

Annex 13
Referred to in Chapter 17 (Government Procurement)

GOVERNMENT PROCUREMENT

PART 1
LIST OF AUSTRALIA

Section 1
Central Government Entities

Thresholds

Unless otherwise specified, Chapter 17 (Government Procurement) covers procurement by entities listed in this Section, subject to the following thresholds:

- (a) for procurement of goods and services, 130,000 SDR; and
- (b) for procurement of construction services, 5,000,000 SDR.

Procuring Entities

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 Customs and Border Protection Service
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)
Bureau of Meteorology
Commonwealth Grants Commission
ComSuper
CrimTrac Agency

Defence Materiel Organisation
Department of Agriculture
Department of Communications
Department of Defence
Department of Education
Department of Employment
Department of Environment
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
Department of Infrastructure and Regional Development
Department of Parliamentary Services
Department of Social Services
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
Migration Review Tribunal and Refugee Review Tribunal
National Archives of Australia
National Blood Authority
National Capital Authority
National Competition Council
Office of Parliamentary Counsel
Office of the Australian Accounting Standards Board
Office of the Australian Information Commissioner
Office of the Commonwealth Ombudsman
Office of the Director of Public Prosecutions
Office of the Fair Work Ombudsman
Office of the Inspector-General of Intelligence and Security
Office of the Official Secretary to the Governor-General
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 Section 1

1. Chapter 17 (Government Procurement) covers only those entities specifically listed in this Schedule.
2. Chapter 17 (Government Procurement) does not cover the procurement of motor vehicles by any entity listed in this Section.
3. Department of Defence and Defence Materiel Organisation
 - (a) Chapter 17 (Government Procurement) does not cover Department of Defence and Defence Materiel Organisation procurement of the following goods due to paragraph 1 of Article 17.20 (Government Procurement – 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, and Ground Handling Equipment	FSC 17
Space Vehicles	FSC 18
Ships, Small Craft, Pontoons and Floating Docks	FSC 19
Ship and Marine Equipment	FSC 20
Ground Effect Vehicles, Motor Vehicles, Trailers, and Cycles	FSC 23
Engines, Turbines, and Components	FSC 28
Engines Accessories	FSC 29
Bearings	FSC 31
Water Purification and Sewage Treatment Equipment	FSC 46
Valves	FSC 48
Maintenance and Repair Shop Equipment	FSC 49
Prefabricated Structures and Scaffolding	FSC 54
Communication, Detection, and Coherent Radiation Equipment	FSC 58
Electrical and Electronic Equipment Components	FSC 59
Fiber Optics Materials, Components, Assemblies, and Accessories	FSC 60
Electric Wire, and Power and Distribution Equipment	FSC 61
Alarm, Signal and Security Detection Systems	FSC 63
Instruments and Laboratory Equipment	FSC 66
Specialty Metals	No Code

Note: Whether a good is included within the scope of this Note shall be determined solely according to the descriptions provided in the left column above. U.S. Federal Supply Codes are provided for reference purposes only. (For a complete listing of the United States Federal Supply Codes, to which the Australian categories are approximately equivalent, see <http://www.fbo.gov>).

- (b) for Australia, Chapter 17 (Government Procurement) does not cover the following services, as elaborated in the Common Classification System and the WTO system of classification – MTN.GNS/W/120, due to paragraph 1 of Article 17.20 (Government Procurement – Exceptions). (For a complete listing of Common Classification System, see: <http://www.sice.oas.org/trade/nafta/chap-105.asp>).
 - (i) design, development, integration, test, evaluation, maintenance, repair, modification, rebuilding and installation of military systems and equipment (approximately equivalent to relevant parts of U.S. Product Service Codes A & J);
 - (ii) operation of Government-owned Facilities (approximately equivalent to U.S. Product Service Code M);
 - (iii) space services (AR, B4 & V3); and
 - (iv) services in support of military forces overseas.
- (c) Chapter 17 (Government Procurement) does not cover the procurement of goods and services by, or on behalf of, the Australian Signals Directorate, the Defence Imagery and Geospatial Organisation, or the Defence Intelligence Organisation.
- (d) in respect of Article 17.3 (Government Procurement - National Treatment and Non-Discrimination) the Australian Government reserves the right, pursuant to paragraph 1 of Article 17.20 (Government Procurement – Exceptions), to maintain the Australian industry capability program and its successor programs and policies.

Section 2
Sub-Central Government Entities

Thresholds

Unless otherwise specified, Chapter 17 (Government Procurement) covers procurement by entities listed in this Section, subject to the following thresholds:

- (a) for procurement of goods and services, 355,000 SDR; and
- (b) for procurement of construction services, 5,000,000 SDR.

Procuring Entities and Notes to Section 2

Chapter 17 (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
Chief Minister and Treasury Directorate
Commerce and Works Directorate
Community Services Directorate
Cultural Facilities Corporation
Economic Development Directorate
Education and Training Directorate
Environment and Sustainable Development Directorate
Health Directorate
Housing ACT
Independent Competition and Regulatory Commission
Justice and Community Safety Directorate
Legal Aid Commission
Ombudsman of the ACT
Territory and Municipal Services Directorate

Notes to Section 2

1. For the entities listed for the Australian Capital Territory, Chapter 17 (Government Procurement) does not cover the procurement of health and welfare services, education services, utility services, or motor vehicles.

New South Wales

Commission for Children and Young People
Community Relations Commission
Department of Attorney General and Justice
Department of Education and Communities
Department of Family and Community Services
Department of Finance and Services
Department of Planning and Infrastructure
Department of Premier and Cabinet
Department of Trade and Investment, Regional Infrastructure and Services
Fire and Rescue NSW
Health Care Complaints Commission
Information and Privacy Commission (for the Information and Privacy Commission, Chapter 17 (Government Procurement) does not cover procurement related to the functions of the Privacy Commission)
Legal Aid NSW
Ministry for Police and Emergency Services
Ministry of Health
Motor Accidents Authority of NSW
New South Wales Crime Commission
New South Wales Electoral Commission
New South Wales Ombudsman
New South Wales Rural Fire Service
NSW Food Authority
NSW Rural Assistance Authority
Office of the Board of Studies
Office of the Director of Public Prosecutions NSW
Office of the Environment Protection Authority
Police Integrity Commission
Public Service Commission
State Emergency Service
Sydney Harbour Foreshore Authority
Sydney Olympic Park Authority
Transport for NSW (for Transport for NSW, Chapter 17 (Government Procurement) does not cover procurement related to the functions of The Transport Construction Authority, and The Country Rail Infrastructure Authority)
The Audit Office of New South Wales
The Treasury
WorkCover NSW

Notes to Section 2

1. For the entities listed for New South Wales, Chapter 17 (Government Procurement) does not cover the procurement of health and welfare services, education services, or motor vehicles.

2. For the entities listed for New South Wales, Chapter 17 (Government Procurement) does not apply to procurements undertaken by a covered entity on behalf of a non-covered entity.

Northern Territory

Aboriginal Areas Protection Authority
Auditor-General's Office
Central Australian Hospital Network
Department of Arts and Museums
Department of the Attorney-General and Justice
Department of Business
Department of Correctional Services
Department of Health
Department of Housing
Department of Land Resource Management
Department of Lands, Planning and the Environment
Department of Local Government
Department of Mines and Energy
Department of Primary Industry and Fisheries
Department of Regional Development and Women's Policy
Department of Sport and Recreation
Department of Treasury and Finance
Department of the Chief Minister
Department of the Legislative Assembly
Health and Community Services Complaints Commission
Land Development Corporation
Museum and Art Galleries Board
Northern Territory Electoral Commission
Northern Territory Emergency Service
Northern Territory Employment and Training Authority
Northern Territory Fire and Rescue Service
Northern Territory Licensing Commission
Office of the Commissioner for Public Employment
Ombudsman's Office
Parks and Wildlife Commission of the Northern Territory
Police Force of the Northern Territory
Racing Commission
Remuneration Tribunal
Strehlow Research Centre Board
Top End Hospital Network
Tourism NT
Utilities Commission of the Northern Territory
Work Health Authority

Notes to Section 2

1. For the entities listed for the Northern Territory, Chapter 17 (Government Procurement) does not cover set-asides on behalf of the Charles Darwin University pursuant to Partnership Agreements between the Northern Territory Government and Charles Darwin University.

Queensland

Entities declared to be departments pursuant to section 14 of the *Public Service Act 2008* (Qld)

Motor Accident Insurance Commission

Nominal Defendant

Public Service Commission

Public Trust Office

Notes to Section 2

1. For the entities listed for Queensland, Chapter 17 (Government Procurement) does not apply to procurements by covered entities on behalf of non-covered entities.

2. For the entities listed for Queensland, Chapter 17 (Government Procurement) does not apply to procurements undertaken by departments, or parts of departments, which deliver health, education, training and/or arts services.

3. For the entities listed for Queensland, Chapter 17 (Government Procurement) does not cover the procurement of health services, education services, training services, arts services, welfare services, government advertising and motor vehicles.

South Australia

Aboriginal Affairs and Reconciliation Division

Arts SA

Attorney-General's Department

Auditor-General's Department

Country Fire Service

Courts Administration Authority

Defence SA

Department for Communities and Social Inclusion

Department for Correctional Services

Department of Education and Child Development

Department of Environment, Water and Natural Resources

Department of Further Education, Employment, Science and Technology

Department of Health and Ageing

Department for Manufacturing, Innovation, Trade, Resources and Energy

Department of Planning, Transport and Infrastructure

Department of Primary Industries and Regions of South Australia
Department of the Premier and Cabinet
Department of Treasury and Finance
Electoral Commission SA
Environment Protection Authority
Independent Gambling Authority
Legal Services Commission
Office for State / Local Government Relations
Parliament of South Australia
South Australian Fire and Emergency Services Commission
South Australian Metropolitan Fire Services
South Australia Police
South Australian Tourism Commission
State Emergency Services
State Procurement Board
TAFE SA

Notes to Section 2

1. For the entities listed for South Australia, Chapter 17 (Government Procurement) does not cover the procurement of health and welfare services, education services, advertising services, or motor vehicles.

Tasmania

Department of Economic Development, Tourism and the Arts
Department of Education
Department of Health and Human Services
Department of Infrastructure, Energy and Resources
Department of Justice
Department of Police and Emergency Management
Department of Premier and Cabinet
Department of Primary Industries, Parks, Water and Environment
Department of Treasury and Finance
House of Assembly
Legislative Council
Legislature-General
Office of the Director of Public Prosecutions
Office of the Governor
Office of the Ombudsman
Tasmanian Audit Office
Tasmanian Health Organisation – North
Tasmanian Health Organisation – North West
Tasmanian Health Organisation – South

Notes to Section 2

1. For the entities listed for Tasmania, Chapter 17 (Government Procurement) does not cover the procurement of health and welfare services, education services, or advertising services.

Victoria

Commissioner for Environmental Sustainability
Department of Education, Early Childhood and Development
Department of Environment and Primary Industries
Department of Health
Department of Human Services
Department of Justice
Department of Premier and Cabinet
Department of State Development, Business and Innovation
Department of Transport, Planning and Local Infrastructure
Department of Treasury and Finance
Independent Broad-based Anti-corruption Commission
Office of the Chief Commissioner of Police (Victoria Police)
Office of the Commission for Children and Young People
Office of the Essential Services Commission
Office of the Fire Services Levy Monitor
Office of the Legal Services Commissioner
Office of the Ombudsman
Office of the Privacy Commissioner
Office of Public Prosecutions
Office of the Road Safety Camera Commissioner
Office of the Taxi Service Commission
Office of the Victorian Commission for Gambling and Liquor Regulation
Office of the Victorian Responsible Gambling Foundation
State Services Authority
Victorian Auditor-General's Office
Victorian Electoral Commission
Victorian Equal Opportunity and Human Rights Commission
Victorian Inspectorate

Notes to Section 2

1. For the entities listed for Victoria, Chapter 17 (Government Procurement) does not cover the procurement of motor vehicles.

2. For the entities listed for Victoria, Chapter 17 (Government Procurement) does not apply to procurements 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 Agriculture and Food
Department for Child Protection
Department for Communities
Department of Commerce
Department of Corrective Services
Department of Culture and the Arts
Department of Education
Department of Education Services
Department of Environment and Conservation
Department of Fire and Emergency Services
Department of Finance
Department of Fisheries
Department of Health
Department of Housing
Department of Indigenous Affairs
Department of Local Government
Department of Mines and Petroleum
Department of Planning
Department of Racing, Gaming and Liquor
Department of Regional Development and Lands
Department of Sport and Recreation
Department of State Development
Department of Training and Workforce Development
Department of Treasury
Department of Water
Department of the Attorney General
Department of the Premier and Cabinet
Department of the Registrar Western Australian 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
Kimberley Development Commission
Law Reform Commission of Western Australia
Legislative Assembly
Legislative Council
Main Roads Western Australia
Mid West Development Commission

Minerals and Energy Research Institute of Western Australia
National Trust of Australia (WA)
Office of the Auditor General
Office of the Director of Public Prosecutions
Office of the Information Commissioner
Office of the Inspector of Custodial Services
Office of the Parliamentary Commissioner for Administrative Investigations
Parliamentary Services Department
Peel Development Commission
Pilbara Development Commission
Public Sector Commission
Public Transport Authority
Rottnest Island Authority
Rural Business Development Corporation
Salaries and Allowances Tribunal
School Curriculum and Standards Authority
Small Business Development Corporation
South West Development Commission
State Library of Western Australia
Swan River Trust
Western Australia Police
Western Australian Electoral Commission
Western Australian Land Information Authority (Landgate)
Western Australian Planning Commission
Western Australian Sports Centre Trust (trading as VenuesWest)
Western Australian Tourism Commission
Wheatbelt Development Commission
Zoological Parks Authority

Section 3
Other Covered Entities

Thresholds

Unless otherwise specified, Chapter 17 (Government Procurement) covers procurement by entities listed in this Section, subject to the following thresholds:

- (a) for procurement of goods and services, 450,000 SDR; and
- (b) for procurement of construction services, 5,000,000 SDR.

Procuring Entities

Australian Communications and Media Authority
Australian Competition and Consumer Commission
Australian Financial Security Authority
Australian Fisheries Management Authority
Australian Human Rights Commission
Australian Institute of Health and Welfare
Australian Institute of Marine Science
Australian Maritime Safety Authority
Australian National Maritime Museum
Australian Nuclear Science and Technology Organisation
Australian Pesticides and Veterinary Medicines Authority
Australian Prudential Regulation Authority
Australian Securities and Investments Commission
Australian War Memorial
Comcare
Commonwealth Scientific and Industrial Research Organisation
Corporations and Markets Advisory Committee
Export Finance and Insurance Corporation
Grains Research and Development Corporation
Great Barrier Reef Marine Park Authority
National Gallery of Australia
National Museum of Australia
Reserve Bank of Australia
Sydney Harbour Federation Trust
The Director of National Parks
Tourism Australia

Notes to Section 3

1. For the entities listed in this Section, Chapter 17 (Government Procurement) covers only those entities listed in this Schedule.

2. For the entities listed in this Section, Chapter 17 (Government Procurement) does not cover the procurement of motor vehicles.

3. Chapter 17 (Government Procurement) does not cover procurement of telecommunications services by the Australian War Memorial.

Section 4 Goods

1. Chapter 17 (Government Procurement) applies to all goods procured by the entities listed in Sections 1 through 3, unless otherwise specified in Chapter 17 (Government Procurement), including Part 1 of this Annex.
2. Chapter 17 (Government Procurement) does not cover the procurement of blood and blood-related products, including plasma derived products.

Section 5 Services

1. Chapter 17 (Government Procurement) applies to all services procured by the entities listed in Sections 1 through 3, unless otherwise specified in Chapter 17 (Government Procurement), including Part 1 of this Annex.
2. Chapter 17 (Government Procurement) does not cover the procurement of:
 - (a) plasma fractionation services;
 - (b) government advertising services;
 - (c) health and welfare services;
 - (d) legal services;
 - (e) telecommunications;
 - (f) education services;
 - (g) financial services; and
 - (h) transport services.

Section 6
Construction Services

1. Chapter 17 (Government Procurement) applies to all construction services procured by the entities listed in Sections 1 through 3, unless otherwise specified in Chapter 17 (Government Procurement), including Part 1 of this Annex.

2. For the purposes of Article 17.9 (Government Procurement - Conditions for Participation) Australia requires, as a condition for participation in procurement of building and construction services, compliance with the National Code of Practice for the Construction Industry and related implementation guidelines at the central and sub-central government levels, and their successor policies and guidelines. In this respect Australia shall accord to the goods, services and suppliers of Japan, treatment no less favourable than the treatment it accords to its domestic goods, services and suppliers.

Section 7
General Notes

1. Unless otherwise specified herein, the following General Notes apply without exception to Chapter 17 (Government Procurement), including to all Sections of Part 1 of this Annex.
2. Chapter 17 (Government Procurement) does not apply to:
 - (a) any form of preference to benefit small and medium enterprises;
 - (b) measures to protect national treasures of artistic, historic, or archaeological value;
 - (c) measures for the health and welfare of Indigenous people;
 - (d) measures for the economic and social advancement of Indigenous people;
and
 - (e) procurement of financial advisory and asset management services pertaining to reserves held, including for the purposes of funding retirement benefits, by any entity listed in Part 1 of this Annex.

Section 8
Value of Thresholds

1. The value of the thresholds set out in Sections 1 through 3 shall be adjusted at two-year intervals with each adjustment taking effect in January, beginning January 2016.
2. Australia shall calculate and convert the value of the thresholds into Australian Dollars using the conversion rates published by the International Monetary Fund in its monthly “International Financial Statistics”. Except where paragraph 3 applies, the conversion rates will be the average of the daily values of the Australian Dollar in terms of the Special Drawing Rights (SDR) over the two-year period preceding 1 October or 1 November of the year before the thresholds are to take effect.
3. In respect of thresholds for sub-central entities, Australia may set its thresholds to align with thresholds that apply to equivalent categories of procurement listed in Section 2 of Annex 15-A of the Australia-United States Free Trade Agreement, expressed in Australian Dollars.
4. Calculations for thresholds covered by this Part may be rounded to the nearest thousand Australian Dollars.
5. Australia shall notify Japan of the applicable value of thresholds in Australian Dollars and the period of its validity upon the entry into force of this Agreement and shall thereafter notify the value of the newly calculated thresholds in Australian Dollars in a timely manner.
6. The Parties shall consult if a major change in a national currency relative to the SDR or to the national currency of the other Party were to create a significant problem with regard to the application of Chapter 17 (Government Procurement).

PART 2
LIST OF JAPAN

Section 1
Central Government Entities

1. Goods

- (a) threshold: 100,000 SDR
- (b) procuring entities: all entities covered by the Accounts Law (Law No. 35 of 1947) as follows:

House of Representatives
House of Councillors
Supreme Court
Board of Audit
Cabinet
Reconstruction Agency
National Personnel Authority
Cabinet Office
Imperial Household Agency
National Public Safety Commission (National Police Agency)
Financial Services Agency
Consumer Affairs Agency
Ministry of Internal Affairs and Communications
Ministry of Justice
Ministry of Foreign Affairs
Ministry of Finance
Ministry of Education, Culture, Sports, Science and Technology
Ministry of Health, Labour and Welfare
Ministry of Agriculture, Forestry and Fisheries
Ministry of Economy, Trade and Industry
Ministry of Land, Infrastructure, Transport and Tourism
Ministry of Environment
Ministry of Defense

2. Services

- (a) threshold:
 - (i) construction services: 4,500,000 SDR
 - (ii) architectural, engineering and other technical services covered by Chapter 17 (Government Procurement): 450,000

SDR

(iii) other services: 100,000 SDR

(b) procuring entities: procuring entities set out in paragraph 1

Notes to Section 1:

1. The procuring entities set out in this Section include all their internal sub-divisions, independent organs, attached organisations and other organisations and local branch offices provided for in the National Government Organization Law (Law No. 120 of 1948) and the Law establishing the Cabinet Office (Law No. 89 of 1999).

2. Chapter 17 (Government Procurement) shall not apply to contracts to be awarded to co-operatives or associations in accordance with laws and regulations existing at the time of the entry into force of this Agreement.

Section 2
Sub-Central Government Entities

1. Goods

- (a) threshold: 200,000 SDR
- (b) procuring entities: all prefectural governments entitled “To”, “Do”, “Fu” and “Ken”, and all designated cities entitled “Shitei-toshi”, covered by the Local Autonomy Law (Law No. 67 of 1947) as follows:

Hokkaido
Aomori-ken
Iwate-ken
Miyagi-ken
Akita-ken
Yamagata-ken
Fukushima-ken
Ibaraki-ken
Tochigi-ken
Gunma-ken
Saitama-ken
Chiba-ken
Tokyo-to
Kanagawa-ken
Niigata-ken
Toyama-ken
Ishikawa-ken
Fukui-ken
Yamanashi-ken
Nagano-ken
Gifu-ken
Shizuoka-ken
Aichi-ken
Mie-ken
Shiga-ken
Kyoto-fu
Osaka-fu
Hyogo-ken
Nara-ken
Wakayama-ken
Tottori-ken
Shimane-ken
Okayama-ken
Hiroshima-ken

Yamaguchi-ken
Tokushima-ken
Kagawa-ken
Ehime-ken
Kochi-ken
Fukuoka-ken
Saga-ken
Nagasaki-ken
Kumamoto-ken
Oita-ken
Miyazaki-ken
Kagoshima-ken
Okinawa-ken
Osaka-shi
Nagoya-shi
Kyoto-shi
Yokohama-shi
Kobe-shi
Kitakyushu-shi
Sapporo-shi
Kawasaki-shi
Fukuoka-shi
Hiroshima-shi
Sendai-shi
Chiba-shi

2. Services

(a) threshold:

- (i) construction services: 15,000,000 SDR
- (ii) architectural, engineering and other technical services covered by Chapter 17 (Government Procurement): 1,500,000 SDR
- (iii) other services: 200,000 SDR

(b) procuring entities: procuring entities set out in paragraph 1

Notes to Section 2:

1. The procuring entities set out in this Section include all internal sub-divisions, attached organisations and branch offices of their governors or mayors, committees and other organisations provided for in the Local Autonomy Law.

2. Chapter 17 (Government Procurement) shall not apply to contracts to be awarded to co-operatives or associations in accordance with laws and regulations existing at the time of the entry into force of this Agreement.
3. Chapter 17 (Government Procurement) shall not apply to contracts which the procuring entities award for purposes of their daily profit-making activities which are exposed to competitive forces in markets. This note shall not be used in a manner which circumvents the provisions of Chapter 17 (Government Procurement).
4. Procurement related to operational safety of transportation is not included.
5. Procurement related to the production, transport or distribution of electricity is not included.

Section 3
All Other Entities

1. Goods

(a) threshold: 130,000 SDR

(b) procuring entities:

(i) Group A

Japan Water Agency
Japan Railway Construction, Transport and
Technology Agency (a)(d)(e)
Narita International Airport Corporation
East Nippon Expressway Company Limited
Central Nippon Expressway Company Limited
West Nippon Expressway Company Limited
Metropolitan Expressway Company Limited
Hanshin Expressway Company Limited
Honshu-Shikoku Bridge Expressway Company Limited
Japan Expressway Holding and Debt Repayment Agency
Urban Renaissance Agency
Japan Science and Technology Agency
Japan Atomic Energy Agency (b)
Japan Environmental Safety Corporation
Japan International Cooperation Agency
Welfare and Medical Service Agency
Government Pension Investment Fund
Agriculture and Livestock Industries Corporation
Japan Oil, Gas and Metals National Corporation (c)
Organization for Small & Medium
Enterprises and Regional Innovation, JAPAN
Japan Post Holdings Company Limited
Japan Post Company Limited
Japan Post Bank Company Limited
Japan Post Insurance Company Limited
Management Organization for Postal Savings and Postal Life Insurance
Japan Labour Health and Welfare Organization
Japan Organization for Employment of the Elderly, Persons with
Disabilities and Job Seekers
Okinawa Development Finance Corporation
Japan Finance Corporation
Japan Bank for International Cooperation
Japan Housing Finance Agency

Japan Finance Organization for Municipalities
Development Bank of Japan Inc.
Tokyo Metro Co., Ltd. (a)
Northern Territories Issue Association
National Consumer Affairs Center of Japan
RIKEN (b)
Environmental Restoration and Conservation Agency
Fund for the Promotion and Development of the Amami Islands
Japan Foundation
Japan Student Services Organization
Japan Arts Council
Japan Society for the Promotion of Science
The Open University of Japan Foundation
Japan Sport Council
Health Insurance Claims Review & Reimbursement Services
National Center for Persons with Severe
Intellectual Disabilities, Nozominosono
Japan Racing Association
Mutual Aid Association of Agriculture,
Forestry and Fishery Corporation Personnel
The National Association of Racing
Farmers' Pension Fund
JKA
Japan External Trade Organization
New Energy and Industrial Technology Development Organization
Japan Alcohol Corporation
Japan National Tourism Organization
The Japan Institute for Labour Policy and Training
The Promotion and Mutual Aid Corporation for Private Schools of Japan
Organization for Workers' Retirement Allowance Mutual Aid

(ii) Group B

National Archives of Japan
National Institute of Information and Communications Technology
National Research Institute of Brewing
National Center for University Entrance Examinations
National Institute of Special Needs Education
National Institution for Youth Education
National Women's Education Center
National Museum of Nature and Science
National Institute for Materials Science
National Research Institute for Earth Science and Disaster Prevention
National Institute of Radiological Sciences
National Museum of Art
National Institutes for Cultural Heritage

National Center for Teachers' Development
National Institute of Health and Nutrition
National Institute of Occupational Safety and Health
Food and Agricultural Materials Inspection Center
National Center for Seeds and Seedlings
National Livestock Breeding Center
National Agriculture and Food Research Organization
National Fisheries University
National Institute of Agrobiological Sciences
National Institute for Agro-Environmental Sciences
Japan International Research Center for Agricultural Sciences
Forestry and Forest Products Research Institute
Fisheries Research Agency
Research Institute of Economy, Trade and Industry
National Center for Industrial Property Information and Training
Nippon Export and Investment Insurance
National Institute of Advanced Industrial Science and Technology
National Institute of Technology and Evaluation
Public Works Research Institute
Building Research Institute
Japan Health Insurance Association
Japan Pension Service
National Cancer Center
National Cerebral and Cardiovascular Center
National Center for Neurology and Psychiatry
National Center for Global Health and Medicine
National Center for Child Health and Development
National Center for Geriatrics and Gerontology
National Traffic Safety and Environment Laboratory
National Maritime Research Institute
Port and Airport Research Institute
Electronic Navigation Research Institute
Marine Technical Education Agency
National Institute for Sea Training
Civil Aviation College
National Institute for Environmental Studies
Labor Management Organization for USFJ Employees
National Agency of Vehicle Inspection
National Statistics Center
Japan Mint
National Printing Bureau
National Hospital Organization
National University Corporation
Inter-University Research Institute Corporation
Institute of National Colleges of Technology, Japan
National Institution for Academic Degrees and University Evaluation

Center for National University Finance and Management

2. Services

- (a) threshold:
 - (i) construction services:
 - (A) 4,500,000 SDR for Japan Post Holdings Company Limited, Japan Post Company Limited, Japan Post Bank Company Limited, Japan Post Insurance Company Limited, and Management Organization for Postal Savings and Postal Life Insurance in Group A
 - (B) 15,000,000 SDR for all other entities in Group A
 - (C) 4,500,000 SDR for entities in Group B
 - (ii) architectural, engineering and other technical services covered by Chapter 17 (Government Procurement): 450,000 SDR
 - (iii) other services: 130,000 SDR
- (b) procuring entities: procuring entities set out in paragraph 1

Notes to Section 3:

1. Chapter 17 (Government Procurement) shall not apply to contracts to be awarded to co-operatives or associations in accordance with laws and regulations existing at the time of the entry into force of this Agreement.
2. Chapter 17 (Government Procurement) shall not apply to contracts which the procuring entities in Group A award for purposes of their daily profit-making activities which are exposed to competitive forces in markets. This note shall not be used in a manner which circumvents the provisions of Chapter 17 (Government Procurement).
3. Notes to specific procuring entities:
 - (a) procurement related to operational safety of transportation is not included.
 - (b) procurement which could lead to the disclosure of information incompatible with the purpose of the Treaty on the Non-Proliferation of Nuclear Weapons or with international agreements on intellectual

property rights is not included. Procurement for safety-related activities aiming at utilisation and management of radioactive materials and responding to emergencies of nuclear installation is not included.

- (c) procurement related to geological and geophysical survey is not included.
- (d) procurement of advertising services, construction services and real estate services is not included.
- (e) procurement of ships to be jointly owned with private companies is not included.

Section 4 Goods

Chapter 17 (Government Procurement) shall apply to all goods that are procured by the procuring entities set out in Sections 1 through 3. However, for procurement by the Ministry of Defense, only the following goods are included in the coverage of Chapter 17 (Government Procurement):

Federal Supply Classification (FSC) Description

22	Railway Equipment
24	Tractors
32	Woodworking Machinery and Equipment
34	Metalworking Machinery
35	Service and Trade Equipment
36	Special Industry Machinery
37	Agricultural Machinery and Equipment
38	Construction, Mining, Excavating, and Highway Maintenance Equipment
39	Materials Handling Equipment
40	Rope, Cable, Chain, and Fittings
41	Refrigeration, Air Conditioning, and Air Circulating Equipment
43	Pumps and Compressors
45	Plumbing, Heating and Sanitation Equipment
46	Water Purification and Sewage Treatment Equipment
47	Pipe, Tubing, Hose, and Fittings
48	Valves
51	Hand Tools
52	Measuring Tools
55	Lumber, Millwork, Plywood and Veneer
61	Electric Wire, and Power and Distribution Equipment
62	Lighting Fixtures and Lamps
65	Medical, Dental, and Veterinary Equipment and Supplies
6630	Chemical Analysis Instruments
6635	Physical Properties Testing Equipment
6640	Laboratory Equipment and Supplies
6645	Time Measuring Instruments
6650	Optical Instruments
6655	Geophysical and Astronomical Instruments
6660	Meteorological Instruments and Apparatus
6670	Scales and Balances
6675	Drafting, Surveying, and Mapping Instruments
6680	Liquid and Gas Flow, Liquid Level, and Mechanical Motion Measuring Instruments
6685	Pressure, Temperature, and Humidity Measuring and Controlling Instruments

6695	Combination and Miscellaneous Instruments
67	Photographic Equipment
68	Chemicals and Chemical Products
71	Furniture
72	Household and Commercial Furnishings and Appliances
73	Food Preparation and Serving Equipment
74	Office Machines and Visible Record Equipment
75	Office Supplies and Devices
76	Books, Maps, and Other Publications
77	Musical Instruments, Phonographs, and Home-type Radios
79	Cleaning Equipment and Supplies
80	Brushes, Paints, Sealers, and Adhesives
8110	Drums and Cans
8115	Boxes, Cartons, and Crates
8125	Bottles and Jars
8130	Reels and Spools
8135	Packaging and Packing Bulk Materials
85	Toiletries
87	Agricultural Supplies
93	Non-metallic Fabricated Materials
94	Non-metallic Crude Materials
99	Miscellaneous

Section 5 Services

Chapter 17 (Government Procurement) shall apply to all the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC) 1991, as well as document MTN.GNS/W/120 for Telecommunications services, that are procured by the procuring entities set out in Sections 1 through 3:

(Provisional Central Product Classification (CPC), 1991)

51	Construction work
6112	Maintenance and repair services of motor vehicles (Note 1)
6122	Maintenance and repair services of motorcycles and snowmobiles (Note 1)
712	Other land transport services (except 71235 Mail transportation by land)
7213	Rental services of sea-going vessels with operator
7223	Rental services of non-sea-going vessels with operator
73	Air transport services (except 73210 Mail transportation by air)
748	Freight transport agency services
7512	Courier services (Note 2)
	Telecommunications services
	MTN.GNS/W/120
	Corresponding CPC
2.C.h.	- 7523 Electronic mail;
2.C.i.	- 7521 Voice mail;
2.C.j.	- 7523 On-line information and data base retrieval;
2.C.k.	- 7523 Electronic data interchange (EDI);
2.C.l.	- 7529 Enhanced facsimile services;
2.C.m.	- 7523 Code and protocol conversion; and
2.C.n.	- 7523 On-line information and/or data processing (including transaction processing)
84	Computer and related services
864	Market research and public opinion polling services
867	Architectural, engineering and other technical services (Note 3)
871	Advertising services
87304	Armoured car services
874	Building-cleaning services
88442	Publishing and printing services (Note 4)
886	Repair services incidental to metal products, machinery and equipment
94	Sewage and refuse disposal, sanitation and other environmental protection services

Notes to specific services of Section 5:

- Note 1: Maintenance and repair services are not included with respect to those motor vehicles, motorcycles and snowmobiles which are specifically modified and inspected to meet regulations of the procuring entities.
- Note 2: Courier services are not included with respect to letters.
- Note 3: Only architectural, engineering and other technical services related to construction services, with the exception of the following services when procured independently, are included:
- Final design services of CPC 86712 Architectural design services;
 - CPC 86713 Contract administration services;
 - Design services consisting of one or a combination of final plans, specifications and cost estimates of either CPC 86722 Engineering design services for the construction of foundations and building structures, or CPC 86723 Engineering design services for mechanical and electrical installations for buildings, or CPC 86724 Engineering design services for the construction of civil engineering works; and
 - CPC 86727 Other engineering services during the construction and installation phase.

For the purposes of this Part, the term “CPC” means the Provisional Central Product Classification (Statistical Paper Series M, No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

- Note 4: Publishing and printing services are not included with respect to materials containing confidential information.

Section 6 Construction Services

Chapter 17 (Government Procurement) shall apply to all the following construction services that are procured by the procuring entities set out in Sections 1 through 3:

CPC 51 Construction work

Notes to Section 6:

1. A construction services contract is a contract which has as its objective the realisation by whatever means of civil or building works, in the sense of Division 51 of the Provisional Central Product Classification (CPC).
2. Procurement with regard to a construction project based on the Act on Promotion of Private Finance Initiative (Act No. 117 of 1999) as of 30 November 2011 is covered.

Section 7
General Note

Notwithstanding the Note 2 to Section 6, procurement with regard to a project within the scope of the Act on Promotion of Private Finance Initiative (Act No. 117 of 1999) as of 10 December 2010 is covered.

Section 8
Value of Thresholds

1. The value of thresholds set out in Sections 1 through 3 shall be calculated and converted into Yen in every even-numbered year, based on an average value of Yen in terms of SDRs in the most recent two-year period starting on 1 January of the year before the preceding year and ending on 31 December of the preceding year.

2. Japan shall notify Australia of such value of thresholds and the period of its validity upon the entry into force of this Agreement and then notify Australia of the value of the newly calculated thresholds no later than one month before the respective thresholds take effect.