

**ANNEX 8-A: SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)**

**SCHEDULE OF AUSTRALIA**

1. The following Schedule sets out Australia’s commitments in accordance with Article 4 (Grant of Temporary Entry) of Chapter 8 (Movement of Natural Persons) in respect of the temporary entry of natural persons.

Description of Category	Sector or Sub-Sector	Conditions and Limitations
<p><u>(A) Intra-Corporate Transferees</u></p> <p>(a) Executives and senior managers being natural persons who are employees of an enterprise of another Party operating lawfully and actively in Australia, and who will be responsible for the entire or a substantial part of the enterprise’s operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise, including directing the enterprise 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 enterprise.</p>	<p>All sectors<sup>1</sup></p>	<p>Entry and temporary stay of such natural persons is subject to employer sponsorship.</p> <p>Employer sponsorship requirements, including the list of eligible occupations, may change from time to time. Full details of employer sponsorship requirements, including the list of eligible occupations, are available on the website of the Australian Government department responsible for immigration matters: <a href="http://www.border.gov.au">www.border.gov.au</a>.</p> <p>Entry is for an initial period of stay of up to four years, with the possibility of further stay</p>

AUS commitments apply to “All sectors”.  
 But subject to employer sponsorship requirements – including list eligible occupations – can change from time to time

AUS may require "labour market testing" for some occupations (requirement to advertise for / seek local workers)

Description of Category	Sector or Sub-Sector	Conditions and Limitations (Including Length of Stay)
<p>(D) Contractual Service Suppliers</p> <p>Contractual service suppliers (including independent professionals/ specialists).</p> <p>Contractual service suppliers (CSS) being natural persons with trade, technical or professional skills and experience who are assessed as having the necessary qualifications, skills and work experience accepted as meeting the domestic standard in Australia for their nominated occupation, and who are:</p> <p>(a) employees of an enterprise of a Party that has concluded a contract for the supply of a service within Australia and that does not have a commercial presence within Australia; or</p> <p>(b) engaged by an enterprise lawfully and actively operating in Australia in order to supply a service under a contract within Australia.</p>	<p>All sectors</p>	<p>Entry and temporary stay of such natural persons is subject to employer sponsorship.</p> <p>Employer sponsorship requirements, including the list of eligible occupations, may change from time to time. Full details of employer sponsorship requirements, including the list of eligible occupations, are available on the website of the Australian government department responsible for immigration matters: <a href="http://www.border.gov.au">www.border.gov.au</a>.</p> <p>Labour market testing may be required for some occupations, to the extent that this is not inconsistent with Australia's commitments under the WTO and other international trade agreements to which it is a party as at entry into force of this Agreement.</p> <p>Entry is for periods of stay up to twelve months, with the possibility of further stay.</p>

**ANNEX 8-A SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)**

**SCHEDULE OF THE COOK ISLANDS**

1. The Cook Islands' commitments under Article 5 (Market Access) and Article 6 (National Treatment) of Chapter 7 (Trade in Services) and under Chapter 8 (Movement of Natural Persons) apply only in relation to the categories of persons set out below. In accordance with Article 5 (Market Access), Article 6 (National Treatment), and Article 8 (Specific Commitments) of Chapter 7 (Trade in Services), the Cook Islands specifies below any conditions, limitations or qualifications.

All PIC Parties include "Horizontal" (All sectors) limitation for land ownership by foreigners. Question impact on MNP / Mode 4?

Category of natural person	Sector or subsector	Conditions and Limitations (including duration of stay)
<b>I. Horizontal Commitments</b>		
All categories of natural persons included in this schedule	All sectors	The ownership of freehold interest in land is restricted only to Cook Islanders. Natural persons who are not Cook Islanders or Permanent Residents of the Cook Islands and Enterprises may only acquire a leasehold interest in land to a maximum term of 60 years but subject to approval from the Lease Approval Tribunal pursuant to the Leases Restrictions Act 1976, the Leases Restrictions Regulations 1977 and their amendments under a non-discriminatory process.
<b>II. Category-specific commitments</b>		

Like most Parties CI refers to Services MA and NT obligations. Only Mode 4 MA & NT commitments for categories set out in MNP Schedule + subject to conditions.

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Category of natural person	Sector or subsector	Conditions and Limitations (including duration of stay)
<b>II. Category-specific commitments</b>		
<p><u>Intra-Corporate Transferees</u></p> <p>Intra-corporate transferee means an employee of an enterprise of another Party established in the Cook Islands through a branch, subsidiary or affiliate, who holds a position in the branch, subsidiary or affiliate of the enterprise in the Cook Islands, who has been in the prior employment of the enterprise of the other Party for a period of not less than six months immediately preceding the date of admission for temporary entry and who comes within one of the following categories: <b>LMT</b></p> <p>Executives:</p> <p>Definition: Executive means a natural person within an organisation who primarily directs the management of the organisation, exercises wide latitude in decision making, and receives only general supervision or direction from higher level executives ...</p> <p>Managers: ... Specialists: ...</p>	<p>All sectors listed in the Cook Islands' schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment)</p>	<p>Period of stay of one year, with possibility of renewal of up to an additional two years</p> <p>Conditional on the non-availability of equally qualified Cook Islanders or permanent residents. At the time of establishment in the Cook Islands investments of investors of another Party may transfer an executive and financial officer (or an equivalent specialist in a relevant field) without such labour market testing.</p>

Scope: All sectors committed in Services & Investment Schedule

Conditional on non-availability qualified locals - but specific commitment without LMT

Typical detailed conditions and definitions: person must qualify



ANNEX 8-A SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)

SCHEDULE OF KIRIBATI

Category of natural person	Sector or subsector	Conditions and duration (including duration of stay)
<b>II. Category-specific commitments</b>		
<p><u>Skilled and semi-skilled workers</u></p> <p>Skilled or semi-skilled worker means a natural person of a Party who enters the territory of Kiribati in order to work temporarily under an employment contract with an enterprise in Kiribati, who is sponsored by the enterprise in Kiribati, and who has qualifications resulting from three or more years of formal post-secondary school education and appropriate experience for that employment.</p>	<p>All sectors</p>	<p>Entry is for an initial period of stay for one year with possibility of renewal for a maximum total period of three years.</p> <p>Conditional on the non-availability of Kiribati citizens or permanent residents with the requisite skills and professional experience for such employment.</p>

Typical commitment skilled & semi-skilled

Conditional on non-availability qualified locals

ANNEX 8-A SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)

SCHEDULE OF NAURU

Category of natural person	Sector or subsector	Conditions of stay (including duration of stay)
<b>II. Category-specific commitments</b>		
<p><u>Graduate Trainees</u></p> <p>Persons with a university degree or a technical qualification demonstrating knowledge of an equivalent level, who are transferring for career development purposes or to obtain training in business techniques or methods.</p> <p>This commitment applies to an employee of an enterprise of another Party that has established in Nauru through a branch, subsidiary or affiliate, who is transferred to the branch, subsidiary or affiliate of the enterprise in Nauru.</p> <p>This commitment also applies to natural persons transferring from a branch, subsidiary or affiliate that supplies services in another Party, to its parent juridical person established in Nauru.</p> <p>The recipient service supplier in Nauru may be required to submit a training programme covering the duration of the stay for prior approval, demonstrating that the purpose of the stay is for training and career development purposes.</p>	<p>All sectors listed in Nauru’s schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment).</p>	<p>Period of stay of 12 months.</p>

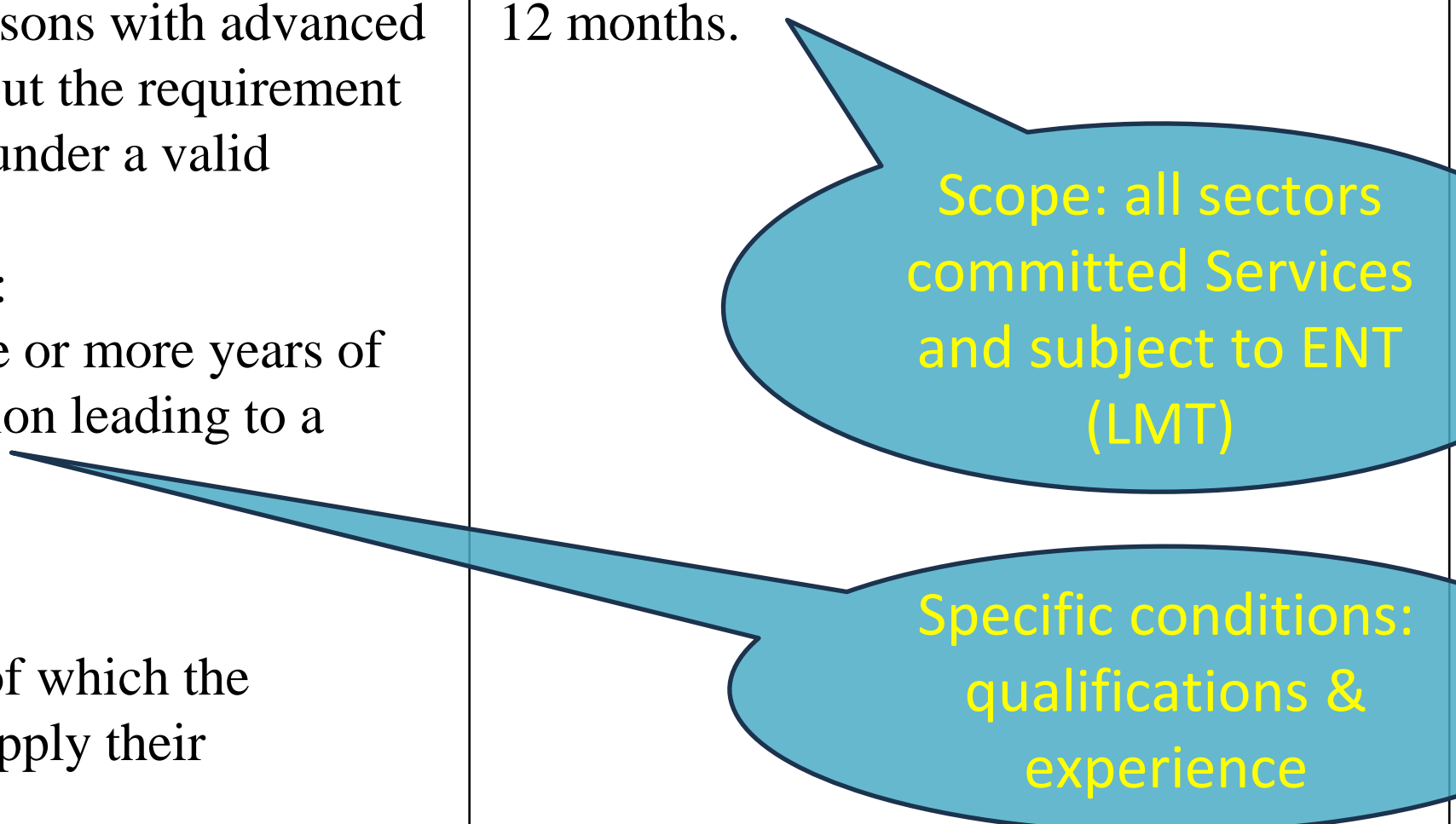
Graduate trainee – transferred between parent/branch

Scope: all sectors committed Services & INV

Extra condition / evidence of purpose

**ANNEX 8-A SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)**

**SCHEDULE OF NEW ZEALAND**

<b>Category of natural person</b>	<b>Conditions and Limitations (including duration of stay)</b>
<b>II. Category-specific commitments</b>	
<p><b>Independent Service Suppliers</b> (self-employed service suppliers working on a contractual basis, without a requirement for commercial presence).</p> <p>In the following category only:  <b>Independent Professionals:</b>                      Definition: self-employed natural persons with advanced technical or professional skills, without the requirement for a commercial presence, working under a valid contract in New Zealand.                      Independent professionals must have:                      (i) a qualification resulting from three or more years of formal post-secondary school education leading to a recognised degree or diploma; and                      (ii) six or more years of experience.</p> <p>Both (i) and (ii) must be in the field of which the Independent Professionals wish to supply their professional services.</p>	<p>In respect of the service sectors set out in New Zealand's Schedule of Specific Services Commitments (Annex 7-A) only and subject to economic needs tests, entry for a period of stay up to a maximum of 12 months.</p>  <p><b>Scope: all sectors committed Services and subject to ENT (LMT)</b></p> <p><b>Specific conditions: qualifications &amp; experience</b></p>

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SCHEDULE OF NIUE

Category of natural person	Sector or subsector	Conditions and duration of stay
<b>II. Category-specific commitments</b>		
<p><u>Business visitors</u></p> <p>Business visitor means a natural person of another Party who is:</p> <p>(a) a service seller being a natural person of another Party who is a sales representative of a service supplier of that Party and is seeking temporary entry into Niue for the purpose of negotiating the sale of services for that service supplier, where such representative will not be engaged in making direct sales to the general public or in supplying services directly;</p> <p>(b) an investor of another Party, as defined in Chapter 9 (Investment), ... seeking temporary entry into the territory of Niue to establish, expand, monitor, or dispose of an investment of that investor; or</p> <p>(c) a goods seller, being a natural person of another Party who is seeking temporary entry into the territory of Niue to negotiate for the sale of goods where such negotiations do not involve direct sales to the general public.</p>	<p>All sectors</p>	<p>Period of stay of 30 days, with the possibility of an extension for another 30 days.</p>

Typical definition / categories of "business visitor". Detailed conditions

Scope: all sectors - typical

Short stay



ANNEX 8-A SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)

SCHEDULE OF SAMOA

Category of natural person	Sector or subsector	Conditions (duration of stay)
<b>II. Category-specific commitments</b>		
<p><u>Skilled or semi-skilled workers:</u></p> <p>Skilled or semi-skilled worker means a natural person of another Party who enters the territory of Samoa in order to work temporarily under an employment contract with an enterprise in Samoa, and who is appropriately qualified and/or experienced for that employment.</p> <p>Limited to the following occupations:</p> <ul style="list-style-type: none"> <li>- Doctors (general practitioners)</li> <li>- Pathologists</li> <li>- Dermatologists</li> <li>- Ophthalmologists</li> <li>- Vets</li> <li>- Technicians (manufacturing sector)</li> <li>- Mechanics</li> <li>- Counsellors</li> <li>- Chefs</li> <li>- Naval Architects</li> </ul>	<p>All sectors listed in Samoa's schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment).</p>	<p>Conditional on obtaining a work permit, for which the decision is based after consideration of Samoan citizens or permanent residents with the requisite technical skills or professional experience available for such employment, the number of Samoan natural persons employed in the industry, the development of the relevant industry, and the employment requirements under the Foreign Investment Act 2000;</p> <p>Period of stay up to a maximum of two years.</p>

Typical definition but limited to specific categories

Scope: Committed S&I Sectors

Detailed conditions: work permit – conditional on ENT/LMT & requirements under Act

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SCHEDULE OF SOLOMON ISLANDS

Typical definition

Category of natural person	Sector or subsector	Conditions and Limitations (including duration of stay)
<b>II. Category-specific commitments</b>		
<p><u>Installer or servicer</u></p> <p>Installer or servicer means a natural person of another Party who is an installer or servicer of machinery or equipment, where such installation or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>	<p>All sectors</p>	<p>Period of stay up to a maximum of 90 days within any one year period. Stay beyond 90 days is conditional on the non-availability of Solomon Island citizens or permanent residents with the requisite skills and professional experience available for such employment.</p>

Typical: All Sectors

Short stay – extension subject to LMT

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**SCHEDULE OF TONGA**

1. Tonga's commitments under Article 5 (Market Access) and Article 6 (National Treatment) of Chapter 7 (Trade in Services) and under Chapter 8 (Movement of Natural Persons) apply only in relation to the categories of persons set out below. In accordance with Article 5 (Market Access), Article 6 (National Treatment), and Article 8 (Specific Commitments) of Chapter 7 (Trade in Services) and with Chapter 8 (Movement of Natural Persons), Tonga specifies below any terms, conditions, limitations or qualifications.

<b>Category of natural person</b>	<b>Sector or subsector</b>	<b>Conditions and Limitations (including duration of stay)</b>
<b>II. Category-specific commitments</b>		
<u>Business visitors</u>  Business visitor means a natural person of another Party who is: (a) a service seller ... (b) an investor of another Party, ...; or (c) a goods seller...	All sectors	Period of stay of a maximum of six months in one year.

Variation between Parties  
on duration of stay - some  
much shorter

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**SCHEDULE OF TUVALU**

Category of natural person	Sector or subsector	Conditions and Limitations (including duration of stay)
<b>I. Horizontal Commitments</b>		
All categories of natural persons included in this schedule	All sectors	<p>Natural persons who are not citizens of Tuvalu and enterprises that are not wholly-owned by citizens of Tuvalu are prohibited from owning land. Land may be leased for a period not exceeding 25 years. Leases have to be approved by the Lands Court and by the relevant Minister under a non-discriminatory process.</p> <p>Natural persons who are not citizens of Tuvalu and Enterprises that are not wholly-owned by citizens of Tuvalu may be required to provide short-term training to local employees.</p>

Interesting Horizontal (All Sectors) requirement for foreign workers to provide training to local employees



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**SCHEDULE OF VANUATU**

<b>Category of natural person</b>	<b>Sector or subsector</b>	<b>Conditions and Limitations (including duration of stay)</b>
<b>I. Horizontal Commitments</b>		
All categories of natural persons included in this schedule	All sectors	<p>Freehold ownership of land is prohibited. Only indigenous Ni Vanuatu can own land under customary law provisions. Indigenous citizens and expatriates can hold land in leasehold.</p> <p>Employers of non-Vanuatu citizen workers shall pay an annual tax for each work permit issued. Foreign workers for whom work permits have been issued, as well as their employers, shall provide training to citizens of Vanuatu.</p>

**Horizontal (All Sectors)  
requirement for tax  
for work permit and  
training to local  
employees**