



Australian Government

Department of Foreign Affairs and Trade

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

### FACT SHEET 7 – UNIVERSITY GRANT APPLICATIONS<sup>i</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 4 – Australian Public Universities' and 'Fact Sheet 5 – Exemptions'

#### What does the scheme do?

The Foreign Arrangements Scheme (the scheme) ensures arrangements between State/Territory entities and foreign governments and their entities are consistent with Australian foreign policy. These may include written arrangements, agreements, contracts, understandings or undertakings.

The scheme only applies to Australian public universities when they enter an arrangement with a foreign government, or a foreign university that lacks institutional autonomy. Further detail is in **Fact Sheet 4**.

#### Proposing to enter a non-core arrangement

Under the scheme, Australian public universities have to notify the Minister if they *propose to enter* a non-core arrangement with a foreign entity. Any arrangement by an Australian public university and a foreign entity is a non-core arrangement. A non-core foreign entity includes a university that lacks institutional autonomy.

There is no requirement to notify the Minister about a *proposal to negotiate* a non-core foreign arrangement. The obligation to notify the Minister about a proposal to negotiate only applies in respect of core foreign arrangements.

Exactly when parties would 'propose to enter' an arrangement will vary, based on the nature of that arrangement. As entities regulated by the scheme, it is the responsibility of parties to determine the most sensible point, in the context of negotiations, to notify the Minister.

#### University grant applications under the Foreign Arrangements Scheme

Research grants are an essential part of Australia's higher education system. They foster knowledge and innovation for the benefit of the Australian community by funding high quality research, building linkages between cutting-edge research institutions, and connecting Australian universities with industry, community organisations, and government.

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.

We have set out some case studies to help explain this.

### Case Study 1

Researchers at an Australian public university are drafting an Australian Research Council grant application to undertake a study on the economic impact of migratory bird colonies for eco-tourism. The grant application proposes that researchers work collaboratively with colleagues at a foreign university that requires that academic staff adhere to political principles in their research. The application has not progressed through the university's internal grants clearance process. ***The Australian public university does not need to notify the Minister at this stage.***

### Case Study 2

Researchers at an Australian public university submitted a grant application to undertake a joint study with a foreign government on regulating the import of second-hand utility vehicles. The researchers had identified contacts in the foreign government to help undertake the study. The application is rejected. ***The Australian public university does not need to notify the Minister at this stage.***

### Case Study 3

Researchers at an Australian public university have submitted a grant application to undertake a longitudinal study on the effect of early childhood education in reducing gender-based violence. The researchers have identified contacts in the education department of a foreign government to help undertake the study. The grant outcome has been issued to the university under embargo. ***The Australian public university does not need to notify the Minister until they propose to accept the grant and enter into a grant agreement.***

### Case Study 4

Researchers at an Australian public university were successful in a grant application to undertake a collaborative study on the effects of mass-surveillance on confidence in policing services and rates of violent crime. As part of the grant application, the researchers have sought to partner with a university that, by law, requires academic staff to be members of the political party that forms the foreign government. The grant application has been successful, and the researchers are finalising an agreement on research outputs and resourcing. ***The Australian public university is required to notify the Minister at this stage.***

## What about minor logistical or administrative arrangements?

Arrangements by Australian public universities will not require notification to the Minister where they deal solely with minor administrative or logistical matters.

This is the case, for example, where a 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 a university varies an existing arrangement without altering its substance (for example, 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**.

## Where can I get further information?

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

<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.