

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

**Amendment to the Annex to the Protocol on Trade in Services to the *Australia
New Zealand Closer Economic Relations Trade Agreement***

(Canberra, date TBA)

Not yet in force
[2014] ATNIF 6

Head agreement: [1989] ATS 2

Hon Tim Groser
Minister of Trade
Parliament Buildings
Wellington
NEW ZEALAND

Dear Minister

You will recall that at the CER Ministerial Meeting in Sydney in November 2013,

I indicated to you that the Australia Government was working to complete its review of the Protocol on Trade in Services (the Protocol) to the Australia New Zealand Closer Economic Relations (CER) Trade Agreement. I am pleased to report that our review has now been completed.

As an outcome of that review, and in accordance with the provisions of Article 10.2 of the Protocol, I wish to advise you that the Australian Government is removing from the Annex to the Protocol the inscription "**Broadcasting and Television: Limits on foreign ownership as set out in the Broadcasting Services Act 1992**" with effect from the date of this letter. I further wish to advise that Australia's remaining inscriptions for Air Services, Coastal Shipping, Broadcasting and Television (Short-Wave and Satellite Broadcasting), Third Party Insurance and Postal Services will be retained unchanged. Attached to this letter is a copy of the amended Annex.

Yours sincerely

Andrew Robb

ANNEX

Services Inscribed By Australia And New Zealand

As at XX 2014

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

New Zealand Inscriptions Aviation

Airways Services:

Under the Civil Aviation Act 1990, the Airways Corporation of New Zealand is the sole provider of area control services, approach control services, and flight information services. The Civil Aviation Amendment Act 1992 repealed these provisions, but with effect from a date (or dates) to be specified by Order(s) in Council which may be made only on the recommendation of the Minister of Transport. Such recommendation(s) may be made only following consultation with the Civil Aviation Authority and if the Minister is satisfied that an appropriate safety regulatory regime is in place in respect of the services concerned.

Shipping

Coastal Shipping

The Maritime Transport Act 1994 allows cargo or passengers (coastal cargo) to be picked up from one port in New Zealand and carried to another by three categories of ship. These are:

New Zealand ships;

- ships coming to New Zealand to load cargo for unloading overseas or to unload cargo which was loaded overseas;
- ships which the Minister of Transport authorises to trade on the coast when there are no ships from either of the above two categories available to carry coastal cargo. Authorisation to carry coastal cargo must be obtained from the Minister of Transport well in advance of the intended carriage.

Authorisation to carry coastal cargo is subject to compliance with other relevant provisions of the Maritime Transport Act and with other law, including the Resource Management Act, the Immigration Act, and border control legislation.

Australian Inscriptions

Air Services

State governments hold powers to regulate intrastate aviation on economic and public interest grounds.

Scheduled passenger and freight services within and between Australia and New Zealand are governed by an air services agreement which has treaty status and by the Australia-New Zealand Single Aviation Market Arrangements of 1996.

Coastal Shipping

Cabotage policy

Broadcasting and Television (Short-Wave and Satellite Broadcasting)

Third Party Insurance

Compulsory third party motor vehicle insurance.

Postal Services

The Australian Postal Corporation (Australia Post) has, under section 29 of the Australian Postal Corporation Act 1989, the exclusive right to carry letters for reward within Australia, whether the letters originated within or outside Australia. Section 30 of the Act sets out a number of exceptions to the reserved service, including:

- the carriage of letters weighing more than 250 grams;
- the carriage of letters where the charge or fee is at least four times the standard letter rate;
- the movement of documents within document exchange services; and
- the carriage of letters between offices of the same organisation by a third party.