



AUSTRALIA'S FOREIGN RELATIONS (STATE AND TERRITORY ARRANGEMENTS) ACT 2020 FACT SHEET 4 – AUSTRALIAN UNIVERSITIESⁱ

Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (the Act) fosters a systematic and consistent approach to foreign engagement across all levels of Australian government. It creates a scheme to ensure that arrangements between State or Territory governments and foreign government entities do not adversely affect Australia's foreign relations and are not inconsistent with Australia's foreign policy.

This Fact Sheet should be read with 'Fact Sheet 1–Overview', 'Fact Sheet 5 – Exemptions' and 'Fact Sheet 7 – University Grant Applications'

When are Australian universities covered by the scheme?

The Foreign Arrangements Scheme (the scheme) only applies to **Australian public universities** when they enter an arrangement with a foreign government or a foreign university that does not have institutional autonomy.

Arrangements entered into by Australian public universities are **non-core foreign arrangements** under the scheme. This is the case irrespective of the type of foreign entity with whom the arrangement is entered. Further detail is in **Fact Sheet 1**.

The scheme does not apply to Australian private universities. **Australian private universities are encouraged to be transparent** about arrangements with foreign entities by publishing information about those arrangements on their website. Australian private universities can also seek advice from the Department of Foreign Affairs and Trade (DFAT) on the foreign policy implications of potential arrangements before entering them.

What counts as a 'foreign government'?

Under the Act, a foreign government includes a foreign national or sub-national government (including a department, agency or other public authority of that government).

Some foreign tertiary education institutions, such as government military academies, would be considered part of the foreign government.

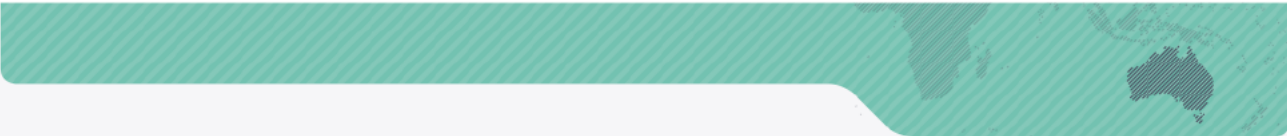
When are university-to-university arrangements covered?

A **university-to-university arrangement** is not within scope unless the arrangement is between an Australian public university and:

- a foreign tertiary education institution that is a part of a foreign government (eg, a government military academy), or
- a foreign university that does not have institutional autonomy because a foreign government is in a position to exercise substantial control over the university.

When would a foreign university not have institutional autonomy?

A foreign university does not have institutional autonomy when a foreign government is in a position to exercise substantial control over the university.



A foreign government is in a position to exercise substantial control over a university only if one or more of the following applies:

- a **majority of the members of the university's governing body** are required, by a law or the university's governing documents, to be **members or part of the political party** that forms the foreign government;
- **education** provided or **research** conducted at the university is required, by a law or the university's governing documents, to **adhere to, or be in service of, political principles or political doctrines** of the foreign government or the political party that forms the foreign government;
- and/or the **university's academic staff** are required, by a law or the university's governing documents, to **adhere to, or be in service of, political principles or doctrines** of the foreign government or the political party that forms the foreign government, in their teaching, research, discussions, publications or public commentary.
- The vast majority of foreign universities do not meet these criteria. Universities with similar levels of institutional autonomy to Australian universities do not meet these criteria. Arrangements between these universities and Australian public universities do not need to be notified.

What about minor logistical or administrative arrangements?

Under *Australia's Foreign Relations (State and Territory Arrangements) Rules 2020* (the rules), certain arrangements are exempt from being notified where they deal solely with minor administrative or logistical matters.

This is the case, for example, where an Australian public university enters an arrangement with a foreign government or a foreign university that does not have institutional autonomy but the arrangement deals only with flights, accommodation, submission of paperwork, visa applications, or the timing of conference sessions.

Similarly, where an Australian public university varies an existing arrangement without altering its substance (e.g. by changing the number of students involved in a student exchange), that variation is exempted from the requirement to notify. Further detail is in **Fact Sheet 5**.

What about grant applications?

Generally, universities should notify the Minister of a grant application at the stage when both parties have committed to progress the grant arrangement but before they sign any arrangement or finalise commitments. A university would not need to notify the Minister when they submit a grant application and that application has not been agreed to by the entity administering the grant. Further information is in **Fact Sheet 7**.

How will I comply with obligations under the scheme?

State and Territory entities notify the Minister of arrangements through the online portal: www.foreignarrangements.gov.au.

DFAT administers the scheme.

Where can I get further information?

Contact DFAT at foreignarrangements@dfat.gov.au.

ⁱ * This FACT SHEET sets out some of the requirements of the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*. It is not intended to be comprehensive and should not be relied on as a definitive interpretation of the Act. It is also not intended as legal advice. Readers should rely on the substantive provisions of the Act as enacted by Parliament, and any applicable rules, in assessing their obligations and seek independent legal advice.