

## **PART 11: GENERAL PROVISIONS**

### **Article 67**

#### **Application**

1 Each Party is fully responsible for the observance of all provisions in this Agreement and shall take such reasonable measures as may be available to it to ensure their observance by regional and local governments and authorities, and, in respect of trade in services under Part 5, by non-governmental bodies (in the exercise of powers delegated by central, regional or local government or authorities) within its territory.

2 The provisions of Part 10 may be invoked in respect of measures affecting the observance of this Agreement taken by regional or local governments or authorities within the territory of a Party. When an arbitral tribunal appointed under Part 10 has ruled that a provision of this Agreement has not been observed, the responsible Party shall take such reasonable measures as may be available to it to ensure its observance. The provisions of Part 10 relating to the suspension of the application of benefits of equivalent effect shall apply in cases where it has not been possible to secure such observance.

3 This Article does not apply to Part 8 concerning Government Procurement.

### **Article 68**

#### **Review**

1 In addition to the provisions for consultations elsewhere in this Agreement, Ministers in charge of trade negotiations of the Parties shall meet within a year of the date of entry into force of this Agreement and then biennially or otherwise as appropriate to review the operation of this Agreement.

2 The Parties shall undertake a general review of the operation of this Agreement in 2005.

## **Article 69**

### **Transparency**

1 Each Party shall promptly make public all laws, rules, regulations, judicial decisions and administrative rulings of general application pertaining to trade in goods, services, and investment; shall promptly make available administrative guidelines which significantly affect trade in services covered by its commitments; and shall endeavour to make available promptly administrative guidelines which significantly affect trade in goods and investment.

2 Each Party shall endeavour to provide opportunity for comment by the other Party on its proposed laws, rules, regulations and procedures affecting trade in goods and services and investments if it is of the view that any such proposed laws, rules, regulations and procedures are likely to affect the rights and obligations of either Party under this Agreement.

3 Each Party shall respond promptly to all requests by the other Party for specific information on any of its measures of general application. Each Party shall establish one or more enquiry points to provide specific information upon request on all such measures.

4 In view of the importance of transparency of domestic legislation and procedures affecting trade in goods and the supply of services and in investment to the operation of this Agreement, the Parties shall discuss any concerns which may arise in this area at the reviews referred to in Article 68, in order to address means of overcoming such concerns.

## **Article 70**

### **Business Law**

With a view to facilitating business through addressing issues of common interest in relation to business law, the Parties shall exchange information on their respective business laws as a first step in identifying issues for attention and consideration of an appropriate ongoing process for addressing these issues.

## Article 71

### General Exceptions

Provided that such measures are not used as a means of arbitrary or unjustified discrimination against persons of the other Party or as a disguised restriction on trade in goods and services or investment, nothing in this Agreement shall preclude the adoption by any Party of measures in the exercise of its legislative, rule-making and regulatory powers:

- a) necessary to protect public order or morality, public safety, peace and good order and to prevent crime;
- b) necessary to protect human, animal or plant life or health;
- c) necessary to prevent unfair, deceptive or misleading practices or to deal with the effects of defaults on services contracts;
- d) necessary to protect national works, items or specific sites of historical or archaeological value, or to support creative arts<sup>11</sup> of national value;
- e) to conserve exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;
- f) necessary to secure compliance with laws and regulations relating to customs enforcement, tax avoidance or evasion;
- g) in connection with the products of prison labour.

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<sup>11</sup> Illustrative list of “creative arts”: the creative arts, including ngā toi Māori (Māori arts), comprise a range of art forms and disciplines including: dance, music, theatre, haka, waiata and other performing arts; visual arts, such as painting, sculpture, craft arts, whakairo (carving), raranga (weaving), tā moko; literature; film and video; language arts and new media. Cross-disciplinary arts activities that incorporate more than one art form are also included.

The term encompasses those activities involved in the presentation, execution and interpretation of the arts; and the study and technical development of these art forms and activities.

## **Article 72**

### **Movement of Natural Persons**

1 This Agreement applies to measures affecting natural persons who are service suppliers of a Party, and natural persons of a Party who are employed by a service supplier of a Party, in respect of the supply of a service.

2 This Agreement shall not apply to measures affecting natural persons seeking access to the employment market of a Party nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.

3 In accordance with Articles 17, 18, 19 and 20, the Parties may negotiate specific commitments applying to the movement of all categories of natural persons supplying services under this Agreement. Natural persons covered by a specific commitment shall be allowed to supply the service in accordance with the terms of that commitment.

4 This Agreement shall also not prevent a Party from applying measures to regulate the entry of natural persons of the other Party into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to either Party under the terms of a specific commitment<sup>12</sup>.

## **Article 73**

### **Measures to Safeguard the Balance of Payments**

1 In the event of serious balance of payments and external financial difficulties or threat thereof, a Party may adopt or maintain restrictions on trade in services on which it has undertaken specific commitments, including on payments or transfers for transactions related to such commitments. In the case of investments, a Party may adopt or maintain restrictions with regards to payments relating to the transfer of proceeds from investment.

2 The restrictions referred to in paragraph 1:

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<sup>12</sup> The sole fact of requiring a visa for natural persons shall not be regarded as nullifying or impairing benefits under a specific commitment.

- a) shall be consistent with the Articles of Agreement of the International Monetary Fund;
- b) shall avoid unnecessary damage to the commercial, economic and financial interests of the other Party;
- c) shall not exceed those necessary to deal with the circumstances described in paragraph 1;
- d) shall be temporary and be phased out progressively as the situation specified in paragraph 1 improves; and
- e) shall be applied on a national treatment basis.

3 Any restrictions adopted or maintained under paragraph 1, or any changes therein, shall be promptly notified to the other Party within 14 days from the date such measures are taken.

4 The Party adopting any restrictions under paragraph 1 shall commence consultations with the other Party within 90 days from the date of notification in order to review the measures adopted by it.

5 In the case of trade in goods, where a Party is in serious balance of payments and external financial difficulties or under threat thereof, it may, in accordance with the GATT 1994 and the Understanding on the Balance-of-Payments Provisions of the GATT 1994, adopt restrictive import measures.

## **Article 74**

### **Treaty of Waitangi**

1 Provided that such measures are not used as a means of arbitrary or unjustified discrimination against persons of the other Party or as a disguised restriction on trade in goods and services or investment, nothing in this Agreement shall preclude the adoption by New Zealand of measures it deems necessary to accord more favourable treatment to Maori in respect of matters covered by this Agreement including in fulfillment of its obligations under the Treaty of Waitangi.

2 The Parties agree that the interpretation of the Treaty of Waitangi, including as to the nature of the rights and obligations arising under it, shall not be subject to the dispute settlement provisions of this Agreement. Part 10 shall otherwise apply to this Article. An arbitral tribunal appointed under Article 61

may be requested by Singapore to determine only whether any measure (referred to in paragraph 1) is inconsistent with its rights under this Agreement.

## **Article 75**

### **Critical Shortages**

Provided that such measures are not used as a means of arbitrary or unjustified discrimination against persons of the other Party or as a disguised restriction on trade in goods and services or investment, nothing in this Agreement shall preclude the adoption by Singapore of measures it deems necessary to prevent or relieve a critical shortage or threat thereof of any such imports deemed or defined as essential to Singapore under its domestic laws and regulations, and where the situation referred to gives rise, or is likely to give rise, to major difficulties for Singapore, provided that such measures shall, if Singapore deems fit, be discontinued as soon as the conditions giving rise to such measures have ceased to exist.

## **Article 76**

### **Security**

Nothing in this Agreement shall be construed:

- a) as preventing either Party from taking any action which it considers necessary for the protection of its essential security interests, including but not limited to action relating to traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment, and any action taken in time of war or other emergency in domestic or international relations;

or

- b) as preventing either Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

## **Article 77**

### **Disclosure of Information**

Nothing in this Agreement shall be construed to require either Party to furnish or allow access to information the disclosure of which it considers:

- a) would be contrary to its essential security interests;
- b) is contrary to the public interest as determined by its laws;
- c) is contrary to any of its laws, including but not limited to those protecting personal privacy or the financial affairs and accounts of individual customers of financial institutions;
- d) would impede law enforcement; or
- e) would prejudice legitimate commercial interests of particular enterprises, public or private.

## **Article 78**

### **Taxation**

The provisions of this Agreement shall not apply to any taxation measure. "Taxation measure" means any measure imposing direct or indirect taxes including excise duties as defined by the domestic laws of the Parties so long as these duties are not used for the purpose of protecting the domestic industry of the Party imposing the duties.

## **Article 79**

### **Association with the Agreement**

1 This Agreement is open to accession or association, on terms to be agreed between the Parties, by any Member of the WTO, or by any other State or separate customs territory.

2 The terms of such accession or association shall take into account the circumstances of the Member of the WTO, State or separate customs territory, in particular with respect to timetables for liberalisation.

## **Article 80**

### **Obligations under other International, Regional or Bilateral Agreements**

Nothing in this Agreement shall be regarded as exempting either Party to this Agreement from its obligations under any international, regional or bilateral agreements to which it is a party and any inconsistency with the provisions of this Agreement shall be resolved in accordance with the general principles of international law.

## **Article 81**

### **Preferences under other Agreements**

1 Nothing in this Agreement shall be regarded as obliging a Party to extend to the other Party the benefit of any treatment, preference or privilege arising from any existing or any future customs union, free trade area, free trade arrangement, common market, monetary union or similar international agreement or other forms of bilateral or regional cooperation to which either of the Parties is or may become party; or as preventing the adoption of an agreement designed to lead to the formation or extension of such a union, area or arrangement or market.

2 Nothing in this Agreement shall be interpreted as obliging a Party to extend the benefit of any treatment, preference or privilege arising under this Agreement to legal or natural persons who otherwise only qualify for such benefit by virtue of a separate agreement or arrangement entered into by the other Party.

## **Article 82**

### **Amendments**

This Agreement may be amended by agreement in writing by the Parties and such amendments shall come into force on such date or dates as may be agreed between them.



**Article 83**

**Annexes**

The Annexes to this Agreement, including any Appendices thereto, shall be an integral part of this Agreement.

**Article 84**

**Entry into Force, Duration and Termination**

1 This Agreement shall be subject to ratification. Ratification shall be effected by an exchange of Notes between the Parties. The Agreement shall enter into force on the date specified in such exchange of Notes.

2 This Agreement may be terminated by either Party on giving 180 days' written notice to the other Party.

IN WITNESS whereof the undersigned, duly authorised, have signed this Agreement.

DONE in duplicate at Singapore this 14<sup>th</sup> day of November, 2000.

For Singapore:

For New Zealand:

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Mr Goh Chok Tong  
Prime Minister

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Rt Hon Helen Clark  
Prime Minister