

## ANNEX 12-A

### INDONESIA’S SCHEDULE OF MOVEMENT OF NATURAL PERSONS COMMITMENTS

#### Section A

This Section sets out Indonesia’s commitments on categories of Natural Persons and its respective conditions and limitations for the entry and temporary stay, including length of stay, in accordance with Article 12.4 (Grant of Temporary Entry) of Chapter 12 (Movement of Natural Persons).

Description of Category	Conditions and Limitations (Including Length of Stay)
<b>(A) Intra-Corporate Transferees</b>	
<p><b>Director:</b> One or a group of natural persons entrusted by the shareholders of an enterprise with the final overall control and direction of the enterprise, and legally responsible to act on behalf of the enterprise.</p> <p><b>Manager:</b> Senior employee of an enterprise who primarily directs the management of the organisation, receiving general supervision or direction principally from the board of directors of the business, including directing the enterprise or a department or sub-division thereof, supervising or controlling the work of other supervisory, professional or managerial employees.</p> <p><b>Technical Expert/Advisor:</b> Natural persons employed by an enterprise who possesses a standard of high or common (i) qualifications referring to a type of work or trade requiring specific technical knowledge or (ii) knowledge essential or proprietary to the service, research equipment, techniques or management.</p>	<p>Stays are permitted for up to two years and could be extended for a maximum two times subject to two years extension each time.</p> <p>Must be working in a sector listed in Section B and satisfy the additional conditions and limitations set out therein.</p> <p>Any foreign natural persons supplying services are subject to charges levied by the Government.</p> <p>Employers of foreign natural persons must have a Foreign Worker Utilisation Plan (RPTKA) approved by the Ministry of Manpower.</p> <p>Economic needs test applies to managers and technical experts for all sectors unless specified otherwise.</p> <p>Human resources or personnel functions must be performed by an Indonesian.</p>

Description of Category	Conditions and Limitations (Including Length of Stay)
<b>(B) Business Visitors</b>	
<p><b>Business visitor(s)</b> Being a natural person staying in Indonesia for the purpose of participating in business meetings, business contacts including negotiations for the sales of services or other similar activities including those who prepare for the establishment of a commercial presence in Indonesia, attend conferences, or give lectures, without acquiring remuneration from within Indonesia, and are not engaged in making direct sales or supplying services to the general public.</p>	<p>Entry and temporary stay is permitted for a period of 60 days, extendable to a maximum of 120 days.</p>
<b>(C) Independent Professional For Legal Services<sup>1</sup></b>	
<p><b>Independent professional for legal services</b> An Australian national who supplies legal services and is established as self-employed in the territory of Australia who has concluded a <i>bona fide</i> personal contract (other than through an agency for placement and supply services of personnel) with a law firm in Indonesia, requiring the presence on a temporary basis in Indonesia in order to fulfil the contract to provide legal services.</p> <p>The service contract shall comply with the requirements of the laws and regulations in Indonesia.</p> <p><sup>1</sup>Legal Services (CPC 861):</p> <ul style="list-style-type: none"> <li>- Only for advisory services on foreign and international law.</li> <li>- For greater certainty, advisory services shall not include: <ul style="list-style-type: none"> <li>• Legal representation in an Indonesian court of justice or the undertaking of legal</li> </ul> </li> </ul>	<p>Entry and temporary stay is permitted for a period of one year, which may be extended for a period of not more than one year for each extension.</p> <p>Subject to charges levied by the Government.</p> <p>A law firm in Indonesia that has concluded a <i>bona fide</i> contract with an independent professional for legal services must have a Foreign Worker Utilisation Plan (RPTKA) approved by the Ministry of Manpower and the Ministry of Law and Human Rights.</p> <p>Economic needs test applies.</p> <p>Foreign lawyers (advocates) are:</p> <ul style="list-style-type: none"> <li>(a) Subject to recommendation from the Advocate Association;</li> <li>(b) Obligated to transfer legal knowledge and professional capabilities to Indonesian lawyers; and</li> <li>(c) Obligated to transfer</li> </ul>

Description of Category	Conditions and Limitations (Including Length of Stay)
proceedings under any circumstances; and <ul style="list-style-type: none"> <li>• Notarial activities.</li> </ul>	knowledge to education, legal research or government institutions for at least 10 hours each month free of charge.  The share of foreign lawyers (advocates) in an Indonesian law firm must not exceed 20 per cent, and shall be limited to five foreign lawyers (advocates) per firm.
<b>(D) Spouses And Dependants</b>	
<b>Spouses and dependants</b> of intra-corporate transferees.	Entry and temporary stay is for the same period as for the intra-corporate transferee, but without an automatic right to work in Indonesia.

## Section B

This Section sets out Indonesia’s sectoral commitments in relation to the entry and temporary stay of Australian Intra-Corporate Transferees in the territory of Indonesia.

For the purposes of this Section, “None” means no additional conditions and limitations other than those listed in Section A. A "none, except" in the sectoral section must be read as a combination of conditions set out in Section A and the conditions of the specific sector.

References to “CPC” in this Schedule refers to the provisional CPC codes as used in 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).

References to “KBLI” in this Schedule refers to the Indonesia Standard Industrial Classification (*Klasifikasi Baku Lapangan Usaha Indonesia*).

Sectors/Subsectors	Conditions and Limitations
<b>Services Sectors</b>	
1. Maritime Transport Services: <ul style="list-style-type: none"> <li>- International passenger transport (CPC 7211);</li> </ul>	None.

<ul style="list-style-type: none"> <li>- International freight transport (CPC7212)</li> </ul> <p>Excluding Cabotage.</p>	
<p>2. Postal and Courier Services.</p>	<p>None.</p>
<p>3. All sectors listed in Appendix A to Indonesia's Schedule to Annex II, except for the following:</p> <ul style="list-style-type: none"> <li>- Nursing services, only for specialistic care (CPC93191);</li> <li>- Maintenance and repair Services of Office Machinery and Equipment Including Computers (CPC 845);</li> <li>- Packaging Services (CPC876);</li> <li>- Wholesale Trade Services of food, beverages, and tobacco with minimum space above 5,000 square metres (CPC 6222);</li> <li>- Wholesale Trade Services of textile, clothing and footwear with minimum space above 5,000 square metres (CPC 6223);</li> <li>- Direct Selling (Multi-Level Marketing);</li> <li>- Franchising (Wholesale Trade Services of food, beverages, and tobacco with minimum space above 5,000 square metres);</li> <li>- Refuse disposal Services (CPC 94020), only for non-hazardous garbage, trash, waste and rubbish;</li> <li>- Hotels (1 or 2 star hotels) (KBLI 55115, 55114);</li> <li>- Motels (KBLI 55199);</li> </ul>	<p>None, except for the conditions and limitations for specific sectors set out in rows (a) to (qq) below.</p>

<ul style="list-style-type: none"> <li>- Letting services of furnished accommodations (CPC 64193), excluding homestay;</li> <li>- Tourist Guide Services (CPC 74720);</li> <li>- Pushing and Towing Services for Maritime Transport (CPC 7214) (Excluding Cabotage);</li> <li>- Vessel Salvage and Refloating Services (CPC 7454);</li> <li>- Maintenance and repair of road transport equipment (CPC 8867, excluding motorcycle);</li> <li>- Storage and warehousing services Outside Port Area and 1<sup>st</sup> Area for: <ul style="list-style-type: none"> <li>• Storage services of frozen or refrigerated goods (CPC 7421)</li> <li>• Other storage or warehousing services (CPC 7429);</li> </ul> </li> <li>- Services Incidental to Mining (CPC 883**): <ul style="list-style-type: none"> <li>• Oil and Gas Construction Service: Platform;</li> </ul> </li> <li>- Drilling services for offshore oil and gas project;</li> <li>- Engineering related scientific and technical consulting services (CPC 8675), only for: <ul style="list-style-type: none"> <li>• Subsurface surveying services (CPC 86752)</li> </ul> </li> </ul>	
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<ul style="list-style-type: none"> <li>• Surface surveying services (CPC 86753)</li> <li>• Map-making services (CPC 86754);</li> <li>- Supporting services for maritime transport, port operation services only (CPC 7451**);</li> <li>- Maintenance and repair of vessels (internal waterways) (CPC 8868**);</li> <li>- Airport operation services, and airport activity services (KBLI 52230); or</li> <li>- Operation of railways</li> </ul>	
(a) Landscape Architectural Services (CPC 86742);	None, except highest management in a representative office must be Indonesian.
(b) Clinic of Specialised Medical Services (CPC 93122).  Clinic of Specialised Dental Services (CPC 93123).	<p>Chief Director, Medical and Nursing Director, Human Resources Director must be Indonesian.</p> <p>For technical experts only in the following occupations:</p> <ol style="list-style-type: none"> <li>1. Marketing Management Consultant;</li> <li>2. Planning Management Consultant;</li> <li>3. Hospital Quality Assurance Management Consultant;</li> <li>4. Hospital Health Services; Management Consultant;</li> <li>5. Medical Evacuation Management Consultant.</li> </ol>
(c) Other Human Health Services (CPC 9319) only for: <ul style="list-style-type: none"> <li>• Ambulance (CPC 93192).</li> </ul>	Chief Director, Medical and Nursing Director, Human Resources Director must be Indonesian.

	<p>For technical experts only in the following occupations:</p> <ol style="list-style-type: none"> <li>1. Marketing Management Consultant;</li> <li>2. Planning Management Consultant;</li> <li>3. Hospital Quality Assurance Management Consultant;</li> <li>4. Hospital Health Services Management Consultant;</li> <li>5. Medical Evacuation Management Consultant.</li> </ol>
<p>(d) Beverage Serving Services without Entertainment (CPC 64310).</p> <p>Beverage Serving Services With Entertainment (CPC 64320).</p>	<p>Only for:</p> <ul style="list-style-type: none"> <li>- Chief Director</li> <li>- Restaurant Director</li> <li>- General Manager</li> <li>- Technical expert, only for: <ul style="list-style-type: none"> <li>• Beverage and meal</li> <li>• Restaurant Management</li> <li>• Quality Control</li> <li>• Chef</li> </ul> </li> </ul> <p>Foreign technical expert are required to have recommendation from Tourism Professional Association</p>
(e) Tourism Consultancy Services (KBLI 70201)	None, except foreign technical expert are required to have recommendation from Tourism Professional Association.
(f) Architectural Services (CPC 8671).	None, except highest management in a representative office must be Indonesian.
(g) Engineering Services (CPC 8672 - except CPC 86721, 86726).	None, except highest management in a representative office must be Indonesian.
(h) Advisory and Consultative Engineering Services (CPC 86721).	None, except highest management in a representative office must be Indonesian.

(i) Integrated Engineering Services (CPC 8673).	None, except highest management in a representative office must be Indonesian.
(j) Urban Planning and Landscape Architectural Services (CPC 8674).	None, except highest management in a representative office must be Indonesian.
(k) Activities incidental to mining and other excavation (09900), only for Geothermal: <ul style="list-style-type: none"> <li>• Operating and Maintenance Services.</li> </ul>	None, except the following functions are reserved for Indonesians: <ul style="list-style-type: none"> <li>- Health and Safety Environment (HSE);</li> <li>- supply chain management, covering procurement, material and logistic; and</li> <li>- quality control, including Inspection activity.</li> </ul>
(l) Drilling services for geothermal project (KBLI 06202).	None, except the following functions are reserved for Indonesians: <ul style="list-style-type: none"> <li>- Health and Safety Environment (HSE);</li> <li>- supply chain management, covering procurement, material and logistic; and</li> <li>- quality control, including Inspection activity.</li> </ul>
(m) Site Preparation work for Mining (CPC 5115).	None, except the following functions are reserved for Indonesians: <ul style="list-style-type: none"> <li>- Health and Safety Environment (HSE);</li> <li>- supply chain management, covering procurement, material and logistic;</li> <li>- quality control, including Inspection activity.</li> </ul> <p>Except as indicated in Appendix A to Indonesia's schedule to Annex II.</p>
(n) Contract mining, meaning mining and related services rendered on a fee or	None, except the following functions are reserved for Indonesians:



<p>contract basis at metallic, non-metallic and coal mining sites.</p>	<ul style="list-style-type: none"> <li>- Health and Safety Environment (HSE);</li> <li>- supply chain management, covering procurement, material and logistic;</li> <li>- quality control, including Inspection activity.</li> </ul> <p>Except as indicated in Appendix A to Indonesia's schedule to Annex II.</p>
<p>(o) Technical Testing and Analysis services (8676**) other than:</p> <ul style="list-style-type: none"> <li>• Oil and gas support services: technical inspection services;</li> <li>• Testing and analysis of electrical installation, Power construction and installation: Low / medium voltage electrical installation; and</li> <li>• Survey on destructive/ non-destructive testing.</li> </ul>	<p>Only for director and technical expert.</p>
<p>(p) Services Incidental of Manufacturing (CPC 884 not including CPC 88411, 88412, 88421, 88422, 88423, 88430, 88442, 88460, 88491, 88492).</p>	<p>Only for director and technical expert.</p>
<p>(q) Services incidental to manufacture of metal products, machinery, and equipment (CPC 885).</p>	<p>Only for director and technical expert.</p>
<p>(r) Maintenance and Repair of Equipment (not Including Maritime Vessels, Aircraft or other Transport Equipment) (CPC 8861+8866).</p>	<p>Only for director and technical expert.</p>
<p>(s) Market Research Services (CPC 86401).</p>	<p>Only for director and technical expert.</p>

(t) Construction Work for Buildings (CPC 512) except for one- and two-dwelling buildings (CPC 51210).	None, except highest management in a representative office must be Indonesian.
(u) Construction Work for Civil Engineering (CPC 513).	None, except highest management in a representative office must be Indonesian.
(v) Assembly and Erection of Prefabricated Constructions (CPC 514).	None, except highest management in a representative office must be Indonesian.
(w) Installation Work (CPC 516).	None, except highest management in a representative office must be Indonesian.
(x) Building Completion and Finishing Work (CPC 517).	None, except highest management in a representative office must be Indonesian.
(y) Pre-erection Work at Construction Site (CPC 511) except Site Investigation Work (CPC 51110) and Site Formation and Clearance Work (CPC 51113).	None, except highest management in a representative office must be Indonesian.
(z) Special Trade Construction (CPC 515).	None, except highest management in a representative office must be Indonesian.
(aa) Renting Services Related Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator (CPC 518).	None, except highest management in a representative office must be Indonesian.
(bb) Technical and Vocational Secondary Education Services (electronic, automotive) (CPC 92230).	None, except as indicated in the General conditions as specified in Appendix A to Indonesia's schedule to Annex II.
(cc) Other higher education services (CPC 9239)  priorities for Science, Technology, Engineering, Math and Modern Business programs.	None, except :  <ul style="list-style-type: none"> <li>- The head of an educational institution must be Indonesian.</li> <li>- Number of educators shall include at least 30% (thirty percent) of Indonesian educators.</li> <li>- At least 80 per cent of employees other than educators and the head shall be Indonesian.</li> </ul>
(dd) Adult education services (language course and training) (CPC 924).	None, except as indicated in the General conditions as specified in Appendix A to Indonesia's schedule to Annex II. Subject to approval from Ministry of Education.

(ee) Other education services (football and chess only) (CPC 929).	None, except as indicated in the General conditions as specified in Appendix A to Indonesia's schedule to Annex II.
(ff) Non-Life Insurance Services (CPC 8129) except CPC-81293 (Marine, Aviation and other Transportation)	Only for director and technical advisor/expert
(gg) Reinsurance Services	Only for director and technical advisor/expert
(hh) Life Insurance Services (CPC 81211)	Only for director and technical advisor/expert
(ii) Insurance Brokerage Services (CPC 81401)	Only for director and technical advisor/expert
(jj) Reinsurance Brokerage Services (CPC 8140)	Only for director and technical advisor/expert
(kk) Portfolio Management, all forms of collective investment management  Asset Management Limited only to Investment Fund Management	Only for directors
(ll) Investment Advisory Services limited only to Investment Advisory in Capital Market	Only for directors
(mm) Commercial Banking (i) Acceptance of Deposits and other Repayable Funds from the Public (ii) Lending of all types, including Consumer Credit, Mortgage, Credit, Factoring, and Financing of Commercial Transaction (iii) All Payment and Money Transmission Services including Credit, Charge and Debit Cards, Travelers Check and Bankers Drafts (iv) Guarantees and Commitments (v) Trading for Own Account or for Account of Customers, whether on an Exchange, in an over-the-Counter Market or otherwise, the following:	With respect to the presence of natural persons, no economic needs test will apply.  A non Indonesian employed as manager or as technical expert shall have at least two Indonesian understudies during his/her term.

<ul style="list-style-type: none"> <li>○ Money market instruments (including check, bills, certificates of deposits)</li> <li>○ Foreign Exchange</li> <li>○ Exchange rate and interest rate instruments, including products such as swaps, forward rate agreements</li> <li>○ Transferable securities issued in the money market.</li> </ul> <p>(vi) Cash Management, Custodial and Depository Services.</p>	
<p>(nn) Hospital Services (CPC 93110).</p>	<p>Chief Director, Medical and Nursing Director, Human Resources Director must be Indonesian.</p> <p>For technical experts only in the following occupations:</p> <ol style="list-style-type: none"> <li>1. Marketing Management Consultant;</li> <li>2. Planning Management Consultant;</li> <li>3. Hospital Quality Assurance Management Consultant;</li> <li>4. Hospital Health Services; Management Consultant;</li> <li>5. Medical Evacuation Management Consultant.</li> </ol>
<p>(oo) Tour Operator (CPC 74710**).</p>	<p>Only for technical advisor.</p>
<p>(pp) Golf Courses and other facilities only within the tourist resorts (CPC 96413).</p>	<p>Only for manager (Resort Manager).</p>
<p>(qq) Marina Facilities.</p>	<p>Only for manager (Resort Manager).</p>
<p><b>Non-Services Sectors</b></p>	
<p>4. Manufacturing, Agriculture, Fisheries, Forestry, Mining and Quarrying, only for subsectors where Indonesia has made a commitment to allow Australian</p>	<p>None.</p>

investment, in accordance with Section B of Indonesia's schedules to Annex I and Annex II.	
5. Energy infrastructure, specifically power plants of more than 10 Megawatts and geothermal power plants of less than or equal to 10 Megawatts	None.
6. Transport infrastructure, specifically highway, bridge and tunnel concessions	None.