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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^{1,2,3,4}

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

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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

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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. Department of Defence
 - a) Chapter 15 (Government Procurement) does not cover Department of Defence procurement of the following goods due to Article 29.2 (Security 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, & Ground Handling Equipment	FSC 17
Space Vehicles	FSC 18
Ships, Small Craft, Pontoons and Floating Docks	FSC 19
Ship and Marine Equipment	FSC 20

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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: <http://www.sice.oas.org/trade/nafta/chap-105.asp>.)

- 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

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- 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.

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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

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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 Commission³

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

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NSW Rural Assistance Authority
Ministry of Health
Health Care Complaints Commission
Transport for NSW⁴
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

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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

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(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

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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

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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

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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

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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

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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

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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%

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**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^{1,2}

- 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 Memorial³
- 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

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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.

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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.

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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.

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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.

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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).

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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.

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SECTION I

Procurement Information

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

Legislation and Regulations: <http://www.comlaw.gov.au/>

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

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SECTION J

Transitional Measures in accordance with Article 15.5 (Transitional Measures)

None.