

ANNEX 14-A

SCHEDULE OF AUSTRALIA

Section A: Central Government Entities

Thresholds:

1. This Chapter shall apply to central government entities listed in this Section where the value of the procurement is estimated, in accordance with Article 14.2.8, 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 paragraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule.

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 Employment
27. Department of Finance
28. Department of Foreign Affairs and Trade
29. Department of Health
30. Department of Human Services
31. Department of Immigration and Border Protection
32. Department of Industry, Innovation and Science
33. Department of Infrastructure and Regional Development
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 Commission
43. Federal Court of Australia
44. Geoscience Australia
45. Inspector-General of Taxation
46. IP Australia
47. National Archives of Australia
48. National Blood Authority
49. National Capital Authority
50. National Competition Council
51. Office of Parliamentary Counsel
52. Office of the Australian Accounting Standards Board
53. Office of the Australian Information Commissioner
54. Office of the Commonwealth Ombudsman
55. Office of the Director of Public Prosecutions
56. Fair Work Ombudsman and Registered Organisations Commission Entity
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 apply to those entities listed (including an office within a listed entity) in this Section.
2. This Chapter shall not apply to the procurement of motor vehicles by any entity listed in this Section.
3. This Chapter shall not apply to procurement relating to the functions of the Australian Government Solicitor.
4. Department of Defence:
 - (a) this Chapter shall not apply to Department of Defence procurement of the following goods due to Article 28.2 (Security Exceptions):

	Approximately equivalent to:
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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 <https://www.fbo.gov/>.

- (b) for Australia, this Chapter shall not apply to the following services, as elaborated in the Common Classification System and the WTO system of classification – MTN.GNS/W/120, due to Article 28.2 (Security Exceptions):¹
- (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 apply to 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; and
- (d) in respect of Article 14.4 the Australian Government reserves the right, pursuant to Article 28.2 (Security Exceptions), to maintain the Australian industry capability programme and its successor programmes and policies.

¹ For a complete listing of Common Classification System, see <http://www.sice.oas.org/trade/nafta/chap-105.asp>

Section B: Sub-Central Government Entities

Thresholds:

1. This Chapter shall apply to sub-central government entities listed in this Section where the value of the procurement is estimated, in accordance with Article 14.2.8, 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 paragraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule.

List of Entities:

This Chapter shall apply only to those entities specifically listed in this Section.

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 and Training Directorate
8. Environment and Planning 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 (TCCS) Directorate

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

New South Wales

1. Advocate for Children and Young People

2. Department of Education
3. Department of Family and Community Services
4. Department of Finance, Services and Innovation
5. Department of Industry, Skills and Regional Development
6. Department of Justice
7. Department of Planning and Environment
8. Department of Premier and Cabinet
9. Environment Protection Authority
10. Fire and Rescue NSW
11. Health Care Complaints Commission
12. Information and Privacy Commission NSW (Note 3)
13. Legal Aid NSW
14. 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. NSW 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. The Audit Office of NSW
35. The Treasury
36. Transport for NSW (Note 4)

Notes:

1. For the entities listed for New South Wales, this Chapter shall not apply to the procurement of health and welfare services, education services or motor vehicles.
2. For the entities listed for New South Wales, this Chapter shall not apply to procurements undertaken by a covered entity on behalf of a non-covered entity.
3. This Chapter shall not apply to procurement related to the functions of the Privacy Commission by the Information and Privacy Commission NSW.

4. This Chapter shall not apply to 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. 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
24. Territory Families
25. Utilities Commission of the Northern Territory
26. Work Health Authority

Note: For the entities listed for the Northern Territory, this Chapter shall not apply to 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 Service Commission

5. Public Trust Office

Notes:

1. For the entities listed for Queensland, this Chapter shall 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 or arts services; or
 - (c) of health services, education services, training services, arts services, welfare services, government advertising and motor vehicles.
2. For entities listed for Queensland, Article 14.14.3(f) shall not apply for a period of three years from the date of entry into force of this Agreement, 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

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 Communities and Social Inclusion
8. Department for Correctional Services
9. Department for Education and Child Development
10. Department for Health and Ageing
11. Department of Environment, Water and Natural Resources
12. Department of Planning, Transport and Infrastructure
13. Department of Primary Industries and Regions
14. Department of State Development
15. Department of the Premier and Cabinet
16. Department of Treasury and Finance
17. Electoral Commission of South Australia
18. Environment Protection Authority
19. Independent Gambling Authority
20. Parliament of South Australia
21. SAFECOM
22. SA Tourism Commission
23. South Australian Metropolitan Fire Service
24. South Australia Police
25. State Emergency Service

26. State Procurement Board
27. TAFE SA

Note: For the entities listed for South Australia, this Chapter shall not apply to 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 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

Notes:

1. For the entities listed for Tasmania, this Chapter shall not apply to the procurement of health and welfare services, education services, or advertising services.
2. For the entities listed for Tasmania, Articles 14.6.1 and 14.6.3(h) and Article 14.8 shall not apply with respect to Multi-Use Lists.

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 Commissioner for Privacy and Data Protection
16. Office of the Freedom of Information Commissioner
17. Office of the Game Management Authority
18. Office of the Ombudsman
19. Office of the Road Safety Camera Commissioner
20. Office of the Victorian Fisheries Authority
21. Office of the Victorian Legal Services Commissioner
22. Office of the Victorian Responsible Gambling Foundation
23. Taxi Services Commission
24. Victorian Auditor-General's Office
25. Victorian Commission for Gambling and Liquor Regulation
26. Victorian Electoral Commission
27. Victorian Equal Opportunity and Human Rights Commission
28. Victorian Public Sector Commission
29. Victorian Inspectorate

Notes:

1. For the entities listed for Victoria, this Chapter shall not apply to the procurement of motor vehicles.
2. For the entities listed for Victoria, this Chapter shall not apply to procurement by covered entities on behalf of non-covered entities.
3. For the entities listed for Victoria, this Chapter shall not apply to 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 greater certainty, consistent with Article 14.8.9, in relation to procurements from the Department of Finance, Building Management and Works' Prequalification Scheme; and Main Roads Western Australia'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.

Note to Section B

1. For entities listed in this Section, 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.

Section C: Other Entities

Thresholds:

1. This Chapter shall apply to other covered entities listed in this Section where the value of the procurement is estimated, in accordance with Article 14.2.8, to equal or exceed:
 - (a) for procurement of goods and services, 400,000 SDR
 - (b) for procurement of construction services, 5,000,000 SDR
2. The monetary thresholds set out in paragraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule.

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 (Note 3)
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 apply to only those entities listed in this Section.
2. For the entities listed in this Section, this Chapter shall not apply to the procurement of motor vehicles.
3. This Chapter shall not apply to 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, B and C, unless otherwise specified, including in this Schedule.
2. This Chapter shall not apply to 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, B and C, unless otherwise specified, including in this Schedule.
2. This Chapter shall not apply to 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

This Chapter shall apply to all construction services procured by the entities listed in Sections A, B and C, unless otherwise specified, including in this Schedule.

Section G: General Notes

Unless otherwise specified, the following General Notes in Australia's Schedule shall apply to this Chapter, including to all Sections of this Schedule.

1. 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; and
 - (d) measures for the economic and social advancement of indigenous people.
2. For greater certainty:
 - (a) this Chapter shall not apply to procurement funded by grants and sponsorship payments received from persons not listed in this Annex;
 - (b) this Chapter shall not apply to procurement by a procuring entity from another government entity; and
 - (c) this Chapter shall not apply to procurement of asset management and financial advisory services pertaining to reserves held by a government or its entities.

Section H: 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.
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 dollar 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 Peru of the current thresholds in Australian dollars immediately after this Agreement enters into force, and the adjusted thresholds in Australian dollars thereafter in a timely manner.
5. Australia shall consult Peru if a major change in Australian dollars relative to the SDR or to the national currency of Peru were to create a significant problem with regard to the application of this Chapter.

SECTION I: Procurement Information

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

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

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