**ANNEX 15A**

**PART A**

**SCHEDULE OF AUSTRALIA**

**SECTION A – CENTRAL GOVERNMENT ENTITIES**

**Thresholds:**

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

Goods SDR 130,000

Services SDR 130,000

Construction Services SDR 5,000,000.

**List of Entities:**

1. Administrative Appeals Tribunal;

2. Attorney-General's Department;

3. Aged Care Quality and Safety Commission;

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;

13. Australian Public Service Commission;

14. Australian Radiation Protection and Nuclear Safety Agency;

15. Australian Research Council;

16. Australian Taxation Office;

17. Australian Trade and Investment Commission (Austrade);

18. Australian Transaction Reports and Analysis Centre;

19. Australian Transport Safety Bureau;

20. Bureau of Meteorology;

21. Commonwealth Grants Commission;

22. Department of Agriculture, Fisheries and Forestry;

23. Department of Climate Change, Energy, the Environment and Water;

24. Department of Defence (subject to Note 5);

25. Department of Education;

26. Department of Employment and Workplace Relations;

27. Department of Finance;

28. Department of Foreign Affairs and Trade;

29. Department of Health and Aged Care;

30. Department of Home Affairs;

31. Department of Industry, Science and Resources;

32. Department of Infrastructure, Transport, Regional Development, Communications and the Arts;

33. Department of Parliamentary Services;

34. Department of Social Services;

35. Department of the House of Representatives;

36. Department of the Prime Minister and Cabinet;

37. Department of the Senate;

38. Department of the Treasury;

39. Department of Veterans' Affairs;

40. Fair Work Commission;

41. Federal Court of Australia;

42. Geoscience Australia;

43. Inspector-General of Taxation;

44. IP Australia;

45. National Archives of Australia;

46. National Blood Authority;

47. National Capital Authority;

48. National Competition Council;

49. National Indigenous Australians Agency;

50. Office of Parliamentary Counsel;

51. Office of the Australian Accounting Standards Board;

52. Office of the Australian Information Commissioner;

53. Office of the Commonwealth Ombudsman;

54. Office of the Director of Public Prosecutions;

55. Office of the Fair Work Ombudsman;

56. Office of the Inspector-General of Intelligence and Security;

57. Office of the Official Secretary to the Governor-General;

58. Productivity Commission;

59. Professional Services Review;

60. Royal Australian Mint;

61. Safe Work Australia;

62. Seafarers Safety, Rehabilitation and Compensation Authority;

63. Services Australia; and

64. Workplace Gender Equality Agency.

**Notes to Section A:**

1. Chapter 15 (Government Procurement) only covers those entities listed (including an office within a listed entity) in this Section.
2. Chapter 15 (Government Procurement) covers, with respect to the UAE, procurement by or on behalf of the entities listed in this Section, only to the extent that the UAE has covered that entity for Australia, or as otherwise agreed to maintain the balance of rights and obligations and a comparable level of coverage under the Chapter.
3. Chapter 15 (Government Procurement) does not cover procurement by or on behalf of the Australian Government Solicitor.
4. Chapter 15 (Government Procurement) does not cover the procurement of space-related goods or services by any entity listed in this Section.
5. Notwithstanding Note 2, for the Department of Defence:

(a) Chapter 15 (Government Procurement) does not cover Department of Defence procurement of the following goods due to Article 15.4(3) (Exceptions) approximately equivalent to the U.S. Federal Supply Code classifications listed below:

|  | **Description** | **FSC** |
| --- | --- | --- |
| [1](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=6.0000&Class=Note&ContentCulture=en) | Weapons; | 10 |
| [2](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=7.0000&Class=Note&ContentCulture=en) | Fire Control Equipment; | 12 |
| [3](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=8.0000&Class=Note&ContentCulture=en) | Ammunition and Explosives; | 13 |
| [4](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=9.0000&Class=Note&ContentCulture=en) | Guided Missiles; | 14 |
| [5](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=10.0000&Class=Note&ContentCulture=en) | Aircraft and Airframe Structural Components; | 15 |
| [6](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=11.0000&Class=Note&ContentCulture=en) | Aircraft Components and Accessories; | 16 |
| [7](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=12.0000&Class=Note&ContentCulture=en) | Aircraft Launching, Landing, and Ground Handling Equipment; | 17 |
| [8](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=13.0000&Class=Note&ContentCulture=en) | Space Vehicles; | 18 |
| [9](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=14.0000&Class=Note&ContentCulture=en) | Ships, Small Craft, Pontoons and Floating Docks; | 19 |
| [10](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=15.0000&Class=Note&ContentCulture=en) | Ship and Marine Equipment; | 20 |
| [11](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=16.0000&Class=Note&ContentCulture=en) | Ground Effect Vehicles, Motor Vehicles, Trailers, and Cycles; | 23 |
| [12](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=17.0000&Class=Note&ContentCulture=en) | Engines, Turbines, and Components; | 28 |
| [13](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=18.0000&Class=Note&ContentCulture=en) | Ships, Small Craft, Pontoons and Floating Docks; | 29 |
| [14](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=19.0000&Class=Note&ContentCulture=en) | Bearings; | 31 |
| [15](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=20.0000&Class=Note&ContentCulture=en) | Water Purification and Sewage Treatment Equipment; | 46 |
| [16](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=21.0000&Class=Note&ContentCulture=en) | Valves; | 48 |
| [17](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=22.0000&Class=Note&ContentCulture=en) | Maintenance and Repair Shop Equipment; | 49 |
| [18](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=23.0000&Class=Note&ContentCulture=en) | Prefabricated Structures and Scaffolding; | 54 |
| [19](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=24.0000&Class=Note&ContentCulture=en) | Communication, Detection, and Coherent Radiation Equipment; | 58 |
| [20](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=25.0000&Class=Note&ContentCulture=en) | Electrical and Electronic Equipment Components; | 59 |
| [21](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=26.0000&Class=Note&ContentCulture=en) | Fiber Optics Materials, Components, Assemblies, and Accessories; | 60 |
| [22](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=27.0000&Class=Note&ContentCulture=en) | Electric Wire, and Power and Distribution Equipment; | 61 |
| [23](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=28.0000&Class=Note&ContentCulture=en) | Alarm, Signal and Security Detection Systems; | 63 |
| [24](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=29.0000&Class=Note&ContentCulture=en) | Instruments and Laboratory Equipment; | 66 |
| [25](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=1&NoteNo=30.0000&Class=Note&ContentCulture=en) | 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 the Product Code Section of the Federal Procurement Data System Product and Service Code Manual at <https://www.acquisition.gov>.

(b) For Australia, Chapter 15 (Government Procurement) does not cover the following services, as elaborated in the Common Classification System and the WTO system of classification – [MTN.GNS/W/120](http://www.wto.org/english/tratop_e/serv_e/mtn_gns_w_120_e.doc), due to Article 15.4(3) (Exceptions). For a complete listing of the Common Classification System, see Appendix 13-D-1 at <https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/13_Government_Procurement.pdf>:

(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) Chapter 15 (Government Procurement) does 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 Article 15.5 (General Principles) the Australian Government reserves the right, pursuant to Article 15.4(3) (Exceptions) to maintain the Australian industry capability program and its successor programs and policies.

**SECTION B – GOODS**

1. Unless otherwise specified, Chapter 15 (Government Procurement) covers procurement of all goods by the entities listed in Section A.

2. Chapter 15 (Government Procurement) does not cover the procurement of blood and blood-related products, including plasma derived products.

3. Procurement of goods by entities listed in Section A is covered with respect to UAE only to the extent that UAE has covered that good for Australia under this Chapter.[[1]](#footnote-2)

**SECTION C – SERVICES**

1. Unless otherwise specified, Chapter 15 (Government Procurement) covers all services procured by the entities listed in Section A.

2. Chapter 15 (Government Procurement) does not cover the procurement of:

(a) plasma fractionation services;

(b) government advertising services;

(c) health and welfare services; and

(d) research and development services.

3. Procurement of services by entities listed in Section A is covered with respect to UAE only to the extent that UAE has covered that service for Australia under this Chapter.[[2]](#footnote-3)

**SECTION D – CONSTRUCTION SERVICES**

Unless otherwise specified, Chapter 15 (Government Procurement) covers all construction services procured by the entities listed in Section A.

Procurement of construction services by entities listed in Section A is covered with respect to UAE only to the extent that UAE has covered that construction service for Australia under this Chapter.[[3]](#footnote-4)

**SECTION E – GENERAL NOTES**

The following General Notes apply without exception to Chapter 15 (Government Procurement), including to Sections A–D of this Schedule.

1. Chapter 15 (Government Procurement) does 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; and

(e) procurement of goods and services outside the territory of the procuring Party for consumption outside the territory of the procuring Party.

[2.](https://e-gpa.wto.org/en/Note/Details?Agreement=GPA113&Party=Australia&AnnexNo=7&NoteNo=68.0000&Class=Note&ContentCulture=en) For greater certainty:

(a) Chapter 15 (Government Procurement) does not apply to procurement funded by grants and sponsorship payments received from persons not listed in Section A;

(b) Chapter 15 (Government Procurement) does not apply to procurement by a procuring entity from another government entity; and

(c) a procuring entity may use limited tendering procedures for unsolicited innovative proposals under Article 15.11 (Limited Tendering).

**SECTION F – THRESHOLD ADJUSTMENT FORMULA**

1. The thresholds shall be adjusted in every even-numbered year with each adjustment taking effect on 1 January, beginning on 1 January of the first even numbered year after the date of entry into force of this Agreement for Australia.

2. Every two years, Australia shall calculate and publish the value of the thresholds under Chapter 15 (Government Procurement) expressed in Australian dollars. These calculations shall be based on the conversion rates published by the International Monetary Fund in its monthly *International Financial Statistics*.

3. The conversion rates shall be the average of the daily values of the Australian dollar in terms of the Special Drawing Rights (SDR) over the two-year period preceding 1 October or 1 November of the year before the adjusted thresholds are to take effect, and rounded to the nearest thousand Australian dollars.

4. Australia shall notify UAE of the current thresholds in its currency immediately after this Agreement enters into force, and the adjusted thresholds in its currency thereafter in a timely manner.

5. Australia shall consult if a major change in its national currency relative to the SDR or to the national currency of UAE were to create a significant problem with regard to the application of Chapter 15 (Government Procurement).

**SECTION G – PROCUREMENT INFORMATION**

All information required by Article 15.6 (Publication of Procurement Information) is published on the following websites:

1. Australian Government legislation and regulations

<https://www.comlaw.gov.au/>

2 Australian Government Tender System

<http://www.tenders.gov.au>

3. Judicial decisions regarding government procurement are available through the homepages of the Federal Court and Federal Circuit Court of Australia. A compilation of the databases of these courts is available through <http://www.austlii.edu.au/>

**SECTION H – TIME PERIODS**

Australia shall grant no less than three working days for suppliers to submit responses to tenders.

1. For greater certainty, procurement of goods by entities listed in Section A will not be covered where UAE has excluded procurements of that good, or domestic preferences relating to procurements of that good, from the application of Chapter 15 (Government Procurement) through its Section E – General Notes. [↑](#footnote-ref-2)
2. For greater certainty, procurement of services by entities listed in Section A will not be covered where UAE has excluded procurements of that service, or domestic preferences relating to procurements of that service, from the application of Chapter 15 (Government Procurement) through its Section E – General Notes. [↑](#footnote-ref-3)
3. For greater certainty, procurement of construction services by entities listed in Section A will not be covered where UAE has excluded procurements of that construction service, or domestic preferences relating to procurements of that construction service, from the application of Chapter 15 (Government Procurement) through its Section E – General Notes. [↑](#footnote-ref-4)