#### **ANNEX 15-A: SCHEDULE OF AUSTRALIA**

#### **SECTION A**

#### **Central Government Entities**

- 1. Chapter 15 (Government Procurement) applies to central government entities listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with Article 15.2.8 (Scope and Coverage), to equal or exceed:
  - (a) for procurement of goods and services, 130,000 SDRs; and
  - (b) for procurement of construction services, 5,000,000 SDRs.
- 2. The monetary thresholds set out in subparagraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule to Annex 15.

# Schedule of Australia<sup>1,2,3,4</sup>

Administrative Appeals Tribunal

Attorney-General's Department

Australian Aged Care Quality Agency

Australian Bureau of Statistics

Australian Centre for International Agricultural Research

Australian Crime Commission

Australian Electoral Commission

Australian Federal Police

Australian Institute of Criminology

Australian Law Reform Commission

Australian National Audit Office

Australian Office of Financial Management (AOFM)

Australian Public Service Commission

Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)

Australian Research Council

Australian Taxation Office

Australian Trade Commission (Austrade)

Australian Transaction Reports and Analysis Centre (AUSTRAC)

Australian Transport Safety Bureau

Bureau of Meteorology

Commonwealth Grants Commission

CrimTrac Agency

Department of Agriculture and Water Resources

Department of Communications and the Arts

Department of Defence

Department of Education and Training

Department of Employment

Department of Finance

Department of Foreign Affairs and Trade

Department of Health

Department of Human Services

Department of Immigration and Border Protection

Department of Industry, Innovation and Science

Department of Infrastructure and Regional Development

Department of Parliamentary Services

Department of Social Services

Department of the Environment

Department of the House of Representatives

Department of the Prime Minister and Cabinet

Department of the Senate

Department of the Treasury

Department of Veterans' Affairs

Fair Work Commission

Family Court and Federal Circuit Court

Federal Court of Australia

Geoscience Australia

Inspector-General of Taxation

IP Australia

National Archives of Australia

National Blood Authority

National Capital Authority

**National Competition Council** 

Office of Parliamentary Counsel

Office of the Australian Accounting Standards Board

Office of the Australian Information Commissioner

Office of the Commonwealth Ombudsman

Office of the Director of Public Prosecutions

Office of the Fair Work Ombudsman

Office of the Inspector-General of Intelligence and Security

Office of the Official Secretary to the Governor-General

Old Parliament House

**Productivity Commission** 

Professional Services Review Scheme

Royal Australian Mint

Safe Work Australia

Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)

Workplace Gender Equality Agency

#### **Notes to the Schedule of Australia**

- 1. Chapter 15 (Government Procurement) only covers those entities listed (including an office within a listed entity) in this schedule.
- 2. Chapter 15 (Government Procurement) does not cover the procurement of motor vehicles by any entity listed in this Section.
- 3. Chapter 15 (Government Procurement) does not cover procurement relating to the functions of the Australian Government Solicitor.

### 4. <u>Department of Defence</u>

a) Chapter 15 (Government Procurement) does not cover Department of Defence procurement of the following goods due to Article 29.2 (Security Exceptions):

	Approximately equivalent to:	
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, & 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 does not cover the following services, as elaborated in the Common Classification System and the WTO system of classification MTN.GNS/W/120, due to Article 29.2 (Security Exceptions) (For a complete listing of Common Classification System, see: <a href="http://www.sice.oas.org/trade/nafta/chap-105.asp">http://www.sice.oas.org/trade/nafta/chap-105.asp</a>.)
  - 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)
  - Operation of Government-owned Facilities (approximately equivalent to U.S. Product Service Code M)
  - Space services (AR, B4 & V3)
  - 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 15.4 (National Treatment and Non-Discrimination) the Australian Government reserves the right, pursuant to Article 29.2, (Security Exceptions) to maintain the Australian industry capability program and its successor programs and policies.
- e) In respect of the Department of Defence, a good or a service is covered with respect to Vietnam only to the extent that Vietnam has covered that good or service in its schedule.

#### **SECTION B**

#### **Sub-Central Government Entities**

- 1. Chapter 15 (Government Procurement) applies to sub-central government entities listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with Article 15.2.8 (Scope and Coverage), to equal or exceed:
  - (a) for procurement of goods and services, 355,000 SDR; and
  - (b) for procurement of construction services, 5,000,000 SDR.
- 2. The monetary thresholds set out in subparagraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule to Annex 15.

### **Procuring Entities and Notes to Section B**

Chapter 15 (Government Procurement) covers only those entities specifically listed in this Schedule.

### **Australian Capital Territory**

**ACT Gambling and Racing Commission** 

**ACT Insurance Authority** 

**ACTION** 

**ACT Auditor-General** 

Capital Metro Authority

Chief Minister, Treasury and Economic Development Directorate

Community Services Directorate

**Cultural Facilities Corporation** 

**Education and Training Directorate** 

**Environment and Planning Directorate** 

Health Directorate

**Housing ACT** 

**Independent Competition and Regulatory Commission** 

Justice and Community Safety Directorate

Legal Aid Commission

Ombudsman of the ACT

Territory and Municipal Services Directorate

1. For the entities listed for the Australian Capital Territory, Chapter 15 (Government Procurement) does not cover the procurement of health and welfare services, education services, utility services, or motor vehicles.

#### **New South Wales**

Department of Justice

Fire and Rescue NSW

Information and Privacy Commission<sup>3</sup>

Legal Aid NSW

Ministry for Police and Emergency Services

New South Wales Crime Commission

New South Wales Rural Fire Service

Office of the Director of Public Prosecutions NSW

State Emergency Service

Department of Education

Board of Studies, Teaching and Education Standards

Multicultural NSW

Advocate for Children and Young People

Sydney Olympic Park Authority

Department of Family and Community Services

Department of Finance, Services and Innovation

WorkCover NSW

Motor Accidents Authority of NSW

Department of Premier and Cabinet

Department of Planning and Environment

New South Wales Electoral Commission

New South Wales Ombudsman

Police Integrity Commission

Sydney Harbour Foreshore Authority

**Environment Protection Authority** 

Department of Industry, Skills and Regional Development

**NSW** Food Authority

NSW Rural Assistance Authority
Ministry of Health
Health Care Complaints Commission
Transport for NSW<sup>4</sup>
The Treasury
The Audit Office of New South Wales
Public Service Commission
Office of Environment and Heritage
Office of the Local Government
Parliamentary Counsel's Office
Crown Solicitor's Office

- 1. For the entities listed for New South Wales, Chapter 15 (Government Procurement) does not cover the procurement of health and welfare services, education services, motor vehicles.
- 2. For the entities listed for New South Wales, Chapter 15 (Government Procurement) does not apply to procurements undertaken by a covered entity on behalf of a non-covered entity.
- 3. Chapter 15 (Government Procurement) does not cover procurement related to the functions of the Privacy Commission by the Information and Privacy Commission.
- 4. Chapter 15 (Government Procurement) does not cover 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**

Department of the Chief Minister

Auditor General's Office

Department of the Legislative Assembly

Ombudsman's Office

Remuneration Tribunal

Northern Territory Electoral Commission

Aboriginal Areas Protection Authority

Department of Housing

Department of Local Government and Regions

Department of Sport and Recreation and Racing

Land Development Corporation

Department of Business

Department of Children and Families

Department of Community Services

Department of Primary Industry and Fisheries

Department of Mines and Energy

Department of Land Resource Management

Department of Arts and Museums

Department of Lands, Planning and the Environment

Parks and Wildlife Commission of the Northern Territory

Museum and Art Galleries Board

Strehlow Research Centre Board

Department of Health

Central Australian Hospital Network

Top End Hospital Network

Health and Community Services Complaints Commission

Northern Territory Employment and Training Authority

Department of the Attorney-General and Justice

Department of Correctional Services

Work Health Authority

Northern Territory Licensing Commission

**Racing Commission** 

Tourism NT

Northern Territory Emergency Service

Northern Territory Fire and Rescue Service

Police Force of the Northern Territory

Office of the Commissioner for Public Employment

Department of Treasury and Finance

Utilities Commission of the Northern Territory

1. For the entities listed for the Northern Territory, Chapter 15 (Government Procurement) does 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

Entities declared to be departments pursuant to section 14 of the Public Service Act 2008

(Qld)

Motor Accident Insurance Commission

Nominal Defendant

**Public Service Commission** 

Public Trust Office

- 1. For the entities listed for Queensland, this Chapter does not apply to procurement:
  - a) by covered entities on behalf of non-covered entities
  - b) undertaken by departments, or parts of departments, which deliver health, education, training and/or arts services
  - c) of health services, education services, training services, arts services, welfare services, government advertising and motor vehicles.
- 2. For entities listed for Queensland, Article 15.16.3(f) (Post Award Information) does not apply for a period of three years from the date of entry into force of Chapter 15 (Government Procurement), so as to allow time for the entities listed for Queensland to make necessary modifications to electronic means to enable the publication of such information.

#### **South Australia**

Attorney-General's Department

Auditor-General's Department

Department for Communities and Social Inclusion

Department for Correctional Services

Country Fire Service

**Courts Administration Authority** 

Defence SA

Department for Education and Child Development

Department for Health and Ageing

Department of Environment, Water and Natural Resources

Department of Planning, Transport and Infrastructure

Department of Primary Industries and Regions

Department of the Premier and Cabinet

Department of Treasury and Finance

Electoral Commission of South Australia

**Environment Protection Authority** 

**Independent Gambling Authority** 

Parliament of South Australia

SAFECOM

**SA** Tourism Commission

South Australia Police

Department of State Development

South Australian Metropolitan Fire Service

State Emergency Service

State Procurement Board

TAFE SA

1. For the entities listed for South Australia, Chapter 15 (Government Procurement) does not cover the procurement of health and welfare services, education services, advertising services or motor vehicles.

#### **Tasmania**

Department of Education

Department of Health and Human Services

Department of Justice

Department of Police and Emergency Management

Department of Premier and Cabinet

Department of Primary Industries, Parks, Water and Environment

Department of State Growth

Department of Treasury and Finance

House of Assembly

Legislative Council

Legislature-General

Office of the Governor

Tasmanian Audit Office

Tasmanian Health Service

Office of the Ombudsman

Office of the Director of Public Prosecutions

Tourism Tasmania

1. For the entities listed for Tasmania, Chapter 15 (Government Procurement) does not cover the procurement of health and welfare services, education services, or advertising services.

#### Victoria

Department of Education and Training

Department of Economic Development, Jobs, Transport and Resources

Department of Environment, Land, Water and Planning

Department of Health and Human Services

Department of Justice and Regulation

Department of Premier and Cabinet

Department of Treasury and Finance

Commission for Children and Young People

**Essential Services Commission** 

Game Management Authority

Independent Broad-Based Anti-corruption Commission

Office of Public Prosecutions

Office of the Chief Commissioner of Police (Victoria Police)

Office of the Commissioner for Environmental Sustainability

Office of the Fire Services Levy Monitor

Office of the Freedom of Information Commissioner

Office of the Legal Services Commissioner

Office of the Ombudsman

Office of the Privacy Commissioner

Office of the Road Safety Camera Commissioner

Office of the Victorian Inspectorate

Taxi Services Commission

Victorian Auditor-General's Office

Victorian Commission for Gambling and Liquor Regulation

Victorian Electoral Commission

Victorian Equal Opportunity and Human Rights Commission

Victorian Public Sector Commission

### Victorian Responsible Gambling Foundation

- 1. For the entities listed for Victoria, the offer does not cover the procurement of motor vehicles.
- 2. For the entities listed for Victoria, the offer does not apply to procurement by covered entities on behalf of non-covered entities.

#### Western Australia

Botanic Gardens and Parks Authority

Corruption and Crime Commission (Western Australia)

Country High Schools Hostels Authority

Department of Aboriginal Affairs

Department of Agriculture and Food

Department of Child Protection and Family Support

Department of Commerce

Department of Corrective Services

Department of Culture and the Arts

Department of Education

Department of Education Services

Department of Environment Regulation

Department of Fire and Emergency Services

Department of Finance

Department of Fisheries

Department of Health

Department of Lands

Department of Local Government and Communities

Department of Mines and Petroleum

Department of Parks and Wildlife

Department of Planning

Department of Racing, Gaming and Liquor

Department of Regional Development

Department of Sport and Recreation

Department of State Development

Department of Training and Workforce Development

Department of Treasury

Department of Water

Department of the Attorney General

Department of the Premier and Cabinet

Department of the Registrar Western Australia Industrial Relations Commission

**Disability Services Commission** 

**Equal Opportunity Commission** 

Gascoyne Development Commission

Goldfields Esperance Development Commission

Governor's Establishment

**Great Southern Development Commission** 

Heritage Council of Western Australia

**Housing Authority** 

Kimberley Development Commission

Law Reform Commission of Western Australia

Legislative Assembly

Legislative Council

Main Roads Western Australia

Mid West Development Commission

Minerals and Energy Research Institute of Western Australia

National Trust of Australia (WA)

Office of the Auditor General

Office of the Director of Public Prosecutions

Office of the Information Commissioner

Office of the Inspector of Custodial Services

Office of the Parliamentary Commissioner for Administrative Investigations

Parliamentary Services Department

Peel Development Commission

Pilbara Development Commission

**Public Sector Commission** 

**Public Transport Authority** 

Rottnest Island Authority

Rural Business Development Corporation

Salaries and Allowances Tribunal

School Curriculum and Standards Authority

Small Business Development Corporation

South West Development Commission

State Library of Western Australia

**Swan River Trust** 

Western Australia Police

Western Australian Electoral Commission

Western Australian Land Information Authority (Landgate)

Western Australian Planning Commission

Western Australian Sports Centre Trust (trading as VenuesWest)

Western Australian Tourism Commission

Wheatbelt Development Commission

Zoological Parks Authority

1. For greater certainty, consistent with Article 15.9.9 (Qualification of Suppliers), 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 anytime to become prequalified. Prequalification ensures the financial security of building and construction contractors and does not discriminate between local suppliers and the suppliers of other Parties.

#### **Notes to Section B**

For entities listed in this section:

- 1. Australia offers coverage of sub-central entities listed in Section B only to Canada, Chile, Japan, Mexico and Peru. Australia is prepared to extend coverage of Section B to other TPP Parties upon negotiation of mutually acceptable concessions.
- 2. A service listed in Section E services is covered with respect to Canada and Mexico only to the extent that party has covered that Service in their Schedule.
- 3. In relation to multi-use lists:
  - a) a notice inviting suppliers to apply for inclusion on a multi-use list may be used as a notice of intended procurement, provided a statement is included that only suppliers on the multi-use list will receive further notices of procurement covered by the multi-use list; and
  - b) where all or a limited number of qualified suppliers have been selected, the time

period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of agreement, the period shall not be less than 10 days.

- 4. For Mexico, Australia may set aside from the obligations of this Chapter each fiscal year following the date of entry into force of this Agreement the respective percentage specified in paragraph 5 the total value of procurement contracts for goods and services, and any combination thereof, and construction services procured by the States and Territories in the year that are above thresholds set out in Section B.
- 5. The percentages referred to in paragraph 4 are as follows:

Year 1	Year 2	Year 3	Year 4	Year 5
50%	45%	45%	40%	40%
Year 6	Year 7	Year 8	Year 9	Year 10 and thereafter
35%	35%	30%	30%	0%

#### **SECTION C**

#### **Other Entities**

- 1. Chapter 15 (Government Procurement) applies to other covered entities listed in each Party's Schedule to this Section where the value of the procurement is estimated, in accordance with Article 15.2.8 (Scope and Coverage), to equal or exceed:
  - (a) for procurement of goods and services, 400,000 SDRs; and
  - (b) for procurement of construction services, 5,000,000 SDRs.
- 2. The monetary thresholds set out in subparagraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule to Annex 15.

# Schedule of Australia<sup>1, 2</sup>

- 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<sup>3</sup>
- 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. Reserve Bank of Australia
- 23. Sydney Harbour Federation Trust

- 24. The Director of National Parks
- 25. Tourism Australia

#### Notes to the Schedule of Australia

- 1. Chapter 15 (Government Procurement) covers only those entities listed in this Schedule.
- 2. For the entities listed in this section, Chapter 15 (Government Procurement) does not cover the procurement of motor vehicles.
- 3. Chapter 15 (Government Procurement) does not cover procurement of telecommunications services by the Australian War Memorial.

### **SECTION D**

#### Goods

Chapter 15 (Government Procurement) applies to all goods procured by the entities listed in Sections A through C, unless otherwise specified in Chapter 15 (Government Procurement), including this Schedule to Annex 15.

# **Schedule of Australia**

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

a) Blood and blood-related products, including plasma derived products.

### **SECTION E**

#### Services

Chapter 15 (Government Procurement) applies to all services procured by the entities listed in Sections A through C, unless otherwise specified in this Chapter, including this Schedule to Annex 15.

### **Schedule of Australia**

This Chapter 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.

### **SECTION F**

### **Construction Services**

Chapter 15 (Government Procurement) applies to all construction services procured by the entities listed in Sections A through C, unless otherwise specified in Chapter 15 (Government Procurement), including in this Schedule to Annex 15.

#### **SECTION G**

#### **General Notes**

Unless otherwise specified herein, the following General Notes in each Party's Schedule apply without exception to Chapter 15 (Government Procurement), including to all sections of this Schedule to Annex 15.

### **Schedule of Australia**

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; and
- d) measures for the economic and social advancement of indigenous people.

#### 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 this Annex;
- 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 15.10.2(g) (Limited Tendering).

#### **SECTION H**

### **Threshold Adjustment Formula**

- 1. The thresholds shall be adjusted in every even-numbered year with each adjustment taking effect on January 1, beginning on January 1 of an even numbered year after the date when this agreement takes into effect.
- 2. Every two years, Australia shall calculate and publish the value of the thresholds under this Chapter 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 in terms of the Special Drawing Rights (SDR) over the two-year period preceding October 1 or November 1 of the year before the adjusted thresholds are to take effect, and rounded to the nearest thousand Australian dollars.
- 4. Australia shall notify the other Parties 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 another Party were to create a significant problem with regard to the application of the Chapter.

### **SECTION I**

#### **Procurement Information**

All information on government procurements is published on the following websites:

Legislation and Regulations: <a href="http://www.comlaw.gov.au/">http://www.comlaw.gov.au/</a>

Australian Government Tender System: https://www.tenders.gov.au/

# **SECTION J**

**Transitional Measures in accordance with Article 15.5 (Transitional Measures)** 

None.