



## AUSTRALIA'S FOREIGN RELATIONS (STATE AND TERRITORY ARRANGEMENTS) ACT 2020

### FACT SHEET 5—EXEMPTIONS<sup>1</sup>

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 together with 'Fact Sheet 1—Overview'

#### What arrangements does the scheme consider?

The Foreign Arrangements Scheme (the scheme) ensures that **foreign arrangements** are consistent with Australian foreign policy.

An **arrangement** is any written arrangement, agreement, contract, understanding or undertaking between State and Territory entities and foreign entities. They may be legally-binding or not legally-binding.

A foreign arrangement between a State or Territory entity and a foreign entity will be within the scheme even if there are other parties to the arrangement.

The Minister for Foreign Affairs has exempted certain arrangements through the *Australia's Foreign Relations (State and Territory Arrangements) Rules 2020* (the rules).

#### How are variations of arrangements addressed?

The scheme applies to a **variation of an arrangement** in the same way it applies in relation to an arrangement.

A variation of an arrangement is any written variation of an arrangement whether or not it is legally binding.

The rules may exempt certain variations of arrangements.

#### What arrangements are exempted?

An **exempt arrangement** is an arrangement prescribed by the rules to be an exempt arrangement.

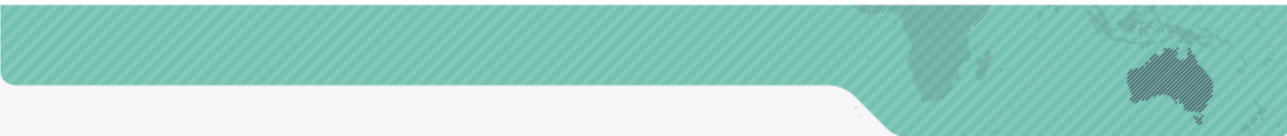
The rules specify that the following arrangements are **exempt arrangements**:

- core foreign arrangements which solely deal with the sharing of information or resources for the management of a declared emergency in Australia;
- foreign arrangements solely dealing with minor administrative or logistical matters (including, for example, flights, accommodation, submitting paperwork or visa applications or the timing of conferences or conference sessions).

The rules also specify that a **variation of an arrangement** is an **exempt arrangement** where:

- it is a variation of a foreign arrangement that the Minister was notified had been entered into, and
- it is a minor variation that does not alter the substance of the arrangement.

This includes, for example, a variation that alters the number of students involved in a student exchange under an arrangement from 6 to 5.



## What does it mean if an arrangement is exempt?

If an arrangement is an exempt arrangement, the notification and approval requirements under the scheme will not apply. This does not prevent the Minister from making a declaration in relation to an exempt arrangement if it is inconsistent with Australia's foreign policy or adverse to Australia's foreign relations.

## How will I comply with obligations under the scheme?

The Department of Foreign Affairs and Trade is responsible for administering the scheme.

Obligations under the scheme are met via an online portal that enables States and Territories to make notifications to the Minister.

## Where can I get further information?

Contact the Department of Foreign Affairs and Trade at [foreignarrangements@dfat.gov.au](mailto:foreignarrangements@dfat.gov.au)

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<sup>i</sup> \* 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.