

MALAYSIA – AUSTRALIA FREE TRADE AGREEMENT (MAFTA)

**SCHEDULES OF MOVEMENT OF NATURAL
PERSONS COMMITMENTS**

SCHEDULE OF AUSTRALIA

1. Australia's commitments under Article 8.3 (National Treatment) and Article 8.5 (Market Access) of Chapter 8 (Trade in Services), and under Chapter 11 (Movement of Natural Persons), in relation to the supply of a service by a service supplier of Malaysia through presence of natural persons of Malaysia in the territory of Australia, apply only in relation to the categories of persons set out below.

2. In accordance with Articles 8.3 (National Treatment) 8.5 (Market Access) and 8.6 (Schedules of Specific Commitments) of Chapter 8 (Trade in Services), for the categories of persons set out in this Schedule, Australia specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of Malaysia through the presence of natural persons of Malaysia in the territory of Australia.

Sector or Sub-Sector	Description of Category	Conditions and Limitations (Including Length of Stay)
<i>For all categories of persons listed below except business visitors that are investors, employees of investors or goods sellers: all sectors listed in the Australian Schedule under Annex 3 (Schedules of Specific Services Commitments).^{1,2}</i> <i>For business visitors that are investors, employees of investors or goods sellers: all sectors.</i>	(A) Intra-Corporate Transferees	
	(i) Executives and senior managers being natural persons who are employees of a business of Malaysia operating in Australia, and who will be responsible for the entire or a substantial part of the business' operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the business, including directing the business or a department or	Entry and stay of such natural persons is subject to employer sponsorship. Employer sponsorship requirements for this category include minimum skill levels in a gazetted occupation and sponsorship by a bona fide business operating lawfully and actively in Australia. Employer sponsorship requirements may change from time to time. Full details of employer sponsorship requirements, including the list of gazetted

¹ In relation to maritime cargo handling services, there is an additional requirement for shore labour to undertake loading and unloading of ships under the *Navigation Act 1912*.

² In relation to private hospital services (CPC 93110**), restrictions apply under the *Health Insurance Act 1973* (the Act) in relation to access to payments under Australia's national health insurance scheme (Medicare) for the supply of services by an 'overseas trained doctor' or 'foreign graduate of an accredited medical school', both as defined in the Act.

Sector or Sub-Sector	Description of Category	Conditions and Limitations (Including Length of Stay)
	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 business.	occupations, are available on the website of the Australian Government department responsible for immigration matters. (As at the date of entry into force of this schedule, the address of that website was www.immi.gov.au) Entry is for an initial period of stay of up to four years, with provision for extensions up to a maximum stay of 14 years.
	(ii) Specialists being natural persons who are employees of a business of Malaysia operating in Australia, and who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the business' service, research, equipment, techniques, or management, and who have been employed by the employer for not less than two years immediately preceding the date of the application for temporary entry. A specialist may include, but is not limited to, members of a licensed profession.	Entry and stay of such natural persons is subject to employer sponsorship by the employing business. Employer sponsorship requirements for this category include an assessment that the natural person seeking entry has the necessary qualifications, skills and work experience accepted by the relevant authority as meeting the Australian standards for his or her nominated occupation, which must fall within the list of gazetted occupations. Employer sponsorship requirements may change from time to time. Full

Sector or Sub-Sector	Description of Category	Conditions and Limitations (Including Length of Stay)
		details of employer sponsorship requirements, including the list of gazetted occupations, are available on the website of the Australian Government department responsible for immigration matters. (As at the date of entry into force of this schedule, the address of that website was www.immi.gov.au) Entry is for periods of stay up to two years, with provision for an extension.
	(B) Independent Executives	
	Independent executives being natural persons whose work responsibilities match the description set out below and who intend, or are responsible for, the establishment in Australia, of a new business of a service supplier which has its head of operations in the territory of Malaysia and which has no other representative, branch or subsidiary in Australia. Independent executives will be responsible for the entire or a substantial part of	Entry and stay of such natural persons is subject to employer sponsorship. Employer sponsorship requirements for this category include minimum skill levels in a gazetted occupation and sponsorship by a bona fide overseas business or by a State or Territory Government of Australia. Employer sponsorship requirements may change from time to time. Full details of employer sponsorship requirements, including the list of gazetted occupations, are

Sector or Sub-Sector	Description of Category	Conditions and Limitations (Including Length of Stay)
	the business' operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the business, including directing the business 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 business.	available on the website of the Australian Government department responsible for immigration matters. (As at the date of entry into force of this schedule, the address of that website was www.immi.gov.au) Entry is for periods of stay up to a maximum of two years.
	(C) Business Visitors Business visitors being natural persons seeking to travel to Australia for business 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 the services themselves. Business visitors comprise:	
	(i) Service sellers, as business visitors being natural persons not based in Australia who are (sales) representatives of a service supplier and are seeking temporary entry	Entry is for an initial stay of six months and up to a maximum of 12 months.

Sector or Sub-Sector	Description of Category	Conditions and Limitations (Including Length of Stay)
	for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier.	
	(ii) Business visitors, being natural persons seeking to travel to Australia for the purpose of participating in business negotiations or meetings.	Entry is for periods of stay up to a maximum of three months.
	(iii) Business visitors, being natural persons who are investors of Malaysia or employees of an investor (who are senior managers, executives or specialists whose work responsibilities match those set out in (A)(i) and (ii) above) seeking temporary entry to establish an investment.	Entry is for periods of stay up to a maximum of three months.
	(iv) Business visitors, being natural persons of Malaysia who are seeking entry for the purposes of negotiating the sale of goods where such negotiations do not involve direct sale to the general public.	Entry is for periods of stay up to a maximum of three months.

Sector or Sub-Sector	Description of Category	Conditions and Limitations (Including Length of Stay)
	(D) Contractual Service Suppliers	
	Contractual service suppliers (including independent professionals/ specialists). Contractual service suppliers (CSS) being natural persons with trade, technical or professional skills.	Entry and stay of such natural persons is subject to employer sponsorship. Employer sponsorship requirements for this category include sponsorship by a bona fide overseas business or business operating lawfully and actively in Australia and a contract for the supply of a service within Australia. That business must have employed the natural person seeking entry and must intend that person to assist in fulfilling its Australian services contract. The natural person seeking entry must be assessed as having the necessary qualifications, skills and work experience accepted as meeting the Australian standards for his or her nominated occupation, which must fall within the list of gazetted occupations. Employer sponsorship requirements may change from time to time. Labour market testing may be required for some occupations, to the extent that this is not inconsistent with Australia's commitments

Sector or Sub-Sector	Description of Category	Conditions and Limitations (Including Length of Stay)
		under the WTO. Full details of employer sponsorship requirements, including the list of gazetted occupations, are available on the website of the Australian Government department responsible for immigration matters. (As at the date of entry into force of this schedule, the address of that website was www.immi.gov.au) Entry is for periods of stay up to 12 months, with provision for an extension.
	(E) Spouses	
	Spouses of temporary entrants covered by (A), (B) and (D) are accorded full working rights where stay of those temporary entrants is at least 12 months.	For such spouses, entry and stay is for the same period as for the temporary entrant.

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SCHEDULE OF MALAYSIA

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2. In accordance with Articles 8.3, 8.5 and 8.6 (National Treatment, Market Access and Schedules of Specific Commitments) of Chapter 8 (Trade in Services), for the categories of persons set out in this Schedule, Malaysia specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of Australia through the presence of natural persons of Australia in the territory of Malaysia.

3. For National Treatment: Unbound, except for the following categories of natural persons.

Description of Category	Conditions and Limitations (Including Length of Stay)
For National Treatment: Unbound, except for the following categories of natural persons.	
1. Intra-Corporate Transferees	Entry and temporary stay of natural persons defined in categories 1(a) and (b) shall not exceed a total of 10 years.
(a) Senior managers being persons within an organisation that provides services within Malaysia: (i) having proprietary information of the organisation; (ii) exercise wide latitude in decision making relating to the establishment, control and operation of the organisation; (iii) primarily direct the management of the organisation; and (iv) receive only general supervision or direction from the board of directors or partners of the organisation.	
(b) Specialists or experts being persons within the organisation who possess knowledge at an advanced level of continued expertise and who possess proprietary knowledge of the	Three specialists or experts per organisation. Additional specialists or experts may be allowed subject to market test and the

Description of Category	Conditions and Limitations (Including Length of Stay)
organisation's new service product and technology, research equipment and techniques or management.	training of Malaysians through an acceptable training programme in the relevant services sector or subsector. Provided that such persons are employees of the foreign service supplier and have been in the employment of that foreign service supplier for a period of not less than one year immediately preceding the date of their application for a work permit and he is to serve in at least a similar capacity.
2. Others	
(a) Specialists or experts being persons who possess knowledge at an advanced level of continued expertise and the employment of Malaysians as counterparts and/or training of Malaysians through acceptable training programmes in the relevant services sector or subsector.	Entry and temporary stay of natural persons defined in categories 2 (a) and (b) shall not exceed a total of 10 years.
(b) Professionals being persons who possess necessary academic credentials, professional qualifications, experience and/or expertise which have been duly recognised by the professional bodies in Malaysia and registered with those respective professional bodies; and are carrying out respective professional activities.	
3. Business Visitors means a natural person who is: (a) a service seller or representative of a service supplier and is seeking temporary entry into Malaysia, for the purpose of negotiating the sale of services for that service supplier and will not be engaged in direct sales to the	Entry and temporary stay of natural persons defined in categories 3 (a), (b) and (c) shall not exceed a total of 90 days.

Description of Category	Conditions and Limitations (Including Length of Stay)
general public or in supplying services directly; (b) a goods seller, being a natural person who is seeking temporary entry into Malaysia to negotiate for the sale of goods, or to enter into a distribution or retailing arrangement where such negotiations do not involve direct sales to the general public; or (c) an investor of a Party, as defined in Chapter 12 (Investment), seeking temporary entry into Malaysia to establish an investment and a natural person employed or otherwise engaged by an investor of the other Party in respect of an investment of that investor in Malaysia.	
4. Installer and servicer means persons who are installer or servicer of machinery and/or equipment who are employed or appointed by a supplying company, where such installation and/or servicing by the supplying company is a condition of purchase of the said machinery and/or equipment, and are not performing activities which are not related to the installing or servicing activities which is the subject of the contract, and receives his or her remuneration from the supplying company.	Entry and temporary stay of natural persons defined in category 4 shall not exceed a total of six (6) months.

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
1. Business Services			
A. Professional Services			
Legal Services (CPC 8619) Covers advisory and consultancy services relating only to home country laws, international law and offshore corporation laws of Malaysia.	Unbound, except as indicated in 1 (a) and 1(b) and 2 (a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Accounting, auditing and bookkeeping services (CPC 862)	None	Unbound, except for the categories of natural persons referred to in the market access column.	
Taxation Services (CPC 863 / 8630)	None, subject to registrations as a tax agent under Section 153 of the Income Tax Act 1967 and fulfillment of residency requirements. Entry shall be limited to	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	maximum period of two years, subject to domestic regulations.		
Architectural services (CPC 8671)	4 specialists/experts per country registered in the country of origin to work in collaboration with local registered Architects subject to qualification of registration and domestic regulations. Temporary registration on annual basis and renewal subject to domestic regulations.	Unbound, except for the categories of natural persons referred to in the market access column.	
Engineering services (CPC 8672) Covers CPC 86721- 86729	Unbound, except as indicated in the horizontal section and in respect of 2(b), subject to temporary registration for a period of one year per temporary registration.	Engineering services must be authenticated by a registered professional engineer in Malaysia.	The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language. Other requirements as per in ASEAN Chartered Professional Engineer (ACPE) Registry.

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Integrated engineering services (CPC 8673) Covers CPC 86731, 86732, 86733, 86739	Unbound, except as indicated in the horizontal section and in respect of 2(b), for a period of up to one year or the duration necessary to complete the services contract.	Unbound, except for the categories of natural persons referred to in the market access column.	The qualifying examination to determine the competence and ability to supply the service for the purpose of registration with the professional bodies will be conducted in English language.
Urban Planning Services (CPC 86741) Covers development services programmes regarding land use, site selection, control and utilisation, road systems and servicing of land with a view to creating and maintaining systematic, coordinated urban planning.	Unbound except for: i) independent professionals¹ with an employment contract with a registered Malaysian town planning company. Independent professionals must possess recognised qualifications and obtained temporary registration with the relevant regulatory authorities; ii) consultants (with recognised qualifications and subject to registration) for wholly public funded projects and in collaboration with a Malaysian urban planning company.	Unbound	

¹ Independent professionals is as defined in para 2(b), in the Horizontal Section

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Any other requirements or provisions as spelt out under the relevant legislation.		
Landscaping services (CPC 86742*) Covers the provision of advisory, planning and designing services for the aesthetic landscaping of golf courses and theme parks.	Unbound, except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Medical specialty services (CPC 93122) Covers forensic medicine, nuclear medicine, geriatrics, micro vascular surgery, neurosurgery, cardiothoracic surgery, plastic surgery, clinical immunology and oncology, traumatology, anaesthesiology, intensive care specialist, child psychiatry and physical medicine	Unbound, except indicated in 2(a) in the horizontal section	None other than: – practice only in private hospitals of at least 50 beds; – practice to be only at a specified location and a change of location requires approval; and – the setting up of individual or joint group practices is not permitted	The qualifying examination to determine the competence and ability to supply the service will be conducted in English language.

* An asterisk against a CPC code number indicates that the corresponding service subsector in this schedule covers only a part or parts of the service subsector classified under the CPC concordance

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Veterinary services (CPC 932) Services delivered to equine animals in equestrians or turf clubs	Unbound, except indicated in 2(a) in the horizontal section.	Unbound, except indicated in the horizontal section.	
B. Computer and Related Services			
Consultancy services related to the installation of computer hardware (CPC 841) Software Implementation Services(CPC 842) Data Processing Services (CPC 843) Database services (CPC 844) Maintenance and Repair Services of Computers (CPC 845) Other Computer Services (CPC 849**) Data preparation services for clients not involving data processing services (CPC 84910)	Unbound, except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Other Computer Services n.e.c. covering training services for staff of clients; data recovery services; and development of creative content (CPC 84990**)			
C. Research and Development Services			
Research and experimental development services on social sciences and humanities (CPC 8520 except 85203 and 85204)	Unbound, except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Research and development services on natural sciences and engineering (CPC 851** except for research and development services involving Malaysia's natural resources, biodiversity and genetic materials and CPC 85105 research and development services on medical sciences and pharmacy) Limited to industrial activities and defined as any systematic or intensive study carried out in the field of science or technology with the object of using the results of the study for the production or improvement of materials, devices, products, produce or processes but does not include: (i) Quality control of products or routine testing of materials, devices, products or produce;	Unbound, except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(ii) Research in the social sciences or humanities; (iii) Routine data collection; (iv) Efficiency surveys or management studies; and (v) Market research or sales promotion.			
Interdisciplinary research and development services (CPC 853** except for interdisciplinary research and development services involving Malaysia's natural resources, biodiversity and genetic materials) Covers industrial activities; all science and engineering disciplines, including biotechnology and information communication technology; and defined as any systematic or intensive study carried out in the field of science or technology with	Unbound, except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
the objective of using the results of the study for the production or improvement of materials, devices, products, produce or processes but does not include: (i) Quality control of products or routine testing of materials, devices, products or produce; (ii) Research in the social sciences or humanities; (iii) Routine data collection; (iv) Efficiency surveys or management studies; and (v) Market research or			

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. Rental/Leasing Services without Operator			
Relating to ships exclude cabotage and offshore trades (CPC 83103) Relating to aircraft (CPC 83104)	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Leasing or rental services relating to construction and mining equipment and industrial plant and equipment (CPC 83107*)	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
F. Other Business Services			
Advertising services (CPC 8711, 8712, 8719)	Unbound, except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Market research and public opinion polling services (CPC 864)	Unbound except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Management Consulting Services (CPC 865) excluding financial management consulting services (CPC 86502) and Other Management Consulting Services (CPC 86509) covering: a) advisory, guidance and operational assistance services concerning management of the transmission of non-conventional energy. b) advisory, guidance and operational assistance on environmental management services including risk assessment services.	Unbound, except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
c) advisory and guidance in the field of pharmacy as follows: – Basic material manufacturing consultancy in the manufacture of drugs in raw material form; – New systems of drug delivery; – Biotechnology-new techniques for influencing the process and products of living cells; – New techniques in drug development and methods of producing drugs and vaccine; – Vaccine production. d) advisory and guidance on International Value Added Network Services, rural telecom development and human resource development in telecommunications.			

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Technical Testing and Analysis Services (CPC 8676)	Unbound, except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Services incidental to agriculture and fishing (CPC 881*, 882*) Covering only specialised consultancy, advisory and operational assistance on crop and fisheries management, including, value-added services such as preservation techniques, etc.	Unbound except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Services Incidental To Mining (CPC 883,5115)			
Site Investigation Work for Construction Project (CPC 51110) Engineering geological studies and terrain geological mapping.	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Site Preparation for Mining (CPC 51150) Tunneling, overburden removing and site preparation	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Construction for Mining and Manufacturing (CPC 51360)	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Engineering Works (CPC 51390) Mine Site Construction	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Water Well Drilling (CPC 51520) Drilling or digging water well, installation and repair work of water well pumps and well piping system.	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Services incidental to manufacturing (CPC 884, 885 except 88442)	Unbound except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Related Scientific and Technical Consulting Services			
Related Scientific and Technical Services (CPC 86751) Geological, Geophysical and other scientific prospecting services (locating of minerals deposit or ground water)	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Subsurface Survey (CPC 86752) Seismic	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Interpretation of Images (CPC 86753) Remote Sensing, photogrammetric, sub-bottoms profiling.	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Map making Services (CPC 86754) Geological map, hydro graphic map, geochemical map, geophysical map, hydro geological map, terrain geological map, engineering geology map.	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Convention and exhibition management services (CPC 87909) Covers the provision of planning, organisational, management and marketing services for conventions and other similar events	Unbound, except as indicated in the horizontal section.	Unbound except for the categories of natural persons referred to in the market access column.	
Other (CPC 8790)			

Translation and interpretation services (CPC 87905)	No limitation subject to domestic regulation.	No limitation subject to domestic regulation.	
Student Placement Services, covering promoting, recruiting and facilitating students for studies outside Malaysia (CPC 87909)	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Operational Headquarters (OHQ) Services covering general management and administration, business planning, procurement of raw materials, technical support, marketing control and sales promotion planning, training and personnel management, provision of treasury and fund management services and research and development carried out by a company in Malaysia for its offices and related companies outside Malaysia. Services rendered by OHQ companies are limited to establishments engaged in business related to the following sectors or sub-sectors: Sea and air services, Communication services, Tourism services, Professional and Consulting services (CPC 87909)	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access section column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. Communication Services			
<u>C. Telecommunication Services</u>			
Based on domestic regulations, Malaysia has reclassified its communications service sector on the basis of provision of Network Facility services (NFP), provision of Network Service (NSP), provision of Application Service (ASP). Individual and class licences: NFP(I)² and NFP(C)³ NSP(I)⁴ and NSP(C)⁵ ASP(C)⁶	Unbound except as indicated in horizontal commitments.	Unbound except as indicated in horizontal commitments	

² Network facilities provider individual licence [NFP(I)] enables the provision of network facilities services such as earth stations, fixed links and cables, radio communications transmitters and links, satellite control station, satellite hubs, space station, submarine cable landing centre, towers, poles, ducts and pits used in conjunction with other network facilities.

³ Network facilities provider class licence enables [NFP(C)] the provision of niched or limited purpose network facilities such as radio communications transmitters for public mobile radio network services, radio communications transmitters for public radio paging network services, radio communications transmitters and links for public wireless data network services, for sole purpose of end users in buildings or a single clustered building complex.

⁴ Network service provider individual licence [NSP(I)] enables the provision of network services such as bandwidth services, broadcasting distribution services, cellular mobile services, access applications services, space services, switching services and gateway services.

⁵ Network service provider class licence enables [NSP(C)] the provision of niched customer access or niched connection services such as public mobile radio network service, one or two way radio paging network services, terrestrial wireless fixed/mobile data network services for the specific purposes of messaging, surveillance, ticketing or inventory management, offered for the sole purpose of connecting end users in a building or a single clustered building complex.

⁶ Application Service Provider class licence [ASP(C)] enables the provision of applications services such as PSTN telephony, public cellular services, IP telephony, public payphone service, public switched data service, audiotext hosting services provided on an opt-in basis, directory services, internet access services, messaging services, private payphone services, telegram services.

Explanatory Note

1) This sector is governed by the Communications and Multimedia Act 1998 and its subsidiary rules and regulations.

2) Definitions as per Communications and Multimedia Act 1998

- a. Network facilities mean any element or combination of elements of physical infrastructure used principally for, or in connection with, the provision of network services, but does not include customer equipment.
Network facilities provider means a person who is an owner of any network facilities.
- b. Network services means a service for carrying communications by means guided and/or unguided electromagnetic radiation.
Network service provider means a person who provides network services.
- c. Application service means a service provided by means of, but not solely by means of, one or more network services.
Application service provider means a person who provides an applications service.

3) Definitions as per Communications and Multimedia (Licensing) (Amendment) Regulations 2001

- a. Network facilities provider class licensee means a person who is registered with the Commission to provide a network facility in accordance with the provisions of the Act and these Regulations.
Network facilities provider individual licensee means an individual license granted to a network facilities provider in accordance with the provisions of the Act and these Regulations.
- b. Network service provider class licensee means a person who is registered with the Commission to provide a network service in accordance with the provisions of the Act and these Regulations.
Network service provider individual licensee means an individual licence granted to a network service provider in accordance with the provisions of the Act and these Regulations.
- c. Application service provider class licensee means a person who is registered with the Commission to provide an application service in accordance with the provisions of the Act and these Regulations.
Application service provider individual licensee means an individual license granted to an applications service provider in accordance with the provisions of the Act and these Regulations.

Sector or Sub-sector	Limitation on Market Access	Limitations on National Treatment	Additional Commitments
D. <u>Audiovisual Services</u> Motion picture, video tape and audio recording distribution services (CPC 96113)	Unbound, except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
Construction Work for Buildings (CPC 512) Construction Work for Civil Engineering (CPC 513) Assembly and Erection of Prefabricated Constructions (CPC 514) Installation Work (CPC 516) Building Completion and Finishing Work (CPC 517) Pre-erection Work at Construction Site (CPC 511) Special Trade Construction (CPC 515)	Unbound except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitation on Market Access	Limitations on National Treatment	Additional Commitments
5. EDUCATION SERVICES			
For international schools: Primary education services (CPC 921) General secondary education services (CPC 9221) Higher secondary education services (CPC 9222)	Unbound, except as indicated in the horizontal section.	Unbound except as indicated in the market access column.	
Other education services (CPC 929 / 9290 / 92900) Technical and vocational secondary education services (CPC 9223) Technical and vocational secondary school-type education services for handicapped students (CPC 9224)	Unbound, except as indicated in the horizontal section.	Unbound except as indicated in the market access column.	

Sector or Sub-sector	Limitation on Market Access	Limitations on National Treatment	Additional Commitments
Other Higher Education Services provided by privately funded higher education institutions other than private higher education institutions with Malaysian Government equity or that receive Malaysian government assistance (CPC 92390)	Entry and stay of natural persons defined in categories 1(a) and 1(b) and 2(a) and 2(b) and 3 shall not exceed a total of 10 years. Unbound except for measures affecting the entry and temporary stay of natural persons defined below: 1. Intra-corporate Transferees (a) senior managers being persons with an organisation having propriety information of the organisation and who exercise wide latitude in decision making relating to the establishment, and receive only general supervision or direction from the board of directors or partners of the organisation. (b) Lecturers and experts 10 lecturers and/or experts but not more than 30 per cent of lecturers employed in an educational institution who	Unbound except as indicated in the market access column.	

Sector or Sub-sector	Limitation on Market Access	Limitations on National Treatment	Additional Commitments
	possess the necessary qualifications, knowledge, credentials or experience. 2. Others (a) Professionals 2 professionals being persons who possess necessary professional qualifications, industry and/or who are employed on the basis of their expertise in an educational institution. (b) Business visitors Business visitors being persons not based within Malaysia, receiving no remuneration from a source located within Malaysia who are investors or who have been employed for at least one year by a foreign educational institution, whose entry and temporary stay is for the		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	purposes of evaluating business opportunities. (c) Contractual Service Suppliers (i) Independent Professionals – the natural person has obtained a service contract in the territory of the Party where the service is to be provided; – possess appropriate educational and professional qualification relevant to the service to be provided and/or recognised by and registered with professional bodies; – commitment relates only to the service activity which is subject of the contract; it does not confer entitlement to exercise the professional title; – commitment applies only to the list of sectors specified in the schedule		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(ii) Employees of Juridical Persons (a) Engaged in the supply of a service on a temporary basis as employees of a juridical person supplying the service, with no commercial presence in the territory of the Party where the service is to be provided; (b) The juridical person has obtained a service contract to be provided in the territory of another Party; (c) The employees receive remuneration from their employer while abroad; (d) The employees may not engage in other employment in the territory of the Party where the service is to be provided;		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(e) The employees have appropriate educational and professional qualifications relevant to the service to be provided; (f) Commitment relates only to the service activity which is the subject of the contract; it does not confer entitlement to exercise the professional title of the Party concerned; (g) Commitment applies only to the List of sectors specified and the employee provides the service as a professional/ specialist in the specified sector.		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES			
Wastewater Management (CPC 9401**) Covers removal and treatment of industrial effluents (Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, district or municipalities or contracted out by them)	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
Cleaning services of exhaust Gases (CPC 9404**) Covers services provided at industrial premises to remove air pollutants including monitoring of mobile emissions and implementation of control systems or reduction programmes.	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, district or municipalities or contracted out by them)			
Noise abatement services (CPC 9405**) Covers only monitoring programmes, installation of noise reduction screens in residential, commercial and industrial premises. (Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, district or municipalities or contracted out by them)	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitation on Market Access	Limitations on National Treatment	Additional Commitments
Nature and landscape protection services (CPC 94060**) Covers contaminated soil clean-up and remediation. (Only for services contracted by the private sector. Does not include public works functions owned and operated by federal, district or municipalities or contracted out by them)	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
7. FINANCIAL SERVICES, INCLUDING INSURANCE			
ALL FINANCIAL SERVICES HORIZONTAL SECTION			
Horizontal Commitments Applicable to the Financial Services Sector			
1. The commitments in the financial services sector are in accordance with the Malaysia-Australia Free Trade Agreement Chapter 8 (Trade in Services) and the Annex on Financial Services. 2. The limitations listed under the all-sector horizontal section shall not apply to financial services, unless otherwise indicated. 3. In respect of offshore banks, offshore investment banks, commercial banks, merchant banks, investment banks, offshore insurance and offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers, offshore insurance managers, insurance companies, and representative offices of commercial banks, merchant banks and investment banks, the following limitations on movement of natural persons on market access and national treatment shall apply in addition to specific limitations to the activity of each financial service as specified for each activity in this Schedule. 4. Unless specified otherwise, references made to the “all-sector horizontal section” in Malaysia’s Schedule of Movement of Natural Persons Commitments for the financial services, including insurance, refer to the non-financial services horizontal section of the schedule. 5. For further clarity, Malaysia’s commitments cannot be interpreted as applying to the supply of Shariah-compliant financial services, unless specific entries are made in the banking, insurance or capital markets sub-sectors accordingly⁶.			
ALL FINANCIAL SERVICES	Limitations in the all-sector horizontal section will apply when indicated in each activity.	Limitations in the all-sector horizontal section will apply when indicated in each activity.	
1. Offshore banks, offshore investment	Unbound, except for temporary presence of natural persons in	Unbound, except for temporary presence of natural persons in	

⁶ This approach is consistent with Malaysia’s commitments at the WTO and under existing FTAs.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
banks, offshore direct insurance companies, offshore reinsurance companies, offshore insurance brokers, offshore insurance underwriting managers and offshore insurance managers.	respect of supply through the mode of commercial presence.	respect of supply through the mode of commercial presence.	
2. Commercial banks, merchant banks and investment banks.	Unbound except the following: (a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence. (b) Five senior managers and ten specialists or experts for each bank. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. Specialists or experts for each	Unbound except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	bank for areas relating to: (i) trade financing (ii) corporate finance; (iii) treasury management; (iv) information technology; (v) risk management; (vi) capital market products; (vii) derivatives instruments; (viii) credit risk management; and (ix) internal control. (c) None for representative office. (d) Entry shall be limited to a maximum period of ten years.		
3. Direct insurance companies.	Unbound except the following: (a) Unless otherwise specified, temporary presence of natural persons is offered only in respect of supply through the mode of commercial presence. (b) Five senior managers and	Unbound except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	ten specialists or experts for locally incorporated insurance companies. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. Specialists or experts for each institution for areas relating to: (i) underwriting of specialised classes of general business; (ii) information technology; (iii) actuarial functions; (iv) risk management; (v) investment management; (vi) product development; (vii) customer service; and (viii) servicing of foreign and regional business. (c) Entry shall be limited to a maximum period of ten years.		

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
FINANCIAL SERVICES ACTIVITIES			
A. Banking and Other Financial Services, Excluding Insurance			
Acceptance of deposits, and other repayable funds from the public, wholesale and retail.	Unbound except as indicated in the all financial services horizontal section.	Unbound except as indicated in the all financial services horizontal section.	
Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions.	For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment. For representative offices of scheduled businesses, two foreign nationals subject to only one foreign national for the two top posts. Entry shall be limited to a maximum period of ten years.	For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except for the categories of natural persons referred to in the market access column.	
Financial leasing.	Unbound except two foreign nationals, one for management post which is not the CEO post and one technical post, for each	Unbound except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	establishment. For representative offices, two foreign nationals subject to one foreign national for the two top posts. Entry shall be limited to a maximum period of ten years. For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	For offshore leasing companies, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	
All payment and money transmission services namely, credit and debit cards, travellers cheques and bankers drafts.	For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except one foreign national for a management post which is not the CEO post, for each establishment. Entry shall be limited to a maximum period of ten years.	For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except for the categories of natural persons referred to in the market access column.	
Charge cards.	Unbound except two senior managers for each establishment. Entry shall be limited to a maximum period of ten years.	Unbound except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Guarantees and commitments.	Unbound except as indicated in the all financial services and all-sector horizontal section.	Unbound except as indicated in the all financial services and all-sector horizontal section.	
Money and foreign exchange broking services.	Unbound. For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	Unbound. For offshore money and foreign exchange brokers, unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	
Trading for own account or account of customers in the following: - money market instruments - foreign exchange - transferable securities - exchange rate and interest rate instruments - derivative products, including futures and options - other negotiable instruments, including bullion	For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	
Services related to the issues of all kinds of	For banks, unbound except as indicated in the all financial	For banks, unbound except as indicated in the all financial	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
securities and placement as agents (whether publicly or privately) (excluding issuing and rating houses).	services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	
Underwriting	For commercial banks, merchant banks, investment banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	For commercial banks, merchant banks, investment banks, offshore banks and offshore investment banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	
Asset management as follows: - cash or portfolio management - all forms of collective investment management - custodial and depository services	For commercial banks, merchant banks and investment banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except as indicated in the all-sector horizontal section.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Advisory, intermediation and other auxiliary financial services, including credit reference and analysis, investment advice on acquisitions, corporate restructuring and strategy	For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except one senior manager and three specialists or experts per establishment. For representative offices of non-banks, three foreign nationals subject to only one foreign national for the two top posts and the other two for managerial level posts. Entry shall be limited to a maximum period of ten years.	For banks, unbound except as indicated in the all financial services horizontal section. For non-banks, unbound except for the categories of natural persons referred to in the market access column.	
Operational headquarters (OHQ) for financial sector (Provides services to commercial and investment banking institutions in activities relating to work carried out in Malaysia for its offices and related companies outside Malaysia, pertaining to general management and administration, business planning, technical support, marketing control and sales	Unbound except as indicated in the all-sector horizontal section.	None.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
promotion planning, training and personnel management, provision of treasury and fund management services and research and development).			
Securities broking services comprising: - broking services; - credit reference and analysis; - investment portfolio management and advice; and - market research.	Unbound for a stockbroking company, except as indicated in the all-sector horizontal section. Notwithstanding the above, for stockbroking companies no restriction is imposed on the number of foreign dealer's representatives. For representative offices, two foreign nationals subject to only one foreign national for the two top posts. Entry shall be limited to a maximum period of ten years.	Unbound except for the categories of natural persons referred to in the market access column.	
Commodity futures broking services	Unbound except one foreign national for a management post per establishment, subject to market test.	Unbound except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Insurance Services			
Direct insurance (non-life)	Unbound except as indicated in the all financial services horizontal section.	Unbound except as indicated in the all financial services horizontal section.	
Direct insurance (life)	Unbound except as indicated in the all financial services horizontal section.	Unbound except as indicated in the all financial services horizontal section.	
Reinsurance and retrocession (non-life)	Unbound except for: (a) Five senior managers and six specialists or experts for each institution are permitted. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier.	Unbound except as indicated in the all financial services horizontal section. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(b) Entry shall be limited to a maximum period of ten years. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.		
Reinsurance and retrocession (life).	Unbound except for: (a) Five senior managers and six specialists or experts for each institution are permitted. A senior manager is an individual possessing proprietary knowledge and authority essential to the establishment, control and operation of the services of the financial service supplier. Specialists or experts are individuals who possess knowledge and expertise relating to new products and services, technique or management of the financial service supplier. (b) Movement of a senior manager, specialist or expert can be through intra-	Unbound except as indicated in the all financial services horizontal section. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	corporate transfers or otherwise. (c) Entry shall be limited to a maximum period of ten years. For offshore reinsurance companies, unbound except as indicated in the all financial services horizontal section.		
Insurance intermediation – insurance broking (excluding agency).	Unbound except as indicated in the all financial services horizontal section.	Unbound except as indicated in the all financial services horizontal section.	
Insurance intermediation – insurance underwriting and insurance management	Unbound except as indicated in the all financial services horizontal section.	Unbound except as indicated in the all financial services horizontal section.	
Services auxilliary to insurance as follows: (a) Consultancy (excludes insurance agency services to insurance industry) (b) Actuarial risk assessment (c) Risk management- (d) Maritime loss adjusting.	Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	Unbound except for temporary presence of natural persons in respect of supply through the mode of commercial presence.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
8. HEALTHCARE SERVICES			
Private hospital services (CPC 93110*)	Unbound, except as indicated in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column.	
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotel, tourist resort and restaurant services covering the management and operation of hotels or resorts, including outlets which may not necessarily include ownership of such properties (CPC 641, 642, 643)	Unbound except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section.	Unbound except for the categories of natural persons referred to in the market access column.	
Travel Agencies and Tour Operators Services (CPC 7471)	Unbound except as indicated in 1(a) in the horizontal section.	Unbound except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
Other entertainment services (CPC 96191, 96192)	Unbound except as indicated in 2(a) in the horizontal section.	Unbound, except for the categories of natural persons referred to in the market access column. Participation of Malaysian entertainers/ artistes may be required based on the guidelines of the relevant Ministry	
Sports events management services (CPC 96411, 96412)	Unbound, except as indicated in 2(a) in the horizontal section	Unbound, except for the categories of natural persons referred to in the market access column.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Theme park (CPC 96194*) A family based recreational area/amusement centre which may consist of rides, mechanical and/or high-tech simulation equipment with various kinds of amusement facilities built around a theme or several themes. Activities to be offered will contain elements of entertainment and adventure. The concept of the park can either be outdoor or indoor or a combination of both.	Unbound except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section	Unbound except for the categories of natural persons referred to in the market access column.	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. Maritime Transport Services			
International maritime transportation services, excludes cabotage (CPC 7211, 7212)	Unbound, except as indicated in the horizontal section. Ship crew is permitted to disembark only for duration of berth.	Unbound, except for the categories of natural persons referred to in the market access column.	
Maritime agency services (CPC 7454*) Covers marketing and sales of maritime transport and related services and acting on behalf of the companies organising the call of the ship or taking over cargoes when required Vessel salvage and refloating services except on inland waters (CPC 74540)	Unbound except as indicated in 1(a) and 1(b) and 2(a) and 3 in the horizontal section	Unbound except the categories of natural persons referred to in the market access column	

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
12. OTHER SERVICES			
Skills training services covering the provision of training for technical, supervisory and production related functional levels in new and emerging technologies as follows: 1. automated manufacturing technology; 2. advanced materials technology; 3. biotechnology; 4. electronics; 5. information technology; and 6. avionics/aviation technology (CPC 97090)	Unbound, except as indicated in the horizontal section	Unbound, except for the categories of natural persons referred to in the market access column.	