



Australian Government

Department of Foreign Affairs and Trade

# Foreign Arrangements Scheme

## Annual Report 2022

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# Foreign Arrangements Scheme

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# About the Foreign Arrangements Scheme

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

The Foreign Arrangements Scheme commenced on 10 December 2020 following passage of *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (the Act). Existing foreign arrangements by states/territories, local governments and universities with foreign national and sub-national governments (including foreign universities that do not have 'institutional autonomy' from a foreign government) were required to be notified before 10 June 2021. The Act also imposed an ongoing obligation (commencing 10 March 2021) on states/territories, local governments and universities to notify new arrangements.<sup>1</sup>

Under the Act, the Minister for Foreign Affairs must approve (or refuse to approve) negotiation and entry into new arrangements by states/territories with foreign national governments within 30 days of their notification. Other arrangements must be notified, but the Minister's approval is not specifically required. The Minister retains the power to cancel, vary, or refuse to approve negotiation/entry into, any arrangement where it is, or is likely to be, inconsistent with Australia's foreign policy or adverse to 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.

Information about the Scheme is available at [www.foreignarrangements.gov.au](http://www.foreignarrangements.gov.au).

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<sup>1</sup> For more detailed descriptions of the types of foreign arrangements subject to the Scheme, 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](http://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.

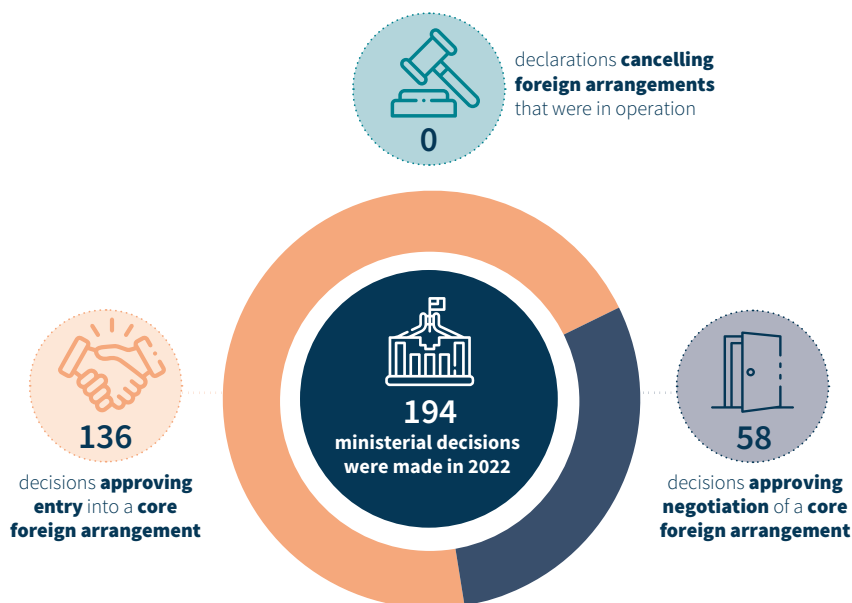
# Decisions under the Act

## Statistical Information

During 2022, 194 ministerial decisions were made, including:

- 58 decisions approving negotiation of a core foreign arrangement; and
- 136 decisions approving entry into a core foreign arrangement.

No declarations cancelling or varying foreign arrangements that were in operation were made.



As of 31 December 2022, 315 total ministerial decisions have been made since commencement of the Act, including:

- 107 decisions approving negotiation of a core foreign arrangement;
- 204 decisions approving entry into a core foreign arrangement; and
- 4 declarations cancelling or varying 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](http://www.foreignarrangements.gov.au/public-register).

# Stakeholder Engagement

Throughout 2022, the Department of Foreign Affairs and Trade (DFAT) continued its engagement with state, territory and local governments and universities to support their compliance with the Scheme.

## Foreign Arrangements Scheme and Foreign Policy Outreach

As part of the day-to-day administration of the Scheme, DFAT responded routinely to queries about the Scheme's application to arrangements. DFAT also conducted a series of outreach initiatives to explain the Scheme's requirements, to share guidance on best practice in crafting foreign arrangements, and to provide foreign policy support on potential foreign arrangements.

The range of stakeholders covered by outreach activities was diverse, as were the formats of engagement and content covered. Engagement activities included training, briefings and information sessions, done on an individual and collective basis, and delivered in-person and virtually. Stakeholders included entities from state and territory governments, local governments, and universities.

Alongside advice on the Scheme, DFAT conducted targeted outreach to entities on Government's foreign policy positions, including through its geographic divisions and state and territory offices.

## Invasion of Ukraine by Russia

In the context of Russia's illegal and immoral invasion of Ukraine, the Secretaries of DFAT and the Department of the Prime Minister and Cabinet wrote to states and territories requesting that they put any existing cooperation with the Russian and Belarusian governments on hold, strongly reconsider any new engagement and work with local governments to effect this. This was in addition to other measures taken by the Commonwealth to restrict international engagement with Russia and Belarus.

DFAT also engaged the university sector, through the University Foreign Interference Taskforce, on their arrangements with Russia and welcomed actions taken by universities to suspend cooperation.

## University Foreign Interference Taskforce

As university arrangements are a large portion of foreign arrangements notified under the Scheme, engagement with the university sector continued to be a key focus in 2022. In addition to direct engagement with universities on specific arrangements, DFAT joined the University Foreign Interference Taskforce Steering Group and Working Groups, in line with Recommendation 23 of the 'Inquiry into national security risks affecting the Australian higher education and research sector' report by the Parliamentary Joint Standing Committee on Intelligence and Security. Senior DFAT officials also addressed Universities Australia sessions on key Scheme issues.

## Published Guidance

DFAT also published guidance—available at [www.foreignarrangements.gov.au/resources](https://www.foreignarrangements.gov.au/resources)—on best practice for risk identification and mitigation in drafting and entering arrangements with foreign entities.











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