

ANNEX 13-A

SCHEDULE OF AUSTRALIA

Section A: Central Government Entities

Thresholds:

Unless otherwise specified, this Chapter shall cover procurement by entities listed in this Section, subject to the following thresholds:

- (a) for procurement of goods and services, 130,000 Special Drawing Rights (SDRs); and
- (b) for procurement of construction services, 5,000,000 SDRs.

List of Entities:

1. Administrative Appeals Tribunal
2. Attorney-General's Department
3. Australian Aged Care Quality Agency
4. Australian Bureau of Statistics
5. Australian Centre for International Agricultural Research
6. Australian Crime Commission (Australian Criminal Intelligence Commission)
7. Australian Electoral Commission
8. Australian Federal Police
9. Australian Institute of Criminology
10. Australian Law Reform Commission
11. Australian National Audit Office
12. Australian Office of Financial Management (AOFM)
13. Australian Public Service Commission
14. Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)
15. Australian Research Council
16. Australian Taxation Office
17. Australian Trade and Investment Commission (Austrade)
18. Australian Transaction Reports and Analysis Centre (AUSTRAC)
19. Australian Transport Safety Bureau
20. Bureau of Meteorology
21. Commonwealth Grants Commission
22. Department of Agriculture and Water Resources
23. Department of Communications and the Arts
24. Department of Defence
25. Department of Education and Training

26. Department of Finance
27. Department of Foreign Affairs and Trade
28. Department of Health
29. Department of Home Affairs
30. Department of Human Services
31. Department of Industry, Innovation and Science
32. Department of Infrastructure, Regional Development and Cities
33. Department of Jobs and Small Business
34. Department of Parliamentary Services
35. Department of Social Services
36. Department of the Environment and Energy
37. Department of the House of Representatives
38. Department of the Prime Minister and Cabinet
39. Department of the Senate
40. Department of the Treasury
41. Department of Veterans' Affairs
42. Fair Work Ombudsman and Registered Organisations Commission Entity
43. Fair Work Commission
44. Federal Court of Australia
45. Geoscience Australia
46. Inspector-General of Taxation
47. IP Australia
48. National Archives of Australia
49. National Blood Authority
50. National Capital Authority
51. National Competition Council
52. Office of Parliamentary Counsel
53. Office of the Australian Accounting Standards Board
54. Office of the Australian Information Commissioner
55. Office of the Commonwealth Ombudsman
56. Office of the Director of Public Prosecutions
57. Office of the Inspector-General of Intelligence and Security
58. Office of the Official Secretary to the Governor-General
59. Productivity Commission
60. Professional Services Review Scheme
61. Royal Australian Mint
62. Safe Work Australia
63. Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)
64. Workplace Gender Equality Agency

Notes to Section A

1. This Chapter shall only cover those entities listed (including an office within a listed entity) in this Section.

2. Until the *Revised Agreement on Government Procurement*, set out in Annex 4(b) to the WTO Agreement (Revised GPA), enters into force for Australia, this Chapter shall not cover the procurement of motor vehicles by any entity listed in this Section.

3. This Chapter shall not cover procurement by or on behalf of the Australian Government Solicitor.

4. Department of Defence

(a) This Chapter shall not cover Department of Defence procurement of the following goods in accordance with Article 19.4 (Essential Security) of Chapter 19 (General Provisions and Exceptions):

	<u>Approximately equivalent to:</u>
Weapons	FSC 10
Fire Control Equipment	FSC 12
Ammunition and Explosives	FSC 13
Guided Missiles	FSC 14
Aircraft and Airframe Structural Components	FSC 15
Aircraft Components and Accessories	FSC 16
Aircraft Launching, Landing, and Ground Handling Equipment	FSC 17
Space Vehicles	FSC 18
Ships, Small Craft, pontoons and Floating Docks	FSC 19
Ship and Marine Equipment	FSC 20
Ground Effect Vehicles, Motor Vehicles, Trailers, and Cycles	FSC 23
Engines, Turbines, and Components	FSC 28
Engines Accessories	FSC 29
Bearings	FSC 31
Water Purification and Sewage Treatment Equipment	FSC 46
Valves	FSC 48
Maintenance and Repair Shop Equipment	FSC 49
Prefabricated Structures and Scaffolding	FSC 54
Communication, Detection, and Coherent Radiation Equipment	FSC 58
Electrical and Electronic Equipment Components	FSC 59
Fiber Optics Materials, Components, Assemblies, and Accessories	FSC 60
Electric Wire, and Power and Distribution Equipment	FSC 61
Alarm, Signal and Security Detection Systems	FSC 63
Instruments and Laboratory Equipment	FSC 66
Specialty Metals	No Code

Note: Whether a good is included within the scope of this Note shall be determined solely according to the descriptions provided in the left column above. U.S. Federal Supply Codes are provided for reference purposes only.

(For a complete listing of the United States Federal Supply Codes, to which the Australian categories are approximately equivalent, see: <http://www.fbo.gov>).

- (b) For Australia, this Chapter shall not cover the following services, as elaborated in the Common Classification System and the WTO system of classification – MTN.GNS/W/120, in accordance with Article 19.4 (Essential Security) of Chapter 19 (General Provisions and Exceptions). (For a complete listing of Common Classification System, see: <http://www.sice.oas.org/trade/nafta/chap-105.asp>).
- (i) design, development, integration, test, evaluation, maintenance, repair, modification, rebuilding and installation of military systems and equipment (approximately equivalent to relevant parts of U.S. Product Service Codes A & J);
 - (ii) operation of Government-owned Facilities (approximately equivalent to U.S. Product Service Code M);
 - (iii) space services (AR, B4 & V3); and
 - (iv) services in support of military forces overseas.
- (c) This Chapter shall not cover the procurement of goods and services by, or on behalf of, the Defence Intelligence Organisation, the Australian Signals Directorate, or the Australian Geospatial-Intelligence Organisation.
- (d) In respect of paragraph 1 and paragraph 2 of Article 13.4, the Australian Government reserves the right, pursuant to Article 19.4 (Essential Security) of Chapter 19 (General Provisions and Exceptions), to maintain the Australian industry capability program and its successor programs and policies.

Section B: Sub-Central Government Entities

Thresholds:

Unless otherwise specified, this Chapter shall cover procurement by entities listed in this Section, subject to the following thresholds:

- (a) for procurement of goods and services, 355,000 SDRs; and
- (b) for procurement of construction services, 5,000,000 SDRs.

List of Entities:

AUSTRALIAN CAPITAL TERRITORY

1. ACT Auditor-General
2. ACT Gambling and Racing Commission
3. ACT Insurance Authority
4. Chief Minister, Treasury and Economic Development Directorate
5. Community Services Directorate
6. Cultural Facilities Corporation
7. Education Directorate
8. Environment, Planning and Sustainable Development Directorate
9. Health Directorate
10. Housing ACT
11. Independent Competition and Regulatory Commission
12. Justice and Community Safety Directorate
13. Legal Aid Commission
14. Ombudsman of the ACT
15. Transport Canberra and City Services Directorate

Note for the Australian Capital Territory

For the entities listed for the Australian Capital Territory, this Chapter shall not cover the procurement of health and welfare services, education services, utility services or motor vehicles.

NEW SOUTH WALES

1. Office of the NSW Advocate for Children and Young People
2. NSW Department of Education

3. NSW Department of Family and Community Services
4. NSW Department of Finance, Services and Innovation
5. Department of Industry
6. NSW Department of Justice
7. NSW Department of Planning and Environment
8. NSW Department of Premier and Cabinet
9. NSW Environment Protection Authority
10. Fire and Rescue NSW
11. Health Care Complaints Commission
12. Information and Privacy Commission NSW
13. Legal Aid NSW
14. NSW Ministry of Health
15. Multicultural NSW
16. New South Wales Crime Commission
17. NSW Crown Solicitor's Office
18. NSW Education Standards Authority
19. NSW Electoral Commission
20. NSW Food Authority
21. Law Enforcement Conduct Commission
22. NSW Ombudsman
23. NSW Parliamentary Counsel's Office
24. NSW Rural Assistance Authority
25. NSW Rural Fire Service
26. NSW State Emergency Service
27. Office of the Director of Public Prosecutions NSW
28. Office of Environment and Heritage
29. Office of Local Government
30. Public Service Commission
31. State Insurance Regulatory Authority
32. Sydney Harbour Foreshore Authority
33. Sydney Olympic Park Authority
34. TAFE NSW
35. The Audit Office of NSW
36. The Treasury
37. Transport for NSW

Note for New South Wales

For the entities listed for New South Wales, this Chapter shall not cover:

- (a) procurement of health and welfare services, education services or motor vehicles;
- (b) procurement undertaken by a covered entity on behalf of a non-covered entity;

- (c) procurement related to the functions of the Privacy Commission by the Information and Privacy Commission; or
- (d) procurement by Transport for NSW, related to the functions of the Transport Construction Authority, and the Country Rail Infrastructure Authority or its successor agencies.

NORTHERN TERRITORY

1. Aboriginal Areas Protection Authority
2. Auditor General's Office
3. Department of the Attorney-General and Justice
4. Department of the Chief Minister
5. Department of Environment and Natural Resources
6. Department of Health
7. Department of Housing and Community Development
8. Department of the Legislative Assembly
9. Department of Primary Industry and Resources
10. Department of Tourism and Culture
11. Department of Trade, Business and Innovation
12. Department of Treasury and Finance
13. Health and Community Services Complaints Commission
14. Land Development Corporation
15. Board of the Museum and Art Gallery of the Northern Territory
16. Northern Territory Electoral Commission;
17. Northern Territory Police, Fire and Emergency Services
18. Northern Territory Training Commission
19. Office of the Commissioner for Public Employment
20. Ombudsman's Office
21. Racing Commission
22. Remuneration Tribunal
23. Strehlow Research Centre Board
24. Territory Families
25. Utilities Commission of the Northern Territory
26. Work Health Authority

Note for the Northern Territory

For entities listed for the Northern Territory, this Chapter shall not cover set-asides on behalf of the Charles Darwin University pursuant to Partnership Agreements between the Northern Territory Government and Charles Darwin University.

QUEENSLAND

1. Entities declared to be departments pursuant to Section 14 of the *Public Service Act 2008* (Qld)
2. Motor Accident Insurance Commission
3. Nominal Defendant
4. Public Safety Business Agency
5. Public Service Commission
6. Public Trust Office

Note for Queensland

For the entities listed for Queensland, this Chapter shall not cover procurement:

- (a) by covered entities on behalf of non-covered entities;
- (b) undertaken by departments, or parts of departments, which deliver health, education, training or arts services; or
- (c) of health services, education services, training services, arts services, welfare services, government advertising and motor vehicles.

SOUTH AUSTRALIA

1. Attorney-General's Department
2. Auditor-General's Department
3. Country Fire Service
4. Courts Administration Authority
5. Defence SA
6. Department for Child Protection
7. Department for Correctional Services
8. Department for Education
9. Department for Energy and Mining
10. Department for Environment and Water
11. Department for Health and Wellbeing
12. Department of Human Services
13. Department of Industry and Skills
14. Department of Planning, Transport and Infrastructure
15. Department of Primary Industries and Regions
16. Department of the Premier and Cabinet
17. Department of Trade, Tourism and Investment
18. Department of Treasury and Finance
19. Electoral Commission of South Australia
20. Environment Protection Authority

21. Independent Gambling Authority
22. Parliament of South Australia
23. SAFECOM
24. SA Tourism Commission
25. South Australian Metropolitan Fire Service
26. South Australia Police
27. State Emergency Service
28. State Procurement Board
29. TAFE SA

Note for South Australia

For the entities listed for South Australia, this Chapter shall not cover the procurement of health and welfare services, education services, advertising services, or motor vehicles.

TASMANIA

1. Department of Education
2. Department of Health and Human Services
3. Department of Justice
4. Department of Police, Fire and Emergency Management
5. Department of Premier and Cabinet
6. Department of Primary Industries, Parks, Water and Environment
7. Department of State Growth
8. Department of Treasury and Finance
9. House of Assembly
10. Legislative Council
11. Legislature-General
12. Office of the Director of Public Prosecutions
13. Office of the Governor
14. Office of the Ombudsman
15. Tasmanian Audit Office
16. Tasmanian Health Service
17. Tourism Tasmania

Note for Tasmania

For the entities listed for Tasmania, this Chapter shall not cover the procurement of health and welfare services, education services, or advertising services.

VICTORIA

1. Department of Economic Development, Jobs, Transport and Resources
2. Department of Education and Training
3. Department of Environment, Land, Water and Planning
4. Department of Health and Human Services
5. Department of Justice and Regulation
6. Department of Premier and Cabinet
7. Department of Treasury and Finance
8. Essential Services Commission
9. Independent Broad-Based Anti-corruption Commission
10. Office of Infrastructure Victoria
11. Office of Public Prosecutions
12. Office of the Chief Commissioner of Police (Victoria Police)
13. Office of the Commission for Children and Young People
14. Office of the Commissioner for Environmental Sustainability
15. Office of the Victorian Information Commissioner
16. Office of the Game Management Authority
17. Office of the Ombudsman
18. Office of the Road Safety Camera Commissioner
19. Office of the Victorian Fisheries Authority
20. Office of the Victorian Legal Services Commissioner
21. Office of the Victorian Responsible Gambling Foundation
22. Commercial Passenger Vehicle Commission
23. Victorian Auditor-General's Office
24. Victorian Commission for Gambling and Liquor Regulation
25. Victorian Electoral Commission
26. Victorian Equal Opportunity and Human Rights Commission
27. Victorian Public Sector Commission
28. Victorian Inspectorate

Note for Victoria

For the entities listed for Victoria, this Chapter shall not cover:

- (a) procurement of motor vehicles;
- (b) procurement by covered entities on behalf of non-covered entities; or
- (c) procurement conducted by the office of Head, Transport for Victoria.

WESTERN AUSTRALIA

1. Corruption and Crime Commission (Western Australia)
2. Country High Schools Hostels Authority

3. Department of Biodiversity Conservation and Attractions
4. Department of Communities
5. Department of Education
6. Department of Finance
7. Department of Fire and Emergency Services
8. Department of Health
9. Department of Jobs, Tourism, Science and Innovation;
10. Department of Justice
11. Department of Local Government, Sports and Cultural Industries
12. Department of Mines, Industry Regulation and Safety
13. Department of Planning, Lands and Heritage
14. Department of Primary Industries and Regional Development
15. Department of the Premier and Cabinet
16. Department of the Registrar Western Australian Industrial Relations Commission
17. Department of Training and Workforce Development
18. Department of Transport
19. Department of Treasury
20. Department of Water and Environmental Regulation
21. Equal Opportunity Commission
22. Governor's Establishment
23. Heritage Council of Western Australia
24. Law Reform Commission of Western Australia
25. Legislative Assembly
26. Legislative Council
27. Main Roads Western Australia
28. Minerals Research Institute of Western Australia
29. National Trust of Australia (WA)
30. Office of the Auditor General
31. Office of the Director of Public Prosecutions
32. Office of the Information Commissioner
33. Office of the Inspector of Custodial Services
34. Office of the Parliamentary Commissioner for Administrative Investigations
35. Parliamentary Services Department
36. Public Sector Commission
37. Public Transport Authority
38. Rural Business Development Corporation
39. Salaries and Allowances Tribunal
40. Small Business Development Corporation
41. State Library of Western Australia
42. Swan River Trust
43. Western Australia Police
44. Western Australian Electoral Commission
45. Western Australian Land Information Authority (Landgate)
46. Western Australian Planning Commission
47. Western Australian Sports Centre Trust (trading as VenuesWest)

Note for Western Australia

For greater certainty, in accordance with paragraph 7 of Article 13.8, in relation to procurements from the Department of Finance, Building Management and Works' Prequalification Scheme; and Main Road's National Prequalification System for Civil (Road and Bridge) Construction Contracts Scheme, requests for participation in a procurement from suppliers not already prequalified at the time of tender release will not be considered due to the time and complexity involved in assessing requests. This does not preclude suppliers from applying at any time to become prequalified. Prequalification ensures the financial security of building and construction contractors and does not discriminate between local suppliers and the suppliers of the other Party.

Section C: Other Entities

Thresholds:

Unless otherwise specified, this Chapter shall apply to procurement by entities listed in this Section, subject to the following thresholds:

- (a) for procurement of goods and services, 400,000 SDRs; and
- (b) for procurement of construction services, 5,000,000 SDRs.

List of Entities:

1. Australian Communications and Media Authority
2. Australian Competition and Consumer Commission
3. Australian Financial Security Authority
4. Australian Fisheries Management Authority
5. Australian Human Rights Commission
6. Australian Institute of Health and Welfare
7. Australian Institute of Marine Science
8. Australian Maritime Safety Authority
9. Australian National Maritime Museum
10. Australian Nuclear Science and Technology Organisation
11. Australian Pesticides and Veterinary Medicines Authority
12. Australian Prudential Regulation Authority
13. Australian Securities and Investments Commission
14. Australian War Memorial
15. Comcare
16. Commonwealth Scientific and Industrial Research Organisation
17. Export Finance and Insurance Corporation
18. Grains Research and Development Corporation
19. Great Barrier Reef Marine Park Authority
20. National Gallery of Australia
21. National Museum of Australia
22. Old Parliament House
23. Reserve Bank of Australia
24. Sydney Harbour Federation Trust
25. The Director of National Parks
26. Tourism Australia

Notes to Section C

1. This Chapter shall cover only those entities listed in this Section.
2. Until the Revised GPA enters into force for Australia, this Chapter shall not cover the procurement of motor vehicles by any entity listed in this Section.
3. This Chapter shall not cover procurement of telecommunications services by the Australian War Memorial.

Section D: Goods

1. This Chapter shall apply to all goods procured by the entities listed in Sections A (Central Government Entities), B (Sub-Central Government Entities) and C (Other Entities), unless otherwise specified in this Chapter, including in this Schedule.
2. This Chapter shall not cover the procurement of blood and blood-related products, including plasma derived products.

Section E: Services

1. This Chapter shall apply to all services procured by the entities listed in Sections A (Central Government Entities), B (Sub-Central Government Entities) and C (Other Entities), unless otherwise specified in this Chapter, including in this Schedule.
2. This Chapter shall not cover the procurement of:
 - (a) plasma fractionation services;
 - (b) government advertising services;
 - (c) health and welfare services; and
 - (d) research and development services.

Note to Section E

Procurement of services by entities listed in Sections A (Central Government Entities), B (Sub-Central Government Entities) and C (Other Entities) is a covered procurement in regard of Hong Kong, China's supplier of a service only to the extent that Hong Kong, China has covered that service under its Schedule to Annex 13-A.

Section F: Construction Services

This Chapter shall apply to procurement of all construction services in Division 51 of the Provisional Central Product Classification (CPC Prov.) and the Services Sectoral Classification List published by the WTO (WTO document MTN.GNS/W/1120 as of July 10, 1991), procured by the entities listed in Sections A (Central Government Entities), B (Sub-Central Government Entities) and C (Other Entities), unless otherwise specified in this Chapter, including in this Schedule.

Section G: General Notes

1. Unless otherwise specified, the following General Notes in this Schedule shall apply without exception to this Chapter, including to all Sections of this Schedule.
2. This Chapter shall not apply to:
 - (a) any form of preference to benefit small and medium enterprises;
 - (b) measures to protect national treasures of artistic, historic, or archaeological value;
 - (c) measures for the health and welfare of indigenous people;
 - (d) measures for the economic and social advancement of indigenous people;
 - (e) procurement of goods and services outside the Area of the procuring Party for consumption outside the Area of the procuring Party; and
 - (f) procurement of financial advisory and asset management services pertaining to reserves held, including for the purposes of funding retirement benefits by a government or its entities.
3. For greater certainty:
 - (a) this Chapter shall not apply to procurement funded by grants and sponsorship payments received from persons not listed in this Schedule;
 - (b) this Chapter shall not apply to procurement by a procuring entity from another government entity; and
 - (c) nothing in this Chapter shall preclude a procuring Party, or its procuring entities, from preparing, adopting or applying technical specifications required to protect sensitive government information, including specifications that may affect or limit the storage, hosting or processing of such information outside the Area of the procuring Party.

Section H: Threshold Adjustment Formula

1. The thresholds set out in Sections A (Central Government Entities), B (Sub-Central Government Entities) and C (Other Entities) shall be adjusted at two-year intervals with each adjustment taking effect in January, beginning on January 1, 2020.
2. Australia shall calculate and convert the value of the thresholds into Australian Dollars using the conversion rates published by the International Monetary Fund in its monthly “International Financial Statistics”. The conversion rates shall be the average of the daily values of the Australian Dollar in terms of the SDRs over the two-year period preceding October 1 or November 1 of the year before the thresholds are to take effect.
3. Calculations for thresholds covered by Australia may be rounded to the nearest thousand Australian Dollars.
4. Australia shall notify Hong Kong, China of the applicable value of thresholds in Australian Dollars and the period of its validity upon the date of entry into force of this Agreement and shall thereafter notify the value of the newly calculated thresholds in Australian Dollars in a timely manner.
5. The Parties shall consult if a major change in a national currency relative to the SDRs or to the national currency of the other Party were to create a significant problem with regard to the application of this Chapter.