

ANNEX 8K

SCHEDULE OF SPECIFIC COMMITMENTS ON TEMPORARY MOVEMENT OF NATURAL PERSONS - NEW ZEALAND

1. This Schedule sets out New Zealand's commitments in accordance with Article 8C.3 (Grant of Temporary Entry) in respect of the entry and temporary stay of natural persons.
2. For the purposes of this Schedule, the term "**CPC**" means the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).
3. For the purposes of this Schedule, the term "**enterprise**" means a juridical person of a Party as defined in Article 8.1 (Definitions).
4. Notwithstanding the commitments set out below, New Zealand remains unbound in cases of labour or management disputes, and also with respect to ships' crews.
5. With respect to audio-visual services, New Zealand immigration instructions stipulate a special procedure for the granting of visas to entertainers, performing artists and associated support personnel for work purposes. To be eligible for a work visa or work permit, such applicants must come within the policy guidelines agreed to between the Minister of Immigration, independent promoters, agents or producers and the relevant performing artists' unions.

A. Business Visitors

Description of Category	Conditions and Limitations (including length of stay)
<p><u>Definition:</u></p> <p>"Business Visitors" comprise a business person:</p> <p>(a) who is seeking temporary entry to New Zealand for the purpose of:</p> <p>(i) meetings and consultations: business persons attending</p>	<p><u>All sectors:</u></p> <p>Entry for a period of stay up to 90 days in any 12-month period.</p>

Description of Category	Conditions and Limitations (including length of stay)
<p>meetings or conferences, or engaged in consultations with business associates;</p> <p>(ii) training seminars: personnel of an enterprise who enter the territory of a Party to receive informal training in techniques and work practices which are relevant to the operation of the enterprise, provided that the training received is confined to observation, familiarisation, and theoretical instruction only and does not lead to the award of a formal qualification;¹</p> <p>(iii) trade fairs and exhibitions: personnel attending a trade fair for the purpose of promoting their company or its products or services;</p> <p>(iv) sales: representatives of a supplier of services or goods taking orders or negotiating the sale of services or goods or entering into agreements to sell services or goods for that supplier, but not delivering goods or supplying services themselves;</p> <p>(v) purchasing: buyers purchasing goods or services for an enterprise, or management and supervisory personnel, engaging in a commercial transaction carried out in the territory of the Party of which</p>	

¹ "Formal qualification" means a qualification under the New Zealand Qualifications Framework.

Description of Category	Conditions and Limitations (including length of stay)
<p>the short-term business visitor is a natural person;</p> <p>(vi) commercial transactions: management and supervisory personnel and financial services personnel (including insurers, bankers, and investment brokers) engaging in a commercial transaction for a business enterprise of which the short-term business visitor is a natural person;</p> <p>(vii) undertaking business consultations or negotiations concerning the establishment, expansion, or winding up of a business enterprise or investment in New Zealand, or any related matter; and</p> <p>(viii) tourism personnel: tour and travel agents, tour guides or tour operators attending or participating in conventions;</p> <p>(b) who is not seeking to enter the labour market of New Zealand; and</p> <p>(c) whose principal place of business, actual place of remuneration and predominant place of accrual of profits remain outside New Zealand.</p>	

Description of Category	Conditions and Limitations (including length of stay)
<p>the enterprise; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the entire or a substantial part of the operations of the enterprise.</p> <p>Managers must have been employed by their employer for at least 12 months prior to their proposed transfer to New Zealand.</p> <p>For the purposes of this definition, “Specialist” means a natural person with advanced trade, technical or professional skills within an organisation who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organisation’s service, research equipment, techniques or management. Such specialists are responsible for or employed in a particular aspect of an organisation’s operations in New Zealand.</p> <p>Skills are assessed in terms of the applicant’s employment experience, qualifications, and suitability for the position.</p>	<p><u>Specialists</u>: Entry for a period of initial stay up to a maximum of 3 years.</p>

C. Installers and Servicers

Description of Category	Conditions and Limitations (including length of stay)
<p><u>Definition</u>:</p> <p>“Installers and Servicers” comprise a natural person who is an Installer or</p>	<p>Entry for periods not exceeding 90 days in any 12 month period.</p>

Description of Category	Conditions and Limitations (including length of stay)
<p>Servicer of machinery or equipment, in situations when such installation or servicing by the supplying company is a condition of purchase or lease of the machinery or equipment. An Installer/Servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>	

D. Contractual Services Suppliers

Description of Category	Conditions and Limitations (including length of stay)
<p><u>Definition:</u></p> <p>“Contractual Services Supplier” means a natural person employed by a juridical person of a Party that:</p> <p>(a) is not an agency for placement and supply services of personnel and is not acting through such an agency;</p> <p>(b) has not established in the territory of New Zealand; and</p> <p>(c) has concluded a <i>bona fide</i> contract to supply services to a final consumer in New Zealand, requiring the presence, on a temporary basis, of its employees in New Zealand in order to fulfil the contract to supply services.</p> <p>A Contractual Services Supplier must have:</p>	<p>Entry for a cumulative period of not more than 12 months or for the duration of the contract, whichever is less, and subject to economic needs tests.</p> <p>The Contractual Service Supplier entering New Zealand has been offering such services as an employee of the enterprise supplying the services for at least one year immediately preceding the date of submission of an application for entry into New Zealand.</p> <p>The Contractual Services Supplier entering New Zealand must have a valid employment contract with a juridical person of a Party and receive pay, while in New Zealand, that is at least equivalent to that which a comparable New Zealand worker providing a like service in the same or similar field would be expected to receive.</p>

Description of Category	Conditions and Limitations (including length of stay)
<p>(a) a tertiary-level degree of at least 3 years in duration² and the professional qualifications legally required to exercise that activity in the other Party; and</p> <p>(b) at least 6 years of experience. The 6 years of experience must be relevant to the field of the contract to supply services.</p> <p>New Zealand undertakes commitments for contractual service suppliers in respect of the service sectors or sub-sectors set out below:</p> <p>(a) legal advisory services in respect of public international law and foreign law (part of CPC 861);</p> <p>(b) accounting, auditing, and bookkeeping services (CPC 862);</p> <p>(c) taxation advisory services (part of CPC 863);</p> <p>(d) urban planning and landscape architectural services (CPC 8674);</p> <p>(e) medical and dental services (CPC 9312);</p> <p>(f) midwives' services (part of CPC 93191);</p> <p>(g) services provided by nurses, physiotherapists, and paramedical personnel (part of CPC 93191);</p>	<p>The contractual services supplier must be employed on conditions that are equivalent to New Zealand minimum employment standards.</p> <p>The Contractual Services Supplier does not receive remuneration for the provision of services in the territory of New Zealand other than the remuneration paid by the enterprise employing the Contractual Services Supplier or from a source outside New Zealand.</p> <p>The number of persons covered by the services contract shall not be larger than necessary to provide the services as stipulated in the contract.</p> <p>The contract to supply a service in New Zealand shall comply with the law of New Zealand.</p>

² For greater certainty, these qualifications must be recognised by the appropriate New Zealand authority where New Zealand law requires such recognition as a condition of the provision of that service in New Zealand.

Description of Category	Conditions and Limitations (including length of stay)
<p>(h) research and development services (CPC 851-853);</p> <p>(i) advertising services (CPC 871);</p> <p>(j) market research and opinion polling (CPC 864);</p> <p>(k) management consulting services (CPC 865);</p> <p>(l) services related to management consulting (CPC 866);</p> <p>(m) technical testing and analysis services (CPC 8676);</p> <p>(n) related scientific and technical consulting services (CPC 8675);</p> <p>(o) mining services (advisory and consulting only) (part of CPC 883, CPC 5115);</p> <p>(p) translation and interpretation services (CPC 87905**);</p> <p>(q) telecommunication services (CPC 752);</p> <p>(r) postal and courier services (advisory and consulting only) (part of CPC 751);</p> <p>(s) insurance and insurance-related advisory and consulting services (part of CPC 812);</p> <p>(t) other financial services (advisory and consulting services) (parts of CPC 8131**, 8133**);</p> <p>(u) transport advisory and consulting services (parts of</p>	

Description of Category	Conditions and Limitations (including length of stay)
<p>CPC 74490**, 74590**, 74690**); and</p> <p>(v) manufacturing advisory and consulting services (part of CPC 884-885).</p>	

E. Independent Professionals

Description of Category	Conditions and Limitations (including length of stay)
<p><u>Definition:</u></p> <p>“Independent Professionals” means a self-employed natural person with advanced technical or professional skills, without the requirement for a commercial presence, working under a valid contract in New Zealand.</p> <p>Only in respect of the service sectors set out in New Zealand's Schedule of Specific Commitments in the WTO (as currently set out in GATS/SC/62, GATS/SC/62/Suppl.1 and GATS/SC/62/Suppl.2) and the following additional service sectors:</p> <p>1. BUSINESS SERVICES</p> <p>A. Professional services</p> <p>(a) legal services (international and foreign law);</p>	<p>An Independent Professional must have:</p> <p>(a) a tertiary level qualification resulting from at least three years of formal post-secondary school education, recognised as comparable to the domestic standard in New Zealand; and</p> <p>(b) at least six years of experience working in the relevant field.</p> <p>Both (a) and (b) must be in the field in which the Independent Professional wishes to supply their professional services.³</p> <p>Entry for a period of stay up to a maximum of 12 months, subject to economic needs tests.</p>

³ For greater certainty, these qualifications must be recognised by the appropriate New Zealand authority where under New Zealand law such recognition is a condition of the provision of that service in New Zealand.

Description of Category	Conditions and Limitations (including length of stay)
<p>(f) integrated engineering services; and</p> <p>(g) consultancy related to urban planning and landscape architectural services.</p> <p>B. Computer and related services</p> <p>(e) maintenance and repair of office machinery and equipment including computers; and</p> <p>(f) other computer services.</p> <p>F. Other business services</p> <p>(c) management consultancy services;</p> <p>(d) services related to management consultancy;</p> <p>(f) services incidental to animal husbandry;</p> <p>(k) placement and supply services of personnel;</p> <p>(p) photographic services;</p> <p>(s) convention services; and</p> <p>(t) other (credit reporting, collection agency services,</p>	

Description of Category	Conditions and Limitations (including length of stay)
<p style="text-align: center;">interior design, telephone answering and duplicating services).</p> <p>5. EDUCATIONAL SERVICES</p> <p>E. Other education services</p> <p>(a) language training provided in private specialist language institutions; and</p> <p>(b) tuition in subjects taught at the primary and secondary levels, provided by private specialist institutions operating outside the New Zealand compulsory school system.</p> <p>6. ENVIRONMENTAL SERVICES</p> <p>(a) waste water management;</p> <p>(b) waste management;</p> <p>(c) sanitation and similar services;</p> <p>(d) protection of ambient air and climate: consultancy only;</p> <p>(e) noise and vibration abatement: consultancy only;</p> <p>(f) protection of biodiversity and landscape:</p>	

Description of Category	Conditions and Limitations (including length of stay)
<p>consultancy only; and</p> <p>(g) Other environmental and ancillary services: consultancy only.</p>	

F. Partners and dependent children

Description of Category	Conditions and Limitations (including length of stay)
<p>Partners and dependent children</p> <p>New Zealand shall allow the entry and temporary stay of the partner and any dependent children accompanying a natural person of a Party that has been granted entry and temporary stay for a period of over 12 months under this Annex.</p> <p>For the purposes of this commitment:</p> <p>“partner” means any spouse or civil partner from India of the recipient of a visa under this Annex including under a marriage, civil union, or equivalent union or partnership, recognised as such in accordance with the law of New Zealand. For greater certainty, this includes any unmarried or same sex partner; and</p> <p>“dependent children” means children under the age of 20 who are dependent on the recipient of a visa under this Annex and who are recognised as dependent children in accordance with the law of New Zealand where, either:</p>	<p><u>Partner and dependent children:</u> The period of temporary stay for that partner and, where relevant, dependent children, shall be the same as that granted to the recipient of a visa under this Annex.</p>

Description of Category	Conditions and Limitations (including length of stay)
<p>(a) the applicant has the legal right to remove them from their home country; or</p> <p>(b) both of the children's parents will be granted entry and temporary stay in accordance with this Agreement.</p>	