

(Subject to Leal Review in English, Spanish and French
for Accuracy, Clarity and Consistency
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AUSTRALIA'S SCHEDULE OF COMMITMENTS FOR TEMPORARY ENTRY FOR BUSINESS PERSONS

1 The following sets out Australia's commitments in accordance with Article 12.4 (Grant of Temporary Entry) in respect of the temporary entry of business persons.

Description of Category	Conditions and Limitations (including length of stay)
<p>A. Business Visitors Australia extends its commitments under this category to each Party that has made commitments under any of the following headings:</p> <ul style="list-style-type: none"> · "Business Visitors" · "Short term Business Visitors" · "Service Sales Persons". 	
<p><u>Definition:</u> Business visitors comprise:</p> <p>(a) Business persons seeking to travel to Australia for business purposes, including for investment purposes, whose remuneration and financial support for the duration of the visit must be derived from sources outside Australia and who must not engage in making direct sales to the general public or in supplying goods or services themselves; and</p> <p>(b) Service sellers, being business persons who are not based in Australia and whose remuneration and financial support for the duration of the visit must be derived from sources outside Australia, and who are sales representatives of a service supplier, seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier.</p>	<p>(a) Entry is for periods of stay up to a maximum of three months.</p> <p>(b) Entry is for an initial stay of six months and up to a maximum of 12 months.</p>

Description of Category	Conditions and Limitations (including length of stay)
<p>B. Installers and servicers Australia extends its commitments under this category to each Party that has either made commitments:</p> <p>(a) under any of the following headings:</p> <ul style="list-style-type: none"> · “Installers/servicers” · “Installers and servicers”, or; <p>(b) elsewhere in its schedule of specific commitments on the temporary entry of business persons to install and service machinery or equipment as a condition of purchase under contract of the said machinery or equipment.</p>	
<p><u>Definition:</u> A business person who is an installer or servicer of machinery and/or equipment, where such installation and/or servicing by the supplying enterprise is a condition of purchase under contract of the said machinery or equipment, and who must not perform services which are not related to the service activity which is the subject of the contract.</p>	<p>Entry is for periods of stay up to a maximum of three months.</p>

C. Contractual Service Suppliers

(Including independent professionals and specialists)

Australia extends its commitments under this category to each Party that has made commitments under any of the following headings:

- “Contractual Service Suppliers”
- “Independent Professionals”
- “Professionals”
- “Professionals and technicians”
- “Professionals and technician-professionals”.

In accordance with, and subject to, Australia’s laws and regulations, Australia shall, upon application, grant the right of entry and temporary stay, movement and work to the accompanying spouse and/or dependants of a business person that is granted temporary entry or an extension of temporary stay under these commitments.

Definition:

Business 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:

- (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
- (b) engaged by an enterprise lawfully and actively operating in Australia in order to supply a service under a contract within Australia.

Entry and temporary stay of business persons is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian government department responsible for immigration matters (as at entry into force, the address of that website was www.border.gov.au). Sponsorship requirements, including eligible occupations, may change from time to time.

Entry of business persons is for periods of stay up to 12 months, with the possibility of further stay.

Entry and temporary stay of spouses and dependants is for the same period as the business persons concerned.

D. Independent Executives

Australia extends its commitments under this category to each Party that has made commitments for the entry and temporary stay of a business person for at least up to a maximum of twelve months under any of the following headings:

- “Independent Executives”
- “Other Personnel”
- “Persons Responsible for Setting Up a Commercial Presence”
- “Investors”.

In accordance with, and subject to, Australia’s laws and regulations, Australia shall, upon application, grant the right of entry and temporary stay, movement and work to the accompanying spouse and/or dependants of a business person that is granted temporary entry or an extension of temporary stay under these commitments.

Definition:

Business persons whose work responsibilities match the description set out below and who intend, or are responsible for, the establishment in Australia of a new branch or subsidiary of an enterprise which has its head of operations in the territory of another Party and which has no other representative, branch or subsidiary in Australia. Independent executives 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.

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Entry of business persons is for periods of stay up to a maximum of two years.

Entry and temporary stay of spouses and dependants is for the same period as the business persons concerned.

E. Intra-Corporate Transferees

Australia extends its commitments under this category to each Party that has made commitments under the heading of “Intra-Corporate Transferees”.

In accordance with, and subject to, Australia’s laws and regulations, Australia shall, upon application, grant the right of entry and temporary stay, movement and work to the accompanying spouse and/or dependants of a business person that is granted temporary entry or an extension of temporary stay under these commitments.

Definition:

A business person employed by an enterprise of another Party established and lawfully and actively operating in Australia, who is transferred to fill a position in the parent, branch, subsidiary or affiliate of that enterprise in Australia, and who is:

- (a) an executive or a senior manager, who is a business person responsible for the entire or a substantial part of the operations of the enterprise 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; or
- (b) a specialist, who is a business person with advanced trade, technical or professional skills and experience who is assessed as having the necessary qualifications, or alternative

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- (a) Entry for executives and senior managers is for a period of stay up to four years, with the possibility of further stay.
- (b) Entry for specialists is for a period of stay up to two years, with the possibility of further stay.

Entry and temporary stay of spouses and dependants is for the same period as the business persons concerned.

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<p>credentials accepted as meeting Australia's domestic standards for the relevant occupation, and who must have been employed by the employer for not less than two years immediately preceding the date of the application for temporary entry.</p>	
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