

ANNEX IV
SIDE LETTERS

附件IV 旁
letter



THE HON ANDREW ROBB AO MP

MINISTER FOR TRADE AND INVESTMENT

Mr Gao Hucheng
Minister of Commerce
The People’s Republic of China

17 June 2015

Dear Minister Gao,

In connection with the signing of the China-Australia Free Trade Agreement (the “Agreement”) and discussions in relation to Chapter 8 (Trade in Services) and Chapter 10 (Movement of Natural Persons), I have the honour to confirm the following understanding shared by the Governments of Australia and China:

The Parties undertake to cooperate to streamline relevant skills assessment processes for temporary skilled labour visas, including through reducing the number of occupations currently subject to mandatory skills assessment for Chinese applicants for an Australian Temporary Work (Skilled) visa (subclass 457). Australia will remove the requirement for mandatory skills assessment for the following ten occupations on the date of entry into force of the Agreement.

Automotive Electrician [321111]
Cabinetmaker [394111]
Carpenter [331212]
Carpenter and Joiner [331211]
Diesel Motor Mechanic [321212]
Electrician (General) [341111]
Electrician (Special Class) [341112]
Joiner [331213]
Motor Mechanic (General) [321211]
Motorcycle Mechanic [321213]

The remaining occupations will be reviewed within two years of the date of entry into force, with the aim of further reducing the number of occupations, or eliminating the requirement within five years.

The Parties undertake to cooperate to encourage the streamlining of relevant licensing procedures and to improve access to relevant skills assessments. As part of this work, Trades Recognition



THE HON ANDREW ROBB AO MP

贸易与投资部长

高鸿宾 商务部长 中华人民共和国

17六月2015

尊敬的高部长,

关于中国-澳大利亚自由贸易协定（协定）的签署以及与服务贸易第8章和自然人流动第10章相关讨论，本人谨代表澳大利亚和中国政府确认以下共识：

各方承诺合作简化临时技术工人签证的相关技能评估流程，包括通过减少目前对中国申请澳大利亚临时技术工人签证（457类别）的强制性技能评估职业数量。澳大利亚将在协定生效之日起取消以下十个职业的强制性技能评估要求。

汽车电工 [321111]橱柜制造商
[394111]木匠 [331212]木工和细木工 [331211]柴油发动机机械师
[321212]电工（普通） [341111]电
工（特殊类） [341112]细木工
[331213]汽车机械师（普通）
[321211]摩托车机械师 [321213]

其余职业将在生效之日起两年内进行审查，旨在进一步减少职业数量，或五年内取消该要求。

各方承诺合作，以简化相关许可程序并提高相关技能评估的准入。作为此项工作的组成部分，技工认可澳大利亚（TRA）、中国国际承包商协会（CHINCA）及其他由中国政府指定的机构{v1}将合作，旨在扩大澳大利亚离岸技术技能记录（OTSR）在中国的测试准入。

Australia (TRA), the China International Contractors Association (CHINCA) and other institutions¹ designated by the Chinese Government will cooperate with a view to expanding access to testing in China for an Australian Offshore Technical Skills Record (OTSR).

The Parties undertake to review progress in the above areas, as well as discuss avenues for further cooperation in the areas of skills recognition and licensing, within two years of the date of entry into force of the Agreement.

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

Yours sincerely

Andrew Robb

澳大利亚（TRA）、中国国际承包商协会（CHINCA）和其他由中国政府指定的机构¹ 将合作，旨在扩大澳大利亚离岸技术技能记录（OTSR）在中国的测试准入。

各方承诺在协议生效之日起两年内，审查上述领域的进展，并讨论在技能认可和许可领域的进一步合作途径。

本人荣幸地提议，本函及贵方回函确认贵国政府对此理解一致，应构成协议的组成部分。

此致

安德鲁·罗布

¹ Other institutions include relevant institutions designated by the Ministry of Human Resources and Social Security of the People’s Republic of China.

¹ 其他机构包括中华人民共和国人力资源和社会保障部指定的相关机构。

17 June 2015

The Hon Andrew Robb AO, MP
Minister for Trade and Investment
Parliament House
CANBERRA ACT 2600

Dear Minister Robb,

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

In connection with the signing of the China-Australia Free Trade Agreement (the “Agreement”) and discussions in relation to Chapter 8 (Trade in Services) and Chapter 10 (Movement of Natural Persons), I have the honour to confirm the following understanding shared by the Governments of Australia and China:

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The remaining occupations will be reviewed within two years of the date of entry into force, with the aim of further reducing the number of occupations, or eliminating the requirement within five years.

The Parties undertake to cooperate to encourage the streamlining of relevant licensing procedures and to improve access to relevant skills assessments. As part of this work, Trades Recognition Australia (TRA), the China International Contractors Association (CHINCA) and other institutions¹ designated by the Chinese Government will cooperate with a view to expanding access to testing in China for an Australian Offshore Technical Skills Record (OTSR).

The Parties undertake to review progress in the above areas, as well as discuss avenues for further cooperation in the areas of skills recognition and licensing, within two years of the date of entry into force of the Agreement.

¹ Other institutions include relevant institutions designated by the Ministry of Human Resources and Social Security of the People’s Republic of China.

17六月2015

尊敬的Andrew Robb AO、议
员 贸易与投资部长 国会大厦
堪培拉ACT 2600

尊敬的Robb部长,

I have th 承蒙收到贵方今日的信函，内容如下：

关于中国-澳大利亚自由贸易协定（协定）的签署以及与第8章（服务贸易）和第10章（自然人流动）相关讨论，我有幸确认澳大利亚和中国政府共享以下理解：

各方承诺合作简化临时技术工人签证的相关技能评估流程，包括通过减少目前适用于申请澳大利亚临时技术工人签证（457类别）的中国申请人的强制性技能评估职业数量。澳大利亚将在协议生效之日起取消以下十个职业的强制性技能评估要求。

汽车电工 [321111] 木工
[394111] 木匠 [331212] 木工和装
配工 [331211] 柴油发动机机械师
[321212] 电工（普通） [341111]
电工（特种） [341112] 装配工
[331213] 汽车机械师（普通）
[321211] 摩托车机械师 [321213]

其余职业将在生效之日起两年内进行审查，旨在进一步减少职业数量，或在五年内取消该要求。

各方承诺合作，以简化相关许可程序并提高相关技能评估的准入机会。作为此项工作的组成部分，澳大利亚技工认可机构（TRA）、中国国际承包商协会（CHINCA）以及中国政府指定的其他机构¹ 将合作，旨在扩大澳大利亚离岸技术技能记录（OTSR）在中国进行测试的准入机会。

各方承诺在协议生效之日起两年内，审查上述领域的进展，并讨论在技能认可和许可领域的进一步合作途径。

¹ 其他机构包括中华人民共和国人力资源和社会保障部指定的相关机构。

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

I have the further honour to confirm that my Government shares this understanding and that your letter and this letter in reply shall constitute an integral part of the Agreement.

Yours sincerely

Mr Gao Hucheng
Minister of Commerce
The People’s Republic of China

本人荣幸地提议，本函及贵方回复函确认贵国政府对此理解一致，应构成协议的组成部分。

我有幸进一步确认，我的政府分享这一理解，并且您的信函和本回复信将构成协议的组成部分。

此致

高鸿宾 商务部长 中华人民共和国



THE HON ANDREW ROBB AO MP

MINISTER FOR TRADE AND INVESTMENT

17 June 2015

Mr Gao Hucheng
Minister of Commerce
The People's Republic of China

Dear Minister Gao,

In connection with the signing of the China-Australia Free Trade Agreement (the 'Agreement') and discussions in relation to Annex 8-B (Financial Services), I have the honour to confirm the following understanding shared by the Governments of Australia and China to strengthen cooperation in the field of financial services:

The Australian Prudential Regulatory Authority (APRA) and the China Banking Regulatory Commission (CBRC) will cooperate on issues of mutual interest. This may involve discussion about the development of prudential frameworks of both countries, as they apply to both branches and locally-incorporated subsidiaries.

Subject to their prudential laws, regulations and rules, Australia and China will process expeditiously all applications made by each other's financial institutions for the establishment of subsidiaries, branches and sub-branches in their respective territories, on an equitable, non-discriminatory and good faith basis, as and when such applications are received.

In assessing the knowledge and skills of Chinese people who are nominated as "responsible managers" of the branches or subsidiaries of Chinese banks in Australia, the Australian Securities and Investment Commission (ASIC) will consider his/her relevant qualifications and experience gained in China in accordance with ASIC policy and according to the same criteria as is applied to other jurisdictions.

Australia and China welcome the progress in implementing the 2009 and 2011 Group of 20 ("G20") commitments on Over-The-Counter (OTC) derivatives, with the goals of reducing systemic risk, improving transparency and protecting against market abuse. Australia and China will coordinate between regulatory authorities and support the use of flexible, outcomes-based equivalence processes in respect of G20 OTC derivatives commitments to assess whether each other's OTC derivative market participants and infrastructures are subject to equivalent regulation



THE HON ANDREW ROBB AO MP

贸易与投资部长

17六月2015

高鸿宾 商务部长 中华人民共和国

尊敬的高部长,

关于中国-澳大利亚自由贸易协定（以下简称“协议”）的签署以及附件8-B（金融服务）相关讨论，本人谨代表澳大利亚和中国政府确认双方在加强金融服务领域合作方面的以下共识：

澳大利亚审慎监管局（APRA）和中国银行业监督管理委员会（CBRC）将就双方共同关心的问题合作。这可能涉及讨论两国审慎监管框架的发展，这些框架适用于分支机构及当地注册子公司。

在不违反其审慎法律法规的前提下，澳大利亚和中国将迅速处理对方金融机构在各自领土内设立子公司、分支机构及子分支机构的申请，并在收到申请时，以公平、非歧视和善意为基础进行办理。

在评估被提名为澳大利亚境内中资银行分支机构或子公司的“负责人”的中国人的知识技能时，澳大利亚证券和投资委员会（ASIC）将根据ASIC政策，并按照与其他司法管辖区相同的标准，考虑其在中国获得的有关资格和经验。

澳大利亚和中国欢迎在实施2009年和2011年二十国集团（“G20”）关于场外交易衍生品（Over-The-Counter (OTC) derivatives）的承诺方面取得的进展，目标是降低系统性风险、提高透明度并防止市场滥用。澳大利亚和中国将在监管机构之间进行协调，并支持在G20场外交易衍生品承诺方面使用灵活的、基于结果的对等程序，以评估彼此的场外交易衍生品市场参与者和基础设施是否受到同等监管

(including G20 mandates) and enforcement regimes. Australia and China will both advance the recognition of each other's OTC derivatives regulation where necessary to facilitate cross-border activities. Australia and China will apply arrangements consistent with the Financial Stability Board (FSB) and G20 recommendations on equivalence, and defer to each other in a manner and to the extent envisaged in their regulatory regimes, when it is justified in light of such equivalence assessments.

Australia confirms that Chinese financial institutions may apply to become a member of the Reserve Bank Information and Transfer System (RITS), which is the Real Time Gross Settlement (RTGS) system operated by the Reserve Bank of Australia (RBA), on a national treatment basis.

Australia and China will seek to strengthen cooperation and information sharing on payments system oversight.

Australia confirms that Chinese institutions are currently eligible to provide payment services (including clearing payments) in Australia, both as members of a payment system and as payment system operators, on a national treatment basis.

With a view to promoting supervision and cooperation on combating money laundering and the financing of terrorism, anti-money laundering authorities in Australia and China will commit to exploring opportunities for achieving mutually beneficial outcomes on these issues.

Relevant Australian agencies and China's State Administration of Foreign Exchange (SAFE) will cooperate on issues of mutual interest, which may involve information exchange on regulatory systems and policies and any other agreed issues.

China welcomes the participation of Australian private equity and funds investors in the Chinese market as qualified foreign investors. Australia and China will strengthen future cooperation to facilitate greater Australian mid-market size funds investment participation in China, as well as options to strengthen Australia-China Renminbi (RMB) fund partnerships in China.

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

Yours sincerely

Andrew Robb

(包括G20授权)和执法制度。澳大利亚和中国将根据需要在彼此的场外交易衍生品监管方面推进承认，以促进跨境活动。澳大利亚和中国将适用与金融稳定委员会（FSB）和G20关于对等的建议一致的安排，并在考虑到此类对等评估的情况下，按照其监管制度中设想的方式和程度相互让步。

澳大利亚确认，中国金融机构可按国民待遇原则申请成为澳大利亚储备银行（RBA）运营的储备银行信息和转账系统（RITS）成员，该系统为澳大利亚储备银行（RBA）运营的实时全额结算（RTGS）系统。

澳大利亚和中国将寻求加强支付系统监管方面的合作和信息共享。

澳大利亚确认，中国机构目前有资格在澳大利亚提供支付服务（包括清算支付），既作为支付系统成员，也作为支付系统运营商，均按国民待遇原则。

为促进打击洗钱和恐怖融资的监管与合作，澳大利亚和中国反洗钱机构将致力于探索在这些问题上实现互利成果的机会。

相关澳大利亚机构和中国国家外汇管理局（SAFE）将就共同感兴趣的问题进行合作，这可能涉及监管体系和政策方面的信息交换以及任何其他商定的问题。

中国欢迎澳大利亚私募股权和基金投资者作为合格外国投资者参与中国市场。澳大利亚和中国将加强未来合作，以促进更多澳大利亚中型市场规模的基金投资参与中国市场，以及加强澳大利亚-人民币（RMB）基金合作在中国。

我有幸提议，本信函及您回复的确认贵政府对此理解的信函应构成协议的组成部分。

此致

安德鲁·罗布

17 June 2015

The Hon Andrew Robb AO, MP
Minister for Trade and Investment
Parliament House
CANBERRA ACT 2600

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Australia and China welcome the progress in implementing the 2009 and 2011 Group of 20 (“G20”) commitments on Over-The-Counter (OTC) derivatives, with the goals of reducing systemic risk, improving transparency and protecting against market abuse. Australia and China will coordinate between regulatory authorities and support the use of flexible, outcomes-based equivalence processes in respect of G20 OTC derivatives commitments to assess whether each other’s OTC derivative market participants and infrastructures are subject to equivalent regulation (including G20 mandates) and enforcement regimes. Australia and China will both advance the recognition of each other’s OTC derivatives regulation where necessary to facilitate cross-border activities. Australia and China will apply arrangements consistent with the Financial Stability Board (FSB) and G20 recommendations on equivalence, and defer to each other in a manner and to the extent envisaged in their regulatory regimes, when it is justified in light of such equivalence assessments.

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17六月2015

尊敬的Andrew Robb AO、议员
贸易与投资部长 国会大厦 堪培拉ACT 2600

尊敬的Robb部长,

我荣幸地收到您本日的信函，内容如下：

关于中国-澳大利亚自由贸易协定（以下简称“协议”）的签署以及附件8-B（金融服务）的相关讨论，我荣幸地确认澳大利亚和中国政府就加强金融服务领域合作达成的以下共识：

澳大利亚审慎监管局（APRA）和中国银行业监督管理委员会（CBRC）将就共同感兴趣的问题进行合作。这可能涉及讨论两国审慎监管框架的发展，这些框架适用于分支机构以及当地注册子公司。

根据其审慎法律法规，澳大利亚和中国将迅速处理彼此金融机构在各自领土内设立子公司、分支机构及子分支机构的申请，在公平、非歧视和诚实信用的基础上，并在收到此类申请时进行处理。

在评估被提名为澳大利亚中国银行分支机构或子公司的“负责人”的中国人的知识和技能时，澳大利亚证券和投资委员会（ASIC）将根据ASIC政策，并按照适用于其他司法管辖区的相同标准，考虑其在中国获得的有关资格和经验。

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澳大利亚确认，中国金融机构可按国民待遇原则申请成为澳大利亚储备银行（RBA）运营的储备银行信息和转账系统（RITS），该系统为实时全额结算系统（RTGS）。

China and Australia will seek to strengthen cooperation and information sharing on payments system oversight.

Australia confirms that Chinese institutions are currently eligible to provide payment services (including clearing payments) in Australia, both as members of a payment system and as payment system operators, on a national treatment basis.

With a view to promoting supervision and cooperation on combating money laundering and the financing of terrorism, anti-money laundering authorities in Australia and China will commit to exploring opportunities for achieving mutually beneficial outcomes on these issues.

Relevant Australian agencies and China’s State Administration of Foreign Exchange (SAFE) will cooperate on issues of mutual interest, which may involve information exchange on regulatory systems and policies and any other agreed issues.

China welcomes the participation of Australian private equity and funds investors in the Chinese market as qualified foreign investors. Australia and China will strengthen future cooperation to facilitate greater Australian mid-market size funds investment participation in China, as well as options to strengthen Australia-China Renminbi (RMB) fund partnerships in China.

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

I have the further honour to confirm that my Government shares this understanding and that your letter and this letter in reply shall constitute an integral part of the Agreement.

Yours sincerely

Mr Gao Hucheng
Minister of Commerce
The People’s Republic of China

中国和澳大利亚将寻求加强支付系统监管方面的合作与信息共享。

澳大利亚确认，中国机构目前可在澳大利亚以国民待遇为基础，作为支付系统成员和支付系统运营商，提供支付服务（包括清算支付）。

为促进打击洗钱和恐怖融资的监管与合作，澳大利亚和中国反洗钱机构将致力于探索在这些问题上实现互利共赢的机会。

相关澳大利亚机构与中国国家外汇管理局（SAFE）将就互惠问题进行合作，这可能涉及监管体系和政策的信息交换以及任何其他商定的问题。

中国欢迎澳大利亚私募股权和基金投资者作为合格外国投资者参与中国市场。澳大利亚和中国将加强未来合作，以促进更多澳大利亚中型市场基金投资参与中国市场，以及加强澳大利亚-人民币（RMB）基金合作在中国。

本人荣幸地提议，本函与贵方回函确认贵国政府对此理解一致，应构成协议的组成部分。

我有幸进一步确认，我的政府对此理解表示赞同，并且您的信函和本回复信将构成协议的组成部分。

此致

高鸿宾 商务部长 中华人民共和国



THE HON ANDREW ROBB AO MP

MINISTER FOR TRADE AND INVESTMENT

17 June 2015

Mr Gao Hucheng
Minister of Commerce
The People's Republic of China

Dear Minister Gao,

In connection with the signing of the China-Australia Free Trade Agreement (the "Agreement") and discussions in relation to Chapter 8 (Trade in Services), I have the honour to confirm the following understanding shared by the Governments of Australia and China to strengthen cooperation in the field of education services:

Australia and China share the view that education services are not only important in their own right, but also play an important role in facilitating trade and investment, enhancing growth and prosperity, and deepening mutual understanding, and institutional and people-to-people links between the two countries.

Noting China's commitment in its Schedule of Specific Commitments in Annex III to list within one year of the date of entry into force of this Agreement on the website www.jsj.edu.cn 77 Australian CRICOS (Commonwealth Register of Institutions and Courses for Overseas Students)-registered higher education institutions, Australia will:

- (a) provide details of regulatory decisions made by the Australian Tertiary Education Quality and Standards Agency (TEQSA) Commission concerning CRICOS-registered higher education institutions;
- (b) following the process of TEQSA re-registration, make available to China the public report. If a provider's risk assessment identifies an issue that results in a regulatory decision being made, TEQSA will also make that regulatory decision available. In the event that an institution does not have its registration renewed, or is given less than the maximum period of registration by TEQSA, TEQSA will provide the reasons for its decision; and
- (c) provide to China the courses that listed institutions are accredited to deliver, and the dates by which the institutions will have to apply for TEQSA and CRICOS re-



THE HON ANDREW ROBB AO MP

贸易与投资部长

17六月2015

高鸿宾 商务部长 中华人民共和国

尊敬的高部长,

关于中国-澳大利亚自由贸易协定（“协定”）的签署以及与第8章（服务贸易）相关讨论，本人谨代表澳大利亚和中国政府确认以下共识，以加强教育服务领域的合作：

澳大利亚和中国认为，教育服务不仅具有重要性，而且在促进贸易和投资、增强增长和繁荣以及加深相互理解、加强两国之间的机构和民间联系方面发挥着重要作用。

注意到中国在其附件三中的具体承诺清单中承诺，在协定生效之日起一年内 在 www.jsj.edu.cn 77 澳大利亚CRICOS（海外学生机构与课程注册处）注册的高等教育机构名单上 列出，澳大利亚将：

- (a) 提供澳大利亚高等教育质量与标准局（TEQSA）委员会就CRICOS注册的高等教育机构做出的监管决定详情；(b) 在TEQSA重新注册流程完成后，向中国提供公开报告。如果提供者的风险评估确定存在导致监管决定的问题，TEQSA也将提供该监管决定。如果机构未获得其注册更新，或TEQSA未授予其注册最长期限，TEQSA将提供其决定的理由；以及(c) 向中国提供列出的机构被认证提供的课程，以及机构必须申请TEQSA和CRICOS重新注册或课程再认证的日期。

registration or course re-accreditation. Information contained within the public reports listed on the National Register of higher education institutions will be regularly provided to China through diplomatic channels.

Australia and China will make joint efforts to ensure the smooth implementation of the Agreement and will continue to discuss listing on the website www.jsj.edu.cn of additional CRICOS-registered institutions.

Australia and China maintain programs facilitating teacher and student exchanges. Australia’s Department of Education and China’s Ministry of Education will continue to discuss options to expand and enhance student and teacher mobility between both countries. China welcomes and supports the increase in Australian students studying in China under Australian Government-funded programs, including the New Colombo Plan.

Australia and China will ensure the legal rights and interests of students from the other country in accordance with their respective laws and regulations.

Australia’s Department of Education and China’s Ministry of Education will discuss options for marketing and recruitment opportunities for Australian education suppliers in China. Discussions will cover application processing, the issuing of offers and provision of visa assistance.

Australia welcomes China’s interest in establishing Chinese international schools in Australia. In Australia, rules governing international schools are administered by state and territory governments.

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

Yours sincerely

Andrew Robb

高等教育机构国家注册册上列出的公开报告中所包含的信息将通过外交渠道定期向中国提供。

澳大利亚和中国将共同努力确保协议的顺利实施，并将继续讨论在网站 www.jsj.edu.cn上列出其他 CRICOS认证机构。

澳大利亚和中国维持促进教师和学生交流的项目。澳大利亚的教育部门和中国的教育部将继续讨论扩大和增强两国之间学生和教师流动性的方案。中国欢迎和支持在澳大利亚政府资助的项目下增加澳大利亚学生在中国学习，包括新科伦坡计划。

澳大利亚和中国将根据各自的法律和法规，确保来自对方国家的学生的合法权益。

澳大利亚的教育部门和中国的教育部将讨论为澳大利亚教育供应商在中国提供市场推广和招生机会的方案。讨论将涵盖申请处理、发放录取通知书和提供签证协助。

澳大利亚欢迎中国在澳大利亚建立中国国际学校的兴趣。在澳大利亚，管理国际学校的规则由州和地方政府负责。

本人荣幸地提议，本函及贵方回函确认贵国政府对此理解表示同意，应构成协议的组成部分。

此致

安德鲁·罗布

17 June 2015

The Hon Andrew Robb AO, MP
Minister for Trade and Investment
Parliament House
CANBERRA ACT 2600

Dear Minister Robb,

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

In connection with the signing of the China-Australia Free Trade Agreement (the “Agreement”) and discussions in relation to Chapter 8 (Trade in Services), I have the honour to confirm the following understanding shared by the Governments of Australia and China to strengthen cooperation in the field of education services:

Australia and China share the view that education services are not only important in their own right, but also play an important role in facilitating trade and investment, enhancing growth and prosperity, and deepening mutual understanding, and institutional and people-to-people links between the two countries.

Noting China’s commitment in its Schedule of Specific Commitments in Annex III to list within one year of the date of entry into force of this Agreement on the website www.jsj.edu.cn 77 Australian CRICOS (Commonwealth Register of Institutions and Courses for Overseas Students)-registered higher education institutions, Australia will:

- (a) provide details of regulatory decisions made by the Australian Tertiary Education Quality and Standards Agency (TEQSA) Commission concerning CRICOS-registered higher education institutions;
- (b) following the process of TEQSA re-registration, make available to China the public report. If a provider’s risk assessment identifies an issue that results in a regulatory decision being made, TEQSA will also make that regulatory decision available. In the event that an institution does not have its registration renewed, or is given less than the maximum period of registration by TEQSA, TEQSA will provide the reasons for its decision; and
- (c) provide to China the courses that listed institutions are accredited to deliver, and the dates by which the institutions will have to apply for TEQSA and CRICOS re-registration or course re-accreditation. Information contained within the public reports listed on the National Register of higher education institutions will be regularly provided to China through diplomatic channels.

Australia and China will make joint efforts to ensure the smooth implementation of the Agreement and will continue to discuss listing on the website www.jsj.edu.cn of additional CRICOS-registered institutions.

Australia and China maintain programs facilitating teacher and student exchanges. Australia’s Department of Education and China’s Ministry of Education will continue to discuss options to expand and enhance student and teacher mobility between both countries. China welcomes and

17六月2015

尊敬的Andrew Robb AO、议
员 贸易与投资部长 国会大厦
堪培拉ACT 2600

尊敬的Robb部长,

I have th 承蒙收到贵方本日的信函，内容如下：

关于中国-澳大利亚自由贸易协定（协定）的签署以及与第8章（服务贸易）相关讨论，本人谨代表澳大利亚和中国政府确认双方就加强教育领域合作达成的以下谅解：

澳大利亚和中国都认为，教育服务不仅具有重要性，而且在促进贸易和投资、增强增长和繁荣以及加深相互理解、加强两国之间的机构和民间联系方面发挥着重要作用。

注意到附件三中具体承诺清单所列的中国承诺，在《本协议》生效之日起一年内，在网站 www.jsj.edu.cn上列出 77所澳大利亚CRICOS（海外学生机构与课程注册处）注册的高等教育机构，澳大利亚将：

- (a) 提供澳大利亚高等教育质量与标准局（TEQSA）委员会就CRICOS注册的高等教育机构所做出的监管决定的相关细节；(b) 在TEQSA重新注册程序完成后，向中国提供公开报告。如果提供者的风险评估确定存在导致监管决定的问题，TEQSA也将提供该监管决定。如果机构未获得其注册更新，或TEQSA未授予其注册最长期限，TEQSA将提供其决定的理由；以及(c) 向中国提供列出的机构被认证提供的课程，以及机构必须申请TEQSA和CRICOS重新注册或课程再认证的日期。高等教育机构国家注册册上列出的公开报告中所包含的信息将通过外交渠道定期提供给中国。

澳大利亚和中国将共同努力确保协议的顺利实施，并将继续讨论将更多CRICOS注册机构列在网站www.jsj.edu.cn上。

澳大利亚和中国保持促进教师和学生交流的项目。澳大利亚的教育部门和中国的教育部将继续讨论扩大和增强两国之间学生和教师流动性的方案。中国欢迎和

supports the increase in Australian students studying in China under Australian Government-funded programs, including the New Colombo Plan.

Australia and China will ensure the legal rights and interests of students from the other country in accordance with their respective laws and regulations.

Australia’s Department of Education and China’s Ministry of Education will discuss options for marketing and recruitment opportunities for Australian education suppliers in China. Discussions will cover application processing, the issuing of offers and provision of visa assistance.

Australia welcomes China’s interest in establishing Chinese international schools in Australia. In Australia, rules governing international schools are administered by state and territory governments.

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

I have the further honour to confirm that my Government shares this understanding and that your letter and this letter in reply shall constitute an integral part of the Agreement.

Yours sincerely

Mr Gao Hucheng
Minister of Commerce
The People’s Republic of China

支持澳大利亚政府资助项目下增加澳大利亚学生在中国学习， 包括新科伦坡计划。

澳大利亚和中国将根据各自的法律和法规， 确保来自对方国家的学生的合法权益。

澳大利亚的教育部门和中国的教育部将讨论澳大利亚教育供应商在中国进行市场推广和招生机会的方案。讨论将涵盖申请处理、 发放录取通知书和提供签证协助。

澳大利亚欢迎中国在澳大利亚建立中国国际学校的兴趣。 在澳大利亚， 管理国际学校的规则由州和地方政府负责。

本人荣幸地提议， 本函及贵方回函确认贵国政府对此理解一致， 应构成协议的组成部分。

本人进一步荣幸地确认， 贵国政府对此理解一致， 且贵方回函和本函应构成协议的组成部分。

此致

高鸿宾 商务部长 中华人民共和国



THE HON ANDREW ROBB AO MP

MINISTER FOR TRADE AND INVESTMENT



THE HON ANDREW ROBB AO MP

贸易与投资部长

17 June 2015

Mr Gao Hucheng
Minister of Commerce
The People's Republic of China

Dear Minister Gao,

In connection with the signing of the China-Australia Free Trade Agreement (the "Agreement") and discussions in relation to Chapter 8 (Trade in Services), I have the honour to confirm the following understanding shared by the Governments of Australia and China to strengthen cooperation in the field of commercial legal services:

Noting the vital role legal services play in facilitating bilateral trade and investment, as well as regional and global trade and investment flows, the Governments of Australia and China shall meet within 12 months of the date of entry into force of the Agreement, or at such other mutually agreed time, with a view to developing measures to enhance and support, through the peak legal professional bodies¹ in each country:

- (a) strengthened cooperation between lawyers registered in Australia and China, including with respect to trade, investment and other cross-border commercial projects;
- (b) increased mobility for Australian and Chinese lawyers, including through temporary entry measures to facilitate professional secondments and exchanges between each country; and
- (c) closer cooperation between commercial law firms from Australia and China in the effective provision of transnational legal services.

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

¹ "Peak legal professional bodies" means for Australia, the Law Council of Australia, and for China, the All China Lawyers Association.

17六月2015

高鸿宾 商务部长 中华人民共和国

尊敬的高部长,

关于中国-澳大利亚自由贸易协定（“协定”）的签署以及与第8章（服务贸易）相关讨论，本人谨代表澳大利亚和中国政府确认双方在加强商业法律服务领域合作方面的以下共识：

鉴于法律服务在促进双边贸易、投资以及区域和全球贸易、投资流动中发挥着至关重要的作用，澳大利亚和中国政府应在协定生效之日起12个月内，或双方另行商定的时间，会晤以制定措施，通过各国的顶尖法律专业机构¹ 加强和支持：

- (a) 加强在澳大利亚和中国注册的律师之间的合作，包括在贸易、投资及其他跨境商业项目方面的合作；(b) 增加澳大利亚和中国律师的流动，包括通过临时入境措施促进两国之间的专业派遣和交流；以及(c) 加强澳大利亚和中国商业律师事务所之间在提供跨国法律服务方面的合作。

我有幸提议，本信函及您回复确认贵政府对此理解的信函应构成协议的组成部分。

¹ “顶尖法律专业机构” 指的是澳大利亚的澳大利亚法律委员会，以及中国的中国律师协会。

Yours sincerely

此致

Andrew Robb

安德鲁·罗布

17 June 2015

The Hon Andrew Robb AO, MP
Minister for Trade and Investment
Parliament House
CANBERRA ACT 2600

Dear Minister Robb,

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

In connection with the signing of the China-Australia Free Trade Agreement (the “Agreement”) and discussions in relation to Chapter 8 (Trade in Services), I have the honour to confirm the following understanding shared by the Governments of Australia and China to strengthen cooperation in the field of commercial legal services:

Noting the vital role legal services play in facilitating bilateral trade and investment, as well as regional and global trade and investment flows, the Governments of Australia and China shall meet within 12 months of the date of entry into force of the Agreement, or at such other mutually agreed time, with a view to developing measures to enhance and support, through the peak legal professional bodies¹ in each country:

- (a) strengthened cooperation between lawyers registered in Australia and China, including with respect to trade, investment and other cross-border commercial projects;
- (b) increased mobility for Australian and Chinese lawyers, including through temporary entry measures to facilitate professional secondments and exchanges between each country; and
- (c) closer cooperation between commercial law firms from Australia and China in the effective provision of transnational legal services.

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

I have the further honour to confirm that my Government shares this understanding and that your letter and this letter in reply shall constitute an integral part of the Agreement.

Yours sincerely

Mr Gao Hucheng
Minister of Commerce
The People’s Republic of China

¹ “Peak legal professional bodies” means for Australia, the Law Council of Australia, and for China, the All China Lawyers Association.

17六月2015

尊敬的Andrew Robb AO、议
员 贸易与投资部长 国会大厦
堪培拉ACT 2600

尊敬的Robb部长,

I have th 承蒙收到贵方本日的信函，内容如下：

In connection with the signing of the China-Australia Free Trade Agreement（中国-澳大利亚自由贸易协定）（协定）and discussions in relation to Chapter 8（服务贸易）（第8章），I have the honour to confirm the following understanding shared by the Governments of Australia and China to strengthen cooperation in the field of commercial legal services:

鉴于法律服务在促进双边贸易和投资，以及区域和全球贸易和投资流动方面发挥着至关重要的作用，澳大利亚和中国政府应在《协议》生效之日起12个月内，或双方另行商定的时间，会晤，旨在制定措施，以增强和支持，通过各国的顶尖法律专业机构¹。

- (a) 加强在澳大利亚和中国注册的律师之间的合作，包括在贸易、投资及其他跨境商业项目方面的合作；(b) 增加澳大利亚和中国律师的流动，包括通过临时入境措施促进两国之间的专业派遣和交流；以及(c) 加强澳大利亚和中国律师事务所之间在有效提供跨国法律服务方面的合作。

本人荣幸地提议，本函及贵方回函确认贵国政府对此理解共享的函件应构成协议的组成部分。

本人进一步荣幸地确认，贵国政府对此理解共享，且贵方函件及本函应构成协议的组成部分。

此致

高鸿宾 商务部长 中华人民共
和国

¹ “顶尖法律专业机构” 指对于澳大利亚，为澳大利亚法律委员会，对于中国，为中国律师协会。



THE HON ANDREW ROBB AO MP

MINISTER FOR TRADE AND INVESTMENT

17 June 2015

Mr Gao Hucheng
Minister of Commerce
The People's Republic of China

Dear Minister Gao,

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

“In connection with the signing on this date of the China-Australia Free Trade Agreement (the “Agreement”), I have the honour to confirm the following understandings reached between the delegations of Australia and China during the course of negotiations regarding Chapter 9 (Investment) of the Agreement:

The Parties shall enter into consultations within 12 months of the date of entry into force of the Agreement on the future application of the United Nations Commission on International Trade Law (UNCITRAL) Rules on Transparency in Treaty-based Investor-State Arbitration (UN Doc A/CN.9/783) (the “UNCITRAL Transparency Rules”) to arbitrations initiated pursuant to Section B of Chapter 9 (Investment).

Unless the Parties otherwise agree, the UNCITRAL Transparency Rules shall not apply to arbitrations initiated pursuant to Section B of Chapter 9 (Investment).

I have the honour to propose that this letter and your letter in reply confirming that your Government shares these understandings shall constitute an integral part of the Agreement.”

I have the further honour to confirm that my Government shares these understandings and that your letter and this letter in reply shall constitute an integral part of the Agreement.



THE HON ANDREW ROBB AO MP

贸易与投资部长

17六月2015

高鸿宾 商务部长 中华人民共和国

尊敬的高部长,

我荣幸地确认收到您本日的信函, 内容如下:

“鉴于中国-澳大利亚自由贸易协定(协定)于当日签署, 我荣幸地确认澳大利亚和中国代表团在谈判过程中就协定第9章(投资)达成的以下谅解:

各方应在协定生效之日起12个月内就联合国国际贸易法委员会(UNCITRAL)关于基于条约的投资者-国家仲裁的透明度规则(UNCITRAL透明度规则)(联合国文件A/CN.9/783)(以下简称“UNCITRAL透明度规则”)的未来适用问题进行磋商, 该问题涉及根据第9章(投资)B节提起的仲裁。

除非各方另有约定, UNCITRAL透明度规则不适用于根据第9章(投资)B节提起的仲裁。

我荣幸地提议, 本函及您复函确认贵国政府同意这些谅解, 应构成协定不可分割的一部分。”

我有幸进一步确认, 我的政府分享这些理解, 并且您的信函和这封回复信将构成协议的不可分割的一部分。

Yours sincerely

此致

Andrew Robb

安德鲁·罗布

17 June 2015

The Hon Andrew Robb AO, MP
Minister for Trade and Investment
Parliament House
CANBERRA ACT 2600

Dear Minister Robb,

In connection with the signing on this date of the China-Australia Free Trade Agreement (the “Agreement”), I have the honour to confirm the following understandings reached between the delegations of Australia and China during the course of negotiations regarding Chapter 9 (Investment) of the Agreement:

The Parties shall enter into consultations within 12 months of the date of entry into force of the Agreement on the future application of the United Nations Commission on International Trade Law (UNCITRAL) Rules on Transparency in Treaty-based Investor-State Arbitration (UN Doc A/CN.9/783) (the “UNCITRAL Transparency Rules”) to arbitrations initiated pursuant to Section B of Chapter 9 (Investment).

Unless the Parties otherwise agree, the UNCITRAL Transparency Rules shall not apply to arbitrations initiated pursuant to Section B of Chapter 9 (Investment).

I have the honour to propose that this letter and your letter in reply confirming that your Government shares these understandings shall constitute an integral part of the Agreement.

Yours sincerely

Mr Gao Hucheng
Minister of Commerce
The People’s Republic of China

17六月2015

尊敬的Andrew Robb AO、议

尊敬的Robb部长,

鉴于本日签署了《中国-澳大利亚自由贸易协定》（“协定”），兹特确认澳大利亚和中国代表团在谈判过程中就《协定》第9章（投资）达成的以下谅解：

各方应在《协定》生效之日起12个月内就《联合国国际贸易法委员会（UNCITRAL）关于基于条约的投资者-国家仲裁的透明度规则》（UN Doc A/CN.9/783）（“UNCITRAL透明度规则”）在未来是否适用于根据第9章（投资）B节提起的仲裁进行磋商。

除非各方另有约定，UNCITRAL透明度规则不适用于根据第9章（投资）B节提起的仲裁。

我有幸提议，本函及贵方回函确认贵国政府分享这些理解，应构成协议的组成部分。

此致

高鸿宾 商务部长 中华人民共和国