirements

Description: Australia reserves the right to adopt or maintain:

(a) Multichannelled free-to-air commercial television broadcasting services

- Transmission quotas for local content, where more than one channel of programming is made available by a provider of free-to-air commercial television broadcasting services. Such quotas may not exceed 55 per cent of the programming on an individual channel of a service provider transmitted annually between 6:00 a.m. and midnight and may not be imposed on more than two channels or 20 per cent of the total number of channels (whichever is greater) made available by that provider. No such transmission quotas shall be applied to more than three channels of an individual service provider. Subquotas for particular program formats (e.g. drama, documentary, children's) may be applied within the transmission quotas in a manner consistent with existing standards.
- Transmission quotas for local content in relation to advertising, where more than one channel of programming on a particular service is made available by a service provider of free-to-air commercial television broadcasting services. Such quotas may not exceed 80 per cent of the advertising time on an individual channel of a service provider transmitted annually between 6:00 a.m. and midnight and may not be imposed on more than three channels made available by that provider.

(b) Free-to-air commercial television broadcasting services

- Requirements that, where a free-to-air commercial television channel subject to a transmission quota is rebroadcast over another transmission platform, the quota may be applied to the rebroadcast channel.
- Requirements that, where a free-to-air commercial television broadcasting service provider moves a channel subject to a transmission quota to another transmission platform, the quota may be applied to

that channel.

(c) Subscription television broadcasting services

- Expenditure requirements for Australian production not exceeding 10 per cent of total program expenditure. Such requirements may be imposed on service providers making available services in the following program formats: the arts, children's, documentary, drama, and educational.¹⁶
- Upon a finding by the Government of Australia that the expenditure requirement for the production of Australian drama is insufficient to meet its stated goal for such expenditure, this expenditure requirement may be increased up to a maximum level of 20 per cent. Such a finding shall be made through a transparent process that includes consultations with any affected parties. Any increase imposed shall be non-discriminatory and no more burdensome than necessary.

(d) Free-to-air radio broadcasting services

Transmission quotas for local content not exceeding 25 per cent of the programming (e.g., of musical items) on individual stations of a service provider transmitted annually between 6.00 a.m. and midnight.

Existing Measures:

Broadcasting Services Act 1992
Radiocommunications Act 1992
Income Tax Assessment Act 1936
Income Tax Assessment Act 1997
Australian Film Commission Act 1975
Broadcasting Services (Australian Content) Standard 1999
Television Program Standard 23 – Australian Content in Advertising
Commercial Radio Codes of Practice and Guidelines
Community Broadcasting Codes of Practice

¹⁶ No one channel will be subject to an expenditure requirement for more than a single program format.

Sector:	Broadcasting and Audiovisual Services
Obligations Concerned:	Most Favoured Nation Treatment Performance Requirements
Description:	Australia reserves the right to adopt or maintain, under the International Co-production Program, preferential co-production arrangements for film and television productions. Official co-production status, which may be granted to a co-production produced under these co-production arrangements, confers national treatment on works covered by these arrangements.
Existing Measures:	International Co-production Program

Sector: Education Services

Obligations Concerned: National Treatment
Performance Requirements
Senior Management and Boards of Directors

Description: Australia reserves the right to adopt or maintain any measure with respect to primary education.

Existing Measures:

Sector: Maritime

Obligations Concerned: National Treatment

Description: Australia reserves the right to adopt or maintain any measure with respect to the registration of vessels in Australia.

Existing Measures: *Shipping Registration Act 1981 (Cth)*

Sector:	Maritime Transport
Obligations Concerned:	National Treatment Performance Requirements Senior Management and Boards of Directors
Description:	Australia reserves the right to adopt or maintain any measures with respect to maritime cabotage services and offshore transport services ¹⁷ .
Existing Measures:	<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>

¹⁷ For the purposes of this entry, **cabotage** means 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. **Offshore transport** means 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.

Sector: Transport

Obligations Concerned: National Treatment
Senior Management and Boards of Directors

Description: Australia reserves the right to adopt or maintain any measure with respect to investment in federal leased airports, including specific foreign ownership limits.

Existing Measures: *Airports Act 1996*
Airports (Ownership-Interest in Shares) Regulations 1996
Airports Regulations 1997

Sector: All

Obligations Concerned: Most Favoured Nation Treatment

Description: Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to the investors of non-parties under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Protocol.

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to the investors of non-parties under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Protocol involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters, including salvage.

Existing Measures:

Sector:	All
Obligations Concerned:	National Treatment Performance Requirements Senior Management and Boards of Directors
Description:	Australia reserves the right to adopt or maintain: (a) any measure with respect to the sale of any shares in or any assets of an enterprise which the government wholly owns or has effective control over; and (b) the following measures solely as part of the devolution to the private sector of services provided in the exercise of governmental authority at the time that the Protocol enters into force: i. Restricting the number of service suppliers; ii. Allowing an enterprise, wholly or majority government owned, to be the sole service supplier or one amongst a limited number of service suppliers; iii. Imposing restrictions on the composition of senior management and boards of directors; iv. Requiring local presence; and v. Specifying the juridical form of the service supplier(s).
Existing Measures:	