

**DRAFT**  
**SUBJECT TO LEGAL REVIEW FOR ACCURACY, CLARITY AND CONSISTENCY**  
**MARCH 1, 2004**

**U.S.-AUSTRALIA FREE TRADE AGREEMENT**  
**Combined Government Procurement Annexes**

**ANNEX 15-A CENTRAL GOVERNMENT ENTITIES**

**Thresholds:**

**For procurement of goods and services** *(to be adjusted according to the formula in Annex 15-H paragraph 1):*

A\$81,800  
US\$58,550

**For procurement of construction services** *(to be adjusted according to the formula in Annex 15-H paragraph 2):*

A\$9,396,000  
US\$6,725,000

**Schedule of Australia**

**Agriculture, Fisheries and Forestry Portfolio**

Department of Agriculture, Fisheries and Forestry  
Dairy Adjustment Authority

**Attorney-General's Portfolio**

Attorney-General's Department  
Administrative Appeals Tribunal  
Australian Crime Commission  
Australian Customs Service  
Australian Federal Police  
AUSTRAC  
Classification Board  
Classification Review Board  
CrimTrac Agency  
Family Court of Australia  
Federal Court of Australia  
Federal Magistrates Court  
Human Rights and Equal Opportunity Commission  
Insolvency and Trustee Service Australia (ITSA)  
National Native Title Tribunal  
Office of Film and Literature Classification  
Office of Parliamentary Counsel  
Office of the Director of Public Prosecutions  
Office of the Privacy Commissioner

**Communications, Information Technology and the Arts Portfolio**

Department of Communications, Information Technology and the Arts  
National Archives of Australia

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National Office for the Information Economy

**Defence Portfolio**

Department of Defence<sup>3</sup>  
Department of Veterans' Affairs

**Education, Science and Training Portfolio**

Department of Education, Science and Training  
Australian Research Council

**Employment and Workplace Relations Portfolio**

Department of Employment and Workplace Relations  
Australian Industrial Registry  
Equal Opportunity for Women in the Workplace Agency  
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)

**Environment and Heritage Portfolio**

Department of Environment and Heritage  
Australian Greenhouse Office  
Bureau of Meteorology  
National Oceans Office  
Office of the Renewable Energy Regulator

**Family and Community Services Portfolio**

Department of Family and Community Services  
Centrelink

**Finance and Administration Portfolio**

Department of Finance and Administration  
Australian Electoral Commission  
Commonwealth Grants Commission  
ComSuper  
CSS Board<sup>4</sup>  
PSS Board<sup>4</sup>

**Foreign Affairs and Trade Portfolio**

Department of Foreign Affairs and Trade  
  
AusAid  
  
Australia-Japan Foundation  
Australian Centre for International Agricultural Research

**Health and Ageing Portfolio**

Department of Health and Ageing  
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)  
National Blood Authority  
Professional Services Review Scheme

**Immigration and Multicultural and Indigenous Affairs Portfolio**

Department of Immigration and Multicultural and Indigenous Affairs  
  
Aboriginal and Torres Strait Islander Services  
Migration Review Tribunal

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Refugee Review Tribunal

**Industry, Tourism and Resources Portfolio**

Department of Industry, Tourism and Resources  
Geoscience Australia  
IP Australia

**Prime Minister and Cabinet Portfolio**

Department of the Prime Minister and Cabinet  
Australian National Audit Office  
Australian Public Service Commission  
Commonwealth Ombudsman Office  
Office of the Inspector-General of Intelligence and Security  
Office of the Official Secretary of the Governor-General

**Transport and Regional Services Portfolio**

Department of Transport and Regional Services  
National Capital Authority

**Treasury Portfolio**

Department of the Treasury  
Australian Bureau of Statistics  
Australian Competition and Consumer Commission  
Australian Office of Financial Management (AOFM)  
Australian Taxation Office  
Inspector General of Taxation  
National Competition Council  
Productivity Commission

**Parliamentary Departments**

Department of the House of Representatives

Department of the Senate  
Department of Parliamentary Services

**Notes**

1. Only the entities listed are covered by the Chapter.
2. For all entities listed in Annex 15-A this Chapter does not apply to the procurement of motor vehicles.
3. **Department of Defence**
  - (a) The following goods are not covered by this Chapter pursuant to Article 22.2 (Essential Security):  
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 |

\*US Federal Supply Codes are provided for clarity only

(b) The following services are not covered by this Chapter pursuant to Article 22.2 (For a complete listing of the United States Federal Supply Codes, to which the following Australian service categories are approximately equivalent, see [www.scrantonrtg.com/secrc/fsc.html](http://www.scrantonrtg.com/secrc/fsc.html)):

- Design, development, integration, test, evaluation, maintenance, repair, modification, rebuilding and installation of military systems and equipment (approximately equivalent to relevant parts of US Product Service Codes A, J & N)
- Operation of Government-owned Facilities (approximately equivalent to US Product Service Code M)
- Space services
- Services in support of military forces overseas

(c) The procurement of goods and services by, or on behalf of, the Defence Intelligence Organisation, Defence Signals Directorate and Defence Imagery and Geospatial Organisation, are not covered by this Chapter.

(d) In relation to Article 2 of this Chapter, the Australian Government reserves the right, pursuant to Article 22.2, to maintain the Australian Industry Involvement program and its successor programs and policies.

**4. Department of Finance and Administration**

The following services are not covered by this Chapter in respect of the PSS Board and CSS Board: investment management, investment advisory services and master custody and safekeeping services in respect of the assets of the CSS and PSS Funds.

5. The conditions specified in the Schedule for Australia in Annex 15-G (General Notes) apply to this Annex.

**Schedule of the United States**

1. Advisory Commission on Intergovernmental Relations
2. Africa Development Foundation
3. Alaska Natural Gas Transportation System
4. American Battle Monuments Commission
5. Appalachian Regional Commission
6. Broadcasting Board of Governors
7. Commission of Fine Arts
8. Commission on Civil Rights
9. Commodity Futures Trading Commission
10. Consumer Product Safety Commission
11. Corporation for National and Community Service
12. Delaware River Basin Commission
13. Department of Agriculture<sup>2</sup>
14. Department of Commerce<sup>3</sup>
15. Department of Defense<sup>4</sup>
16. Department of Education
17. Department of Energy<sup>5</sup>
18. Department of Health and Human Services
19. Department of Homeland Security<sup>6</sup>
20. Department of Housing and Urban Development
21. Department of the Interior, including the Bureau of Reclamation
22. Department of Justice
23. Department of Labor
24. Department of State
25. Department of Transportation<sup>7</sup>
26. Department of the Treasury
27. Department of Veterans Affairs
28. Environmental Protection Agency
29. Equal Employment Opportunity Commission
30. Executive Office of the President
31. Export-Import Bank of the United States
32. Farm Credit Administration
33. Federal Communications Commission
34. Federal Crop Insurance Corporation
35. Federal Deposit Insurance Corporation
36. Federal Election Commission

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37. Federal Home Loan Mortgage Corporation
38. Federal Housing Finance Board
39. Federal Maritime Commission
40. Federal Mediation and Conciliation Service
41. Federal Mine Safety and Health Review Commission
42. Federal Prison Industries, Inc.
43. Federal Reserve System
44. Federal Retirement Thrift Investment Board
45. Federal Trade Commission
46. General Services Administration<sup>8</sup>
47. Government National Mortgage Association
48. Holocaust Memorial Council
49. Inter-American Foundation
50. Merit Systems Protection Board
51. National Aeronautics and Space Administration (NASA)
52. National Archives and Records Administration
53. National Capital Planning Commission
54. National Commission on Libraries and Information Science
55. National Council on Disability
56. National Credit Union Administration
57. National Foundation on the Arts and the Humanities
58. National Labor Relations Board
59. National Mediation Board
60. National Science Foundation
61. National Transportation Safety Board
62. Nuclear Regulatory Commission
63. Occupational Safety and Health Review Commission
64. Office of Government Ethics
65. Office of the Nuclear Waste Negotiator
66. Office of Personnel Management
67. Office of Special Counsel
68. Office of Thrift Supervision
69. Overseas Private Investment Corporation
70. Peace Corps
71. Pennsylvania Avenue Development Corporation
72. Railroad Retirement Board
73. Securities and Exchange Commission
74. Selective Service System
75. Small Business Administration
76. Smithsonian Institution
77. Susquehanna River Basin Commission
78. United States Agency for International Development
79. United States International Trade Commission

**Notes**

1. Unless otherwise specified in this Schedule, all agencies subordinate to the listed entities are

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covered by this Chapter.

2. Department of Agriculture: The procurement of agricultural goods made in furtherance of agricultural support programs or human feeding programs are not covered by this Chapter.
3. Department of Commerce: Shipbuilding activities of the U.S. National Oceanic and Atmospheric Administration (NOAA) are not covered by this Chapter.
4. Department of Defense: The procurement of the goods listed below are not covered by this Chapter. *(For complete listing of U.S. Federal Supply Classification, see [www.scrantonrtg.com/secrc/fsc-codes/fsc.html](http://www.scrantonrtg.com/secrc/fsc-codes/fsc.html)):*
  - (a)

|          |   |
|----------|---|
| FSC 11   | Nuclear Ordnance  |
| FSC 18   | Space Vehicles  |
| FSC 19   | Ships, Small Craft, Pontoons, and Floating Docks (the part of this classification defined as naval vessels or major components of the hull or superstructure thereof) |
| FSC 20   | Ship and Marine Equipment (the part of this classification defined as naval vessels or major components of the hull or superstructure thereof)                        |
| FSC 2310 | Passenger Motor Vehicles (only Buses)   |
| FSC 2350 | Combat, Assault & Tactical Vehicles, Tracked  |
| FSC 51   | Hand Tools  |
| FSC 52   | Measuring Tools   |
| FSC 60   | Fiber Optics Materials, Components, Assemblies, and Accessories   |
| FSC 8140 | Ammunition & Nuclear Ordnance Boxes, Packages & Special Containers  |
| FSC 83   | Textiles, Leather, Furs, Apparel, Shoes, Tents, and Flags (all elements other than pins, needles, sewing kits, flagstuffs, flagpoles and flagstaff trucks)            |
| FSC 84   | Clothing, Individual Equipment, and Insignia (all elements other than sub-class 8460 - luggage)   |
| FSC 89   | Subsistence (all elements other than sub-class 8975- tobacco products)  |
  - (b) “Specialty metals,” defined as steels melted in steel manufacturing facilities located in the United States or its possessions, where the maximum alloy content exceeds one or more of the following limits, must be used in products purchased by the Department of Defense: (1) manganese, 1.65 percent; silicon, 0.60 percent; or copper, 0.60 percent; or which contains more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten or vanadium; (2) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 per cent; (3) titanium and titanium alloys; or (4) zirconium base alloys; and
  - (c) The goods in the following FSC categories are not generally covered by this Chapter due to application of Article 23.2 of the General Provisions :

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|        |  |
|--------|--|
| FSC 10 | Weapons  |
| FSC 12 | Fire Control Equipment                                     |
| FSC 13 | Ammunitions and Explosives                                 |
| FSC 14 | Guided Missiles  |
| FSC 15 | Aircraft and Airframe Structural Components                |
| FSC 16 | Aircraft Components and Accessories                        |
| FSC 17 | Aircraft Launching, Landing, and Ground Handling Equipment |
| FSC 19 | Ships, Small Craft, Pontoons, and Floating Docks           |
| FSC 20 | Ship and Marine Equipment                                  |
| FSC 28 | Engines, Turbines, and Components                          |
| FSC 31 | Bearings   |
| FSC 58 | Communications, Detection, and Coherent Radiation          |
| FSC 59 | Electrical and Electronic Equipment Components             |
| FSC 95 | Metal Bars, Sheets, and Shapes                             |

5. Department of Energy: National security procurements made in support of safeguarding nuclear materials or technology and entered into under the authority of the Atomic Energy Act, and oil purchases related to the Strategic Petroleum Reserve are not covered by this Chapter.
6. Department of Homeland Security:
  - (a) Procurement by the Transportation Security Administration is not covered by this Chapter.
  - (b) The national security considerations applicable to the Department of Defense are equally applicable to the U.S. Coast Guard.
7. Department of Transportation: Procurement by the Federal Aviation Administration is not covered by this Chapter.
8. General Services Administration: The procurement of the goods in the following FSC categories are not covered by this Chapter:

|          |                      |
|----------|----------------------|
| FSC 51   | Hand Tools           |
| FSC 52   | Measuring Tools      |
| FSC 7340 | Cutlery and Flatware |
9. The conditions specified in the Schedule of the United States in Annex 15-G (General Notes) apply to this Annex.



## **ANNEX 15-B GOVERNMENT ENTERPRISES**

### **Thresholds:**

**For goods and services of List A entities** *(to be adjusted according to the formula in Annex 15-H paragraph 1):*

A\$409,000  
US\$292,751

**For goods and services of List B entities** *(to be adjusted according to the formula in Annex 15-H paragraph 2):*

US\$538,000

**For construction services of both List A and B entities** *(to be adjusted according to the formula in Annex 15-H paragraph 2):*

A\$9,396,000  
US\$6,725,000

### **Schedule of Australia**

#### **List A:**

Aged Care Standards and Accreditation Agency Ltd  
Australian Accounting Standards Board  
Australian Broadcasting Authority  
Australian Communications Authority  
Australian Fisheries Management Authority  
Australian Institute of Criminology  
Australian Institute of Health and Welfare  
Australian Institute of Marine Science  
Australian Law Reform Commission  
Australian Maritime Safety Authority  
Australian National Maritime Museum  
Australian Nuclear Science and Technology Organization  
Australian Pesticides and Veterinary Medicines Authority  
Australian Prudential Regulation Authority  
Australian Securities and Investments Commission  
Australian Tourist Commission  
Australian Trade Commission (Austrade)  
Australian War Memorial  
Comcare  
Commonwealth Scientific and Industrial Research Organization  
Corporations and Markets Advisory Committee  
Export Finance and Insurance Corporation  
Grains Research and Development Corporation  
Great Barrier Reef Marine Park Authority  
Health Insurance Commission

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Land and Water Resources Research and Development Corporation  
National Gallery of Australia  
National Museum of Australia  
National Occupational Health and Safety Commission  
Reserve Bank of Australia  
Sydney Harbour Federation Trust  
The Director of National Parks  
The National Institute of Clinical Studies Ltd

**Notes**

1. Only the entities listed are covered by the Chapter.
2. For all entities listed in Annex 15-A and 15-B, this Chapter does not apply to the procurement of motor vehicles.
3. With respect to procurement by the Australian War Memorial, this Chapter does not apply to telecommunication services.
4. The conditions specified in the Australian General Notes in Annex 15-G apply to this Annex.

**Schedule of the United States**

**List A:**

1. Tennessee Valley Authority
2. Bonneville Power Administration
3. Western Area Power Administration
4. Southeastern Power Administration
5. Southwestern Power Administration
6. St. Lawrence Seaway Development Corporation

**List B:**

1. Rural Utilities Service<sup>1</sup>

**Notes**

1. Rural Utilities Service:
  - (a) Waiver of federal buy national requirements imposed as conditions of funding by the Rural Utilities Service for all power generation projects (excluding restrictions on financing for telecommunications projects).
  - (b) Application of WTO Government Procurement Agreement-equivalent procurement procedures and national treatment to funded projects exceeding the thresholds specified above.

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2. With respect to procurement by entities listed in this Annex, this Chapter shall not apply to restrictions attached to Federal funds for airport projects.
3. The conditions specified in the General Notes apply to this Annex.

### ANNEX 15-C SUB-CENTRAL ENTITIES

**[NEGOTIATORS NOTE: The Parties are continuing to work with their respective States and Territories to improve their Sub-Central coverage. Until this coverage is finalized, either Party may modify or withdraw any part or all of its sub-central coverage.]**

#### **Thresholds:**

**For procurement of goods and services** (*to be adjusted according to the formula in Annex 15-H paragraph 2*):

A\$666,000  
US\$477,000

**For procurement of construction services** (*to be adjusted according to the formula in Annex 15-H paragraph 1(b)*):

A\$9,396,000  
US\$6,725,000

#### **Schedule of Australia**

##### **Australian Capital Territory<sup>1,2,3</sup>**

ACT Auditor-General's Office  
ACT Electoral Commission  
ACT Gambling and Racing Commission  
ACT Health  
ACT Insurance Authority  
ACT Planning and Land Authority  
ACT Planning and Land Council  
ACT Workcover  
ACTION  
Australia Capital Tourism  
Chief Minister's Department  
Cultural Facilities Corporation  
Department of Disability, Housing and Community Services  
Department of Education, Youth and Family Services  
Department of Justice and Community Safety  
Department of Treasury  
Department of Urban Services  
Director of Public Prosecutions  
Environment Commissioner  
Human Rights Office  
Legal Aid Office

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National Exhibition Centre Trust  
Ombudsman of the ACT  
The Independent Competition and Regulatory Commission

**Note for the Australian Capital Territory**

In addition to the exceptions noted in the Notes to this Annex and in the Schedule for Australia in Annex 15-G (General Notes), the Chapter does not apply to utility services.

**New South Wales<sup>1,2</sup>**

Aboriginal Housing Office  
Attorney General's Department  
Cabinet Office  
Commission for Children and Young People  
Community Relations Commission  
Department for Women  
Department of Aboriginal Affairs  
Department of Ageing, Disability and Home Care  
Department of Agriculture  
Department of Commerce  
Department of Community Services  
Department of Corrective Services  
Department of Education and Training  
Department of Environment and Conservation  
Department of Gaming and Racing  
Department of Health  
Department of Infrastructure, Planning and Natural Resources  
Department of Juvenile Justice  
Department of Lands  
Department of Local Government  
Department of Mineral Resources  
Department of Rural Fire Service  
Department of State and Regional Development  
Department of Tourism, Sport and Recreation  
Forestry Commission (except State Forests)  
Health Care Complaints Commission  
Heritage Office  
Legal Aid Commission  
Ministry for Police  
Ministry for the Arts  
Ministry of Energy and Utilities  
Ministry of Transport  
Motor Accidents Authority  
Motor Vehicle Repair Industry Authority  
New South Wales Crime Commission  
New South Wales Fire Brigades  
NSW Fisheries  
Office of Co-ordinator General of Rail

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Office of the Board of Studies  
Office of the Children's Guardian  
Office of the Director of Public Prosecutions  
Ombudsman's Office  
Parliamentary Counsel's Office  
Police Integrity Commission  
Premier's Department  
Rural Assistance Authority  
Safe Food Production NSW  
State Electoral Office  
State Emergency Service  
State Forests, Forestry Commission  
Sydney Harbour Foreshore Authority  
Sydney Olympic Park Authority  
The Audit Office of New South Wales  
The Treasury  
WorkCover Authority

#### **Note for New South Wales**

In addition to the exceptions noted in the Notes to this Annex and in the Schedule for Australia in 15-G (General Notes), the Chapter does not apply to industry and regional development services, and support for small and medium enterprises; aboriginal services and all preference schemes.

#### **Northern Territory**

##### **Chief Minister's Portfolio**

Department of the Chief Minister  
Auditor General's Office  
Department of Legislative Assembly  
Ombudsman's Office  
Remuneration Tribunal

##### **Asian Relations and Trade, Business and Industry, Mines and Energy, Primary Industry and Fisheries Portfolio**

Department of Business, Industry and Resource Development

##### **Indigenous Affairs Portfolio**

Aboriginal Areas Protection Authority

##### **Arts and Museums, Community Development, Sport and Recreation, Regional Development Portfolio**

Department of Community Development, Sport and Cultural Affairs  
Museum and Art Galleries  
Strehlow Centre Board

##### **Employment, Education and Training Portfolio**

Office of the Commissioner for Public Employment  
Northern Territory Employment and Training Authority  
Work Health Authority

##### **Health, Family and Community Services Portfolio**

Department of Health and Community Services

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Health and Community Services Complaints Commission

**Justice and Attorney –General’s Portfolio**

Department of Justice

**Lands and Planning Portfolio**

Land Development Corporation

**Parks and Wildlife Portfolio**

Parks and Wildlife Commission of the Northern Territory

**Police, Fire and Emergency Services Portfolio**

Northern Territory Emergency Service

Northern Territory Fire and Rescue Service

Police Force of the Northern Territory

**Racing, Gaming and Licensing Portfolio**

Northern Territory Licensing Commission

Racing Commission

**Tourism Portfolio**

Northern Territory Tourist Commission

**Treasury Portfolio**

Northern Territory Treasury

Northern Territory Treasury Corporation

Utilities Commission of the Northern Territory

**Notes for the Northern Territory**

1. In addition to the exceptions noted in the Notes to this Annex and in the Schedule for Australia in Annex 15-G (General Notes), the Chapter does 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.

2. The non-compliant parts of the *Building Northern Territory Industry Participation* program will be phased out within three years from the date of entry into force of this Agreement.

**South Australia<sup>1,2,3,4</sup>**

Department of the Premier and Cabinet

Arts SA

Department of Treasury and Finance

Independent Gambling Authority

Department of Trade and Economic Development

Department of Primary Industries and Resources SA

Department of Justice

Attorney-General’s Department

Department for Correctional Services

Country Fire Services

Courts Administration Authority

Emergency Services Administrative Unit

South Australian Metropolitan Fire Services

South Australian Police Department

State Electoral Office

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Auditor-General's Department  
Department of Human Services  
Incorporated Health and Disability Services Organisations  
South Australian Housing Trust  
Aboriginal Housing Authority  
Department of Education and Children's Services  
Department of Further Education Employment, Science & Technology  
SA Tourism Commission  
Department for Environment and Heritage  
Environment Protection Authority  
Department of Water, Land and Biodiversity Conservation  
Department of Transport and Urban Planning  
Transport Services  
Transport Planning  
Passenger Transport Board  
Planning SA  
TransAdelaide  
Office for Sustainable Social, Environmental and Economic Development  
Office of Local Government  
Department for Administrative and Information Services  
Department for Aboriginal Affairs and Reconciliation  
Office of Recreation and Sport  
State Supply Board  
Workplace Services  
Office of Infrastructure Development

**Tasmania<sup>1,2,4</sup>**

Department of Education  
Department of Health and Human Services  
Department of Infrastructure, Energy and Resources  
Department of Justice and Industrial Relations  
Department of Police and Public Safety  
Department of Premier and Cabinet  
Department of Primary Industries, Water and Environment  
Department of Economic Development  
Department of Tourism, Parks, Heritage and the Arts  
Department of Treasury and Finance  
House of Assembly  
Legislative Council  
Legislature-General  
Office of the Governor  
Tasmanian Audit Office

**Victoria<sup>3</sup>**

**Departments**

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Department of Education and Training  
Department of Innovation Industry and Regional Development  
Department of Human Services  
Department of Infrastructure  
Department of Justice  
Department of Premier and Cabinet  
Department of Primary Industries  
Department of Sustainability and Environment  
Department of Treasury and Finance  
Department of Victorian Communities

**Administrative Offices**

Victorian Auditor-General's Office  
Office of Public Prosecutions  
Office of the Chief Commissioner of Police  
Office of the Ombudsman  
Office of the Commissioner for Public Employment  
Essential Services Commission  
Office of the Legal Ombudsman  
Victorian Electoral Commission  
Office of the Privacy Commissioner

**Western Australia**

**Agriculture; Forestry and Fisheries; The Midwest, Wheatbelt and Great Southern Portfolio**

Department of Agriculture  
Rural Business Development Corporation of Western Australia  
Department of Fisheries  
Mid West Development Commission  
Wheatbelt Development Commission  
Great Southern Development Commission

**Attorney General; Health; Electoral Affairs Portfolio**

Office of the Director of Public Prosecutions  
Office of the Information Commissioner  
Law Reform Commission of Western Australia  
Equal Opportunity Commission  
Department of Health  
Western Australian Electoral Commission

**Community Development, Women's Interests, Seniors and Youth; Disability Services; Culture and the Arts Portfolio**

Department for Community Development  
Disability Services Commission  
Department of Culture and the Arts

**Consumer and Employment Protection; Indigenous Affairs Portfolio**

Department of Consumer and Employment Protection  
Department of Indigenous Affairs  
Department of the Registrar, Western Australian Industrial Relations Commission



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**Education and Training Portfolio**

Department of Education and Training  
Country High Schools Hostels Authority  
Curriculum Council of Western Australia  
Department of Education Services

**Environment Portfolio**

Department of Conservation and Land Management  
Botanic Gardens and Parks Authority  
Department of Environment  
Office of Water Policy  
Swan River Trust  
Water and Rivers Commission  
Zoological Gardens Board

**Housing and Works; Racing and Gaming; Government Enterprises; Land Information Portfolio**

Department of Housing and Works  
State Supply Commission of Western Australia  
Department of Racing, Gaming and Liquor

**Local Government and Regional Development; Heritage; the Kimberley, Pilbara and Gascoyne;  
Goldfields-Esperance Portfolio**

Department of Local Government and Regional Development  
Heritage Council of WA  
National Trust of Australia (WA)  
Kimberley Development Commission  
Pilbara Development Commission  
Gascoyne Development Commission  
Goldfields Esperance Development Commission

**Planning and Infrastructure Portfolio**

Department for Planning and Infrastructure  
Main Roads Western Australia  
Western Australian Planning Commission  
Public Transport Authority  
Department of Land Information

**Police and Emergency Services; Justice; Community Safety Portfolio**

Fire and Emergency Services Authority of Western Australia  
Department of Justice  
Office of the Inspector of Custodial Services  
Western Australia Police Service

**Premier; Public Sector Management; Federal Affairs; Science; Citizenship and Multicultural  
Interests Portfolio**

Department of the Premier and Cabinet  
Governor's Establishment  
Office of the Public Sector Standards Commission  
Salaries and Allowances Tribunal

**State Development Portfolio**

Department of Industry and Resources  
Minerals and Energy Research Institute of Western Australia

**Tourism; Small Business; Sport and Recreation; Peel and the South West Portfolio**

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Western Australian Tourism Commission  
Small Business Development Corporation  
Rottnest Island Authority  
Recreation Camps and Reserves Board  
Department of Sport and Recreation  
Western Australian Sports Centre Trust  
Peel Development Commission  
South West Development Commission

**Treasury; Energy Portfolio**

Department of Treasury and Finance  
Office of Energy  
Perth International Centre for Application of Solar Energy

**Parliament**

Legislative Assembly  
Legislative Council  
Office of the Auditor General  
Office of the Parliamentary Commissioner for Administrative Investigations  
Corruption and Crime Commission  
Parliamentary Services Department

**Note for Western Australia:**

In addition to the exceptions noted in the Notes to this Annex and in the Schedule for Australia in 15-G (General Notes), the Chapter does not apply to preferences or restrictions associated with programs promoting regional development.

**Notes to Annex 15-C**

1. Only the entities listed are covered by the Chapter.
2. In addition to the conditions specified in the Australian General Notes in Annex 15-G, the following conditions apply, the following exceptions apply to the designated States and Territories:
  1. This Chapter does not apply to procurement of health and welfare services;
  2. This Chapter does not apply to procurement of education services;
  3. This Chapter does not apply to procurement of motor vehicles; and
  4. This Chapter does not apply to procurement of advertising services.

**Schedule of the United States**

Arkansas

Executive branch agencies, including universities but excluding the Office of Fish and Game and construction services

Colorado

Executive branch agencies

Connecticut

Department of Administrative Services

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Connecticut Department of Transportation  
Connecticut Department of Public Works  
Constituent Units of Higher Education

Delaware\*

Administrative Services (Central Procurement Agency)  
State Universities  
State Colleges

Florida\*

Executive Branch Agencies

Georgia

Department of Administrative Services  
Georgia Technology Authority

In addition to the exceptions noted at the end of this Annex, the procurement of beef and compost and mulch are not covered.

Hawaii

Department of Accounting and General Services (with the exception of procurements of software developed in the state and construction)

Idaho

Central Procurement Agency (including all colleges and universities subject to central purchasing oversight)

Iowa\*

Department of General Services  
Department of Transportation  
Board of Regents' Institutions (Universities)

Kansas

Executive Branch Agencies (excluding construction services, automobiles, and aircraft)

Louisiana

Executive Branch Agencies

Maine\*

Department of Administrative and Financial Services  
Bureau of General Services (covering state government agencies and school construction)  
Maine Department of Transportation

Maryland\*

Office of the Treasury  
Department of the Environment  
Department of General Services  
Department of Housing and Community Development  
Department of Human Resources

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Department of Licensing and Regulation  
Department of Natural Resources  
Department of Personnel  
Department of Public Safety and Correctional Services  
Department of Transportation

Minnesota

Executive branch agencies

Missouri

Office of Administration  
Division of Purchasing and Materials Management

Nebraska

Central Procurement Agency

New Hampshire\*

Central Procurement Agency

New York\*

State agencies

State university system

Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates

In addition to the exceptions noted at the end of this Annex, transit cars, buses and related equipment are not covered.

Oregon

Department of Administrative Services

Pennsylvania\*

Executive branch agencies, including:

Governor's Office

Department of the Auditor General

Treasury Department

Department of Agriculture

Department of Banking

Pennsylvania Securities Commission

Department of Health

Department of Transportation

Insurance Department

Department of Aging

Department of Correction

Department of Labor and Industry

Department of Military Affairs

Office of Attorney General

Department of General Services

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Department of Education  
Public Utility Commission  
Department of Revenue  
Department of State  
Pennsylvania State Police  
Department of Public Welfare  
Fish Commission  
Game Commission  
Department of Commerce  
Board of Probation and Parole  
Liquor Control Board  
Milk Marketing Board  
Lieutenant Governor's Office  
Department of Community Affairs  
Pennsylvania Historical and Museum Commission  
Pennsylvania Emergency Management Agency  
State Civil Service Commission  
Pennsylvania Public Television Network  
Department of Environmental Resources  
State Tax Equalization Board  
Department of Public Welfare  
State Employees' Retirement System  
Pennsylvania Municipal Retirement Board  
Public School Employees' Retirement System  
Pennsylvania Crime Commission  
Executive Offices

Rhode Island

Executive branch agencies, excluding boats, automobiles, buses and related equipment

South Dakota

Central Procuring Agency (including universities and penal institutions)

In addition to the exceptions noted at the end of the Annex, procurements of beef are not covered.

Texas

Texas Building and Procurement Commission

Utah

Executive branch agencies

Vermont

Executive branch agencies

Washington

Washington State executive branch agencies, including:

- General Administration
- Department of Transportation

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**- State Universities**

In addition to the exceptions noted at the end of this Annex, procurements of fuel, paper products, boats, ships, and vessels are not covered.

Wyoming\*

Procurement Services Division

Wyoming Department of Transportation

University of Wyoming

**Notes**

In addition to the conditions specified in the General Notes in Annex 15-G, the following conditions apply:

1. For the states marked by an asterisk (\*) with pre-existing restrictions, the Chapter does not apply to procurement of construction-grade steel (including requirements on subcontracts), motor vehicles and coal.
2. This Chapter shall not apply to preferences or restrictions associated with programs promoting the development of distressed areas and businesses owned by minorities, disabled veterans and women.
3. Nothing in this Annex shall be construed to prevent any state entity from applying restrictions that promote the general environmental quality in that state, as long as such restrictions are not disguised barriers to international trade.
4. This Chapter shall not apply to any procurement made by a covered entity on behalf of non-covered entities at a different level of government.
5. This Chapter shall not apply to restrictions attached to Federal funds for mass transit and highway projects.
6. This Chapter shall not apply to the procurement of printing services.

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## ANNEX 15-D GOODS

### Schedule for Australia

This Chapter applies to all goods procured by the entities listed in Annexes 15-A, 15-B and 15-C, subject to the Australian notes in Annexes 15-A, 15-B and 15-C and the Schedule of Australia in Annex 15-G (General Notes).

### Schedule for the United States

This Chapter applies to all goods procured by the entities listed in Annexes 15-A, 15-B and 15-C subject to Notes to Annexes 15-A, 15-B, and 15-C and the Schedule of the United States in Annex 15-G (General Notes). (*For complete listing of U.S. Federal Supply Classification, see: [www.scrantonrtg.com/secrc/fsc-codes/fsc.html](http://www.scrantonrtg.com/secrc/fsc-codes/fsc.html).*)

## ANNEX 15-E SERVICES

### Schedule of Australia

This Chapter applies to all services procured by the entities listed in Annexes 15-A, 15-B, and 15-C subject to the notes in Annexes 15-A, 15-B, and 15-C and the Schedule of Australia to Annex 15-G (General Notes), and except for the following services:

Plasma Fractionation Services; and  
Government Advertising.

### Schedule of the United States

This Chapter applies to all services procured by the entities listed in Annexes 15-A, 15-B, and 15-C, subject to the Notes to Annexes 15-A, 15-B, and 15-C and the Schedule of the United States to Annex 15-G (General Notes), and except for the services in the following categories of the Common Classification System and the WTO system of classification – W/120. (*For complete listing of Common Classification System, see: <http://www.tcc.mac.doc.gov/cgi-bin/doi.cgi?204:66:601961876:49#An1001.1b-2-B>.*)

**Basic telecommunications network and services** listed in paragraph 2C (a) to (g) of WTO document MTN.GNS/W/120, such as public voice and data services. This exclusion does not include information services, as defined in 47 U.S.C. 153 (20).

### J. Maintenance, Repair, Modification, Rebuilding and Installation of Goods/Equipment

|      |   |
|------|---|
| J019 | Maintenance, Repair, Modification, Rebuilding and Installation of Equipment<br>Related to Ships |
| J998 | Non-nuclear Ship Repair   |

### M. Operation of Government-Owned Facilities:

- All facilities operated by the Department of Defense, Department of Energy and the National Aeronautics and Space Administration; and

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- For all entities: M180 Research and Development
- S. **Utilities:** All Classes
- V. **Transportation, Travel and Relocation Services:** All Classes except V503 Travel Agent Services

**Note**

1. All services purchased in support of military forces overseas are excluded from coverage of this Chapter.

**ANNEX 15-F CONSTRUCTION SERVICES**

**Schedule of Australia**

This Chapter applies to all construction services procured by the entities listed in Annexes 15-A, 15-B, and 15-C, subject to the notes in Annexes 15-A, 15-B, and 15-C and the Schedule of Australia in Annex 15-G (General Notes).

**Schedule of the United States**

This Chapter applies to all construction services procured by the entities listed in Annexes 15-A, 15-B, and 15-C, subject to the Notes to Annexes 15-A, 15-B, and 15-C and the Schedule of the United States to Annex 15-G (General Notes), and except for dredging in the following categories of the Provisional Central Product Classification system that are procured by entities listed in Annexes 15-A and 15-B (*For complete listing of the Provisional Central Product Classification system, see <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=9&Lg=1>*):

|         |   |
|---------|---|
| CPC 513 | Construction Work for Civil Engineering |
| CPC 522 | Civil Engineering Works                 |

**Note**

1. In accordance with this Chapter, buy national requirements on articles, supplies and materials acquired for use in construction services contracts covered by this Chapter shall not apply to goods of either Party.

**ANNEX 15-G GENERAL NOTES**

**Schedule for Australia**

This Chapter does not apply to:

- (a) any form of preference to benefit small and medium enterprises;



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- (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.

**Schedule for the United States**

1. This Chapter does not apply to set asides on behalf of small and minority businesses. Set-asides include any form of preference, such as the exclusive right to provide a good or service and price preferences.
2. Where a contract is to be awarded by an entity that is not listed in Annexes 15-A or 15-B, this Chapter shall not be construed to cover any good or service component of that contract.
3. This Chapter does not apply to the procurement of transportation services that form a part of, or are incidental to, a procurement contract.

**ANNEX 15-H: THRESHOLD ADJUSTMENT FORMULA**

1. With regard to the thresholds referred to in Annex 15-A (goods and services) and Annex 15-B (for List A goods and services only), the United States shall calculate:
  - (a) the thresholds every two years, based on the U.S. inflation rate measured by the Producer Price Index for Finished Goods published by the U.S. Bureau of Labor Statistics, using a two-year time period from November 1, three years prior to the inflationary adjustment through October 31, a year prior to the adjustment, and using the following formula:
$$T_0 \times (1 + \Pi_i) = T_1$$

$T_0$  = threshold value at base period

$\Pi_i$  = accumulated U.S. inflation rate for the “i”th two year-period

$T_1$  = new threshold value; and
  - (b) subsequent adjustments using two-year periods, with each period beginning November 1, and taking effect in January of the year immediately following the end of the two-year period.

2. The thresholds for goods and services in Annex 15-B (for List B entities only) and Annex 15-C and for construction services for Annexes 15-A, 15-B, and 15-C are conversions into U.S. dollars of the thresholds listed in the U.S. Appendix 1 to the World Trade Organization Agreement on Government Procurement, which are set out in Special Drawing Rights (SDRs) and listed below. The United States shall calculate adjustments of these thresholds based on the daily values of the U.S. dollar in terms of SDRs, using the two-year period preceding October 1 or November 1 of the year prior to the thresholds in national currency becoming effective, which will be in January, using the conversion rates published by

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the IMF in its monthly "International Financial Statistics":

- (a) 5 million SDRs for construction services;
  - (b) 400,000 SDRs for goods and services for Annex 15-B List B entities; and
  - (c) 355,000 SDRs for goods and services for Annex 15-C entities; and
3. The United States shall notify Australia of the adjusted threshold values in December of the year before the adjusted thresholds take effect in January.
4. Australia shall:
- (a) convert the value of the adjusted thresholds values notified by the United States under paragraph 3 into the Australian dollar based on the official conversion rate of the Reserve Bank of Australia, using the average of the daily values of the Australian dollar in terms of the U.S. dollar over the two-year period ending September 30 of the year in which the United States notifies the adjusted thresholds, and rounded to the nearest thousand Australian dollars; and
  - (b) promptly notify the United States of the value in Australian dollars of the adjusted thresholds.
5. The first adjustments shall take effect on January 1, 2006.
6. The Parties shall consult bilaterally if a major change in a national currency vis-à-vis the other currency were to create a significant problem with regard to the application of the Chapter.