

## ANNEX TO THE PROTOCOL ON TRADE IN SERVICES (AS OF 1988)

### SERVICES INSCRIBED BY NEW ZEALAND

(Where an activity is described further, the exemption in terms of Article 2.4 of this Protocol applies to the description only.)

#### AVIATION

Airways Services: Airways Corporation has a monopoly on: control of en route control; approach and departure; flight information services; aerodrome control service; aerodrome flight information service.

International carriers flying cabotage: This is a world-wide restriction and no country in the world has granted cabotage uplift rights to another country. Were the New Zealand Government to decide to do this it would be illegal, by way of treaty, to grant that right exclusively to Australia (this would be counter to the Convention on International Civil Aviation, Chicago 1944).<sup>3</sup>

#### COMMUNICATIONS

Radio and Television Broadcasting: Access problem as broadcasting, including "narrowcasting" (broadcasts to sections of the public, usually involving encryption), is not permitted without a warrant issued by the Broadcasting Tribunal and, in the case of television, without express approval of the Minister of Broadcasting. Foreign ownership of television and radio stations is restricted (refer to the Broadcasting Act 1976). In April 1988 the Government announced its intention to deregulate the provision of broadcasting services but to retain restrictions (as yet undefined) on overseas ownership.

Shortwave and Satellite Broadcasting: Access problems. The operation of Shortwave radio services is restricted to the Broadcasting Corporation of New Zealand under the Broadcasting Act 1976. With satellite broadcasting the restrictions on the provision of broadcasting/narrowcasting services using satellite apply as above.

Telecommunications: Telecom has a statutory monopoly on the provision and operation of telecommunications networks. However the provision of value added services using circuits leased from Telecom is generally permitted. The network monopoly will be removed on 1 April 1989.

#### POSTAL SERVICES

New Zealand Post Limited has a statutory monopoly on the carriage of letters weighing 500 grammes or less. The main exemption to the monopoly is that anyone is able to carry letters of 500 grammes or less provided they charge a minimum fee of \$(NZ)1.75 per letter. The monopoly is subject to review.

#### SHIPPING

Coastal Shipping: Ships trading in coastal waters must comply with the requirements applied to coastal ships by the Shipping and Seamen Act 1952. In the absence of suitable New Zealand tonnage employment of foreign ships may be authorised provided convention certificates are in order, the equivalent of local wages is paid to the crew and manning complies with flag state requirements.

Stevedoring: Industrial negotiations to liberalise the 1970 FOL guidelines and an amendment to the Waterfront Industry Act 1976 would be required to enable LCL containers to be handled off wharf by other than port union members.

### SERVICES INSCRIBED BY AUSTRALIA

(Where an activity is described further, the exemption in terms of Article 2.4 of this Protocol applies to the description only.)

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<sup>3</sup> UKTS 1953 No. 8 (Cmd. 8742); SP 148 p. 38; UNTS 15 p. 295.

## TELECOMMUNICATIONS

Provision of the basic public switched telecommunications networks within Australia and internationally.

Provision of basic international network facilities.

The shared use and resale of simple carriage of all traffic over private telecommunications networks.

Provision of the following services:

- public switched data
  - public switched text and video
  - public switched Integrated Services Digital Networks (ISDN)
  - leased circuits
  - mobile telephones

Provision of payphone services.

Provision and maintenance of public telephones.

Provision of the first standard telephone instrument in customers' premises.

## BANKING

Establishment of foreign-owned branch or subsidiary operations or of representative offices.

Legislative limits on shareholdings in Australian banks.

## AIRPORT SERVICES

Access to provision of airport services is in general subject to policies of the Commonwealth, the Federal Airports Corporation and local airports owned and operated by local state authorities and bodies.

## DOMESTIC AIR SERVICES

Two airlines policy in force until October 1990. Thereafter, foreign investment in established Australian domestic airlines or new domestic airline business will generally be permitted (subject to normal FIRB guidelines except where the applicant is a foreign international airline operating services to Australia, in which case the level of investment will be limited to less than 15 per cent in any one domestic operator). State governments hold powers to regulate intrastate aviation on economic and public interest grounds.

## INTERNATIONAL AVIATION: PASSENGER AND FREIGHT SERVICES

Scheduled passenger and freight services between Australia and New Zealand are governed by the provisions of an intergovernmental air services agreement which has treaty status. It requires both sides to designate and license their airlines operating such services.

Applications for non-scheduled (charter) passenger and freight services from New Zealand to Australia are approved where compatible with published policy criteria.

## COASTAL SHIPPING

Cabotage policy.

## CONSTRUCTION, ENGINEERING AND GENERAL CONSULTANCY

Government preferences for Australian companies.

## BROADCASTING AND TELEVISION

Limits on foreign ownership as set out in the Broadcasting Act 1942.

## BROADCASTING AND TELEVISION (SHORT-WAVE AND SATELLITE BROADCASTING)

## BASIC HEALTH INSURANCE SERVICES

## THIRD-PARTY INSURANCE

## WORKERS COMPENSATION INSURANCE

## POSTAL SERVICES

The Australian Postal Commission has a statutory monopoly on the carriage of letters weighing 500 grams or less. The main exemption to the monopoly is that anyone is able to carry letters of 500 grams or less within Australia provided that they charge at least ten times the standard postal article rate.