



Australian Government

Department of Foreign Affairs and Trade

Foreign Arrangements Scheme

Annual Report 2021



ISSN 2653-4703 (Online)

ISSN 2653-469X (Print)

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About the Foreign Arrangements Scheme

The Foreign Arrangements Scheme ensures Australian governments, at all levels, speak with one voice on Australia's foreign policy. The Scheme provides a framework for cooperation on foreign policy and foreign relations between the Federal government and sub-national government entities (including state, territory and local governments and universities).

The Scheme commenced on 10 December 2020 following the passage of *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (the Act). Under the Scheme, state, territory and local governments and Australian public universities were required to notify the Minister for Foreign Affairs of pre-existing arrangements that were in operation at commencement of the Scheme (10 December 2020) or came into operation prior to 10 March 2021, (the date on which the obligation to notify prospective foreign arrangements commenced).

Pre-existing core foreign arrangements¹ (between state and territory governments and foreign national governments) were required to be notified by 10 March 2021, and **pre-existing non-core foreign arrangements** (between State and Territory governments and foreign sub-national governments, and local government and university arrangements) were required to be notified by 10 June 2021.

From 10 March 2021, state, territory and local governments and Australian public universities have been required to notify the Minister of **prospective foreign arrangements** and, for prospective core arrangements (between state and territory governments and foreign national governments), seek the Minister's approval to negotiate and enter those arrangements.

Under the Scheme, the Minister may make a declaration that an existing foreign arrangement is not in operation or requiring a state or territory entity to vary or cancel the arrangement. Similarly, the Minister may make a declaration that a prospective foreign arrangement is inconsistent with Australia's foreign policy or adversely affects Australia's foreign relations.

The Scheme establishes a Public Register which includes information about foreign arrangements notified under the Scheme, including whether a decision has been made under the Act.

Information about the Scheme and the Public Register can be accessed at www.foreignarrangements.gov.au.

¹ For more detailed descriptions of types of foreign arrangements, see section 4 of the Act. Further information about the types of arrangements and corresponding requirements under the Scheme can also be found at www.foreignarrangements.gov.au

Reporting requirement

The Act requires the Minister, as soon as practicable after the end of each calendar year, to report to both Houses of Parliament on the exercise of the Minister's decision-making powers under the Act during the preceding year.

Under section 53A of the Act, the report must include:

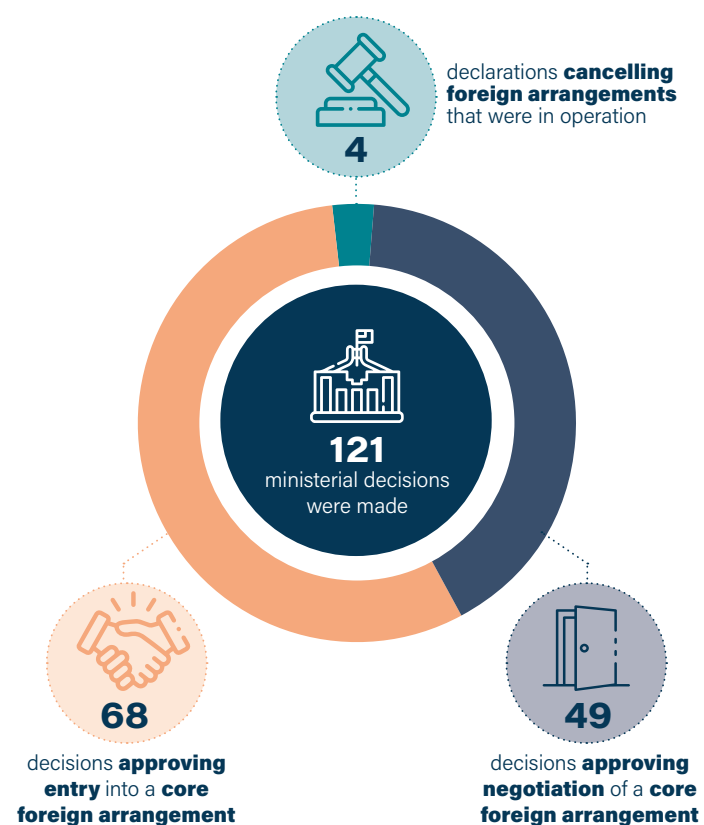
- statistical information about the decisions made by the Minister under the Act during the year, including the total number of decisions, the total number of decisions in each class of decision, and the outcomes of the decisions;
- a summary of the details of each of the decisions made by the Minister under the Act during the year, and
- an outline of the engagement that has occurred during the year with entities covered by the Act to articulate and explain to those entities Australia's foreign policy and how they should engage with foreign entities in Australia's national interest.

Decisions under the Act

Statistical Information

During 2021, 121 ministerial decisions were made, including:

- 49 decisions approving negotiation of a core foreign arrangement;
- 68 decisions approving entry into a core foreign arrangement; and
- 4 declarations cancelling foreign arrangements that were in operation.



Information on Decisions Made

Details of arrangements on which a decision has been made are published on the Public Register unless a statutory exclusion from publication applies (for example, if the decision relates to negotiation of a prospective core arrangement).

The Public Register may be accessed at www.foreignarrangements.gov.au/public-register

Stakeholder Engagement

Throughout 2021, the Department of Foreign Affairs and Trade (DFAT) made contact with more than 700 state, territory and local governments and public university entities, to support engagement with the Scheme. This included information sessions, meetings, correspondence, and other general engagement.

DFAT also issued Guidance—available at www.foreignarrangements.gov.au/resources—to help navigate aspects of the Scheme (for example, to determine whether a foreign university has ‘institutional autonomy’ or whether a corporation ‘operates commercially’) and published Frequently Asked Questions.

Given 2021 is the first year of the Scheme’s operation, engagement within the framework of the Scheme focused on entities’ obligations and support to meet those obligations.

During 2021, DFAT also strengthened its broader foreign policy outreach with state and territory counterparts, both generally and on specific topics of interest. DFAT’s Secretary, Deputy Secretaries and other senior officials engaged with senior state, territory and local government officials, and public universities, throughout the year. DFAT’s Foreign Arrangements Taskforce, state and territory offices, and geographic divisions also engaged with entities on proposals for specific foreign arrangements and their consistency with Australia’s foreign policy and foreign relations settings.



**Foreign Arrangements
Scheme**

