



Australia's Foreign Relations (State and Territory Arrangements) Rules 2020

made under the

Australia's Foreign Relations (State and Territory Arrangements) Act 2020

Compilation No. 3

Compilation date: 17 August 2021

Includes amendments up to: F2021L01125

Prepared by the Department of Foreign Affairs and Trade

About this compilation

This compilation

This is a compilation of the *Australia's Foreign Relations (State and Territory Arrangements) Rules 2020* that shows the text of the law as amended and in force on 17 August 2021 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Australia's Foreign Relations (State and Territory Arrangements) Rules 2020*.

3 Authority

This instrument is made under the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*.

4 Definitions

In this instrument:

Act means the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*.

school means a school that provides any of the following kinds of education:

- (a) preschool education;
- (b) primary education;
- (c) secondary education.

Part 2—Exempt arrangements

5 Exempt arrangements

- (1) For the purposes of the definition of *exempt arrangement* in section 4 of the Act, the following kinds of arrangements are exempt arrangements:
 - (a) core foreign arrangements which:
 - (i) solely deal with the sharing of information or resources for the management of an emergency in Australia which has been declared (however described) by the Commonwealth, a State or a Territory; and
 - (ii) are negotiated, proposed to be entered or entered, while that emergency is declared;
 - (b) 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);
 - (c) foreign arrangements solely dealing with child protection.
- (2) For the purposes of subsection 13(4) of the Act, a variation of an arrangement is an exempt arrangement if:

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- (a) the arrangement is a foreign arrangement; and
 - (b) the State/Territory entity that is party to the arrangement has given the Minister notice under the Act that the State/Territory entity has entered the arrangement; and
 - (c) the variation is a minor variation that does not alter the substance of the arrangement (including, for example, a variation that alters the number of students involved in a student exchange under an arrangement from 6 to 5).

Note: Under subsection 13(1) of the Act, the Act applies in relation to a variation of an arrangement in the same way it applies in relation to an arrangement.

Part 2A—Negotiating and entering core foreign arrangements

Division 1—Negotiating core foreign arrangements

5C Information to be included in notices to the Minister about negotiations

For the purposes of paragraph 16(2)(c) of the Act, the following information is to be included in a notice given to the Minister under subsection 16(1) of the Act about a proposal to negotiate an arrangement:

- (a) the title of the arrangement proposed to be negotiated;
- (b) the parties to the arrangement proposed to be negotiated;
- (c) a brief statement summarising the subject matter and effect of the arrangement proposed to be negotiated;
- (d) whether the arrangement proposed to be negotiated will be legally binding under an Australian law, legally binding under a foreign law or not legally binding;
- (e) for each proposed subsidiary arrangement, of the arrangement proposed to be negotiated, that is known to the State/Territory entity at the time the notice is given to the Minister—the information in paragraphs (a) to (d) in relation to the proposed subsidiary arrangement.

Division 2—Entering core foreign arrangements

5D Information to be included in notices to the Minister before entering core foreign arrangements and documents to accompany notices

- (1) For the purposes of paragraph 23(2)(e) of the Act, the following information is to be included in a notice given to the Minister under subsection 23(1) of the Act about a proposal to enter an arrangement:
 - (a) the title of the proposed arrangement;
 - (b) the parties to the proposed arrangement;
 - (c) a brief statement summarising the subject matter and effect of the proposed arrangement;

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- (d) whether the proposed arrangement will be legally binding under an Australian law, legally binding under a foreign law or not legally binding;
 - (e) details of any information that the State/Territory entity requests the Minister not to include on the Public Register under paragraph 53(3)(a) of the Act and the reasons for the request;
 - (f) for each proposed subsidiary arrangement, of the proposed arrangement, that is known to the State/Territory entity at the time the notice is given to the Minister—the information in paragraphs (a) to (e) in relation to the proposed subsidiary arrangement.
- (2) For the purposes of paragraph 23(2)(f) of the Act, if the State/Territory entity has a copy of a proposed subsidiary arrangement mentioned in paragraph (1)(f) of this section, the notice must be accompanied by a copy of the proposed subsidiary arrangement.

5E Information to be included in notices to the Minister about entering core foreign arrangements and documents to accompany notices

- (1) For the purposes of paragraph 29(2)(c) of the Act, the following information is to be included in a notice given to the Minister under subsection 29(1) of the Act about an arrangement:
- (a) the title of the arrangement;
 - (b) the parties to the arrangement;
 - (c) a brief statement summarising the subject matter and effect of the arrangement;
 - (d) the day the arrangement was entered and the duration of the arrangement;
 - (e) whether the arrangement is legally binding under an Australian law, legally binding under a foreign law or not legally binding;
 - (f) details of any information that the State/Territory entity requests the Minister not to include on the Public Register under paragraph 53(3)(a) of the Act and the reasons for the request;
 - (g) for each subsidiary arrangement or proposed subsidiary arrangement, of the arrangement, that is known to the State/Territory entity at the time the notice is given to the Minister—the information in paragraphs (a) to (f) in relation to the subsidiary arrangement or proposed subsidiary arrangement.
- (2) For the purposes of paragraph 29(2)(d) of the Act, if the State/Territory entity has a copy of a subsidiary arrangement or proposed subsidiary arrangement mentioned in paragraph (1)(g) of this section, the notice must be accompanied by a copy of the subsidiary arrangement or proposed subsidiary arrangement.

Part 2B—Entering non-core foreign arrangements

5F Information to be included in notices to the Minister about proposals to enter non-core foreign arrangements and documents to accompany notices

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- (1) For the purposes of paragraph 34(2)(d) of the Act, the following information is to be included in a notice given to the Minister under subsection 34(1) of the Act about a proposal to enter an arrangement:
 - (a) the title of the proposed arrangement;
 - (b) the parties to the proposed arrangement;
 - (c) a brief statement summarising the subject matter and effect of the proposed arrangement;
 - (d) whether the proposed arrangement will be legally binding under an Australian law, legally binding under a foreign law or not legally binding;
 - (e) details of any information that the State/Territory entity requests the Minister not to include on the Public Register under paragraph 53(3)(a) of the Act and the reasons for the request;
 - (f) for each proposed subsidiary arrangement, of the proposed arrangement, that is known to the State/Territory entity at the time the notice is given to the Minister—the information in paragraphs (a) to (e) in relation to the proposed subsidiary arrangement.
 - (2) For the purposes of paragraph 34(2)(e) of the Act, if the State/Territory entity has a copy of a proposed subsidiary arrangement mentioned in paragraph (1)(f) of this section, the notice must be accompanied by a copy of the proposed subsidiary arrangement.

5G Information to be included in notices to the Minister about entering non-core foreign arrangements and documents to accompany notices

- (1) For the purposes of paragraph 38(2)(c) of the Act, the following information is to be included in a notice given to the Minister under subsection 38(1) of the Act about an arrangement:
 - (a) the title of the arrangement;
 - (b) the parties to the arrangement;
 - (c) a brief statement summarising the subject matter and effect of the arrangement;
 - (d) the day the arrangement was entered and the duration of the arrangement;
 - (e) whether the arrangement is legally binding under an Australian law, legally binding under a foreign law or not legally binding;
 - (f) details of any information that the State/Territory entity requests the Minister not to include on the Public Register under paragraph 53(3)(a) of the Act and the reasons for the request;
 - (g) for each subsidiary arrangement or proposed subsidiary arrangement, of the arrangement, that is known to the State/Territory entity at the time the notice is given to the Minister—the information in paragraphs (a) to (f) in relation to the subsidiary arrangement or proposed subsidiary arrangement.
- (2) For the purposes of paragraph 38(2)(d) of the Act, if the State/Territory entity has a copy of a subsidiary arrangement or proposed subsidiary arrangement mentioned in paragraph (1)(g) of this section, the notice must be accompanied by a copy of the subsidiary arrangement or proposed subsidiary arrangement.

Part 3—The Public Register

6 Information that must be included on the Public Register

For the purposes of paragraph 53(2)(d) of the Act, the following information is to be included on the Public Register for each foreign arrangement and subsidiary arrangement covered by subsection 53(1) of the Act:

- (a) for each decision made by the Minister in relation to the arrangement—the date of the decision;
- (b) if the arrangement has been entered—the date the arrangement was entered.

Part 4—Application, saving and transitional provisions

Division 1—Transitional requirements relating to pre-existing foreign arrangements

7 Information to be included in notice of pre-existing foreign arrangement

For the purposes of paragraphs 2(5)(c) and 3(3)(e) of Schedule 1 to the Act, the following information is to be included in a notice about a pre-existing foreign arrangement given to the Minister under subclause 2(3) or 3(2) of Schedule 1 to the Act:

- (a) the title of the arrangement;
- (b) the parties to the arrangement;
- (c) a brief statement summarising the subject matter and effect of the arrangement;
- (d) the day the arrangement was entered and the duration of the arrangement;
- (e) whether the arrangement is legally binding under an Australian law, legally binding under a foreign law or not legally binding;
- (f) details of any information that the State/Territory entity requests the Minister not to include on the Public Register under paragraph 53(3)(a) of the Act and the reasons for the request;
- (g) for each subsidiary arrangement of the arrangement—the information in paragraphs (e) and (f) in relation to the subsidiary arrangement.

8 Time for giving notices to Minister about pre-existing core foreign arrangements

For the purposes of paragraph 2(3)(d) of Schedule 1 to the Act, the period of 6 months is prescribed for a pre-existing foreign arrangement if:

- (a) a core State/Territory entity that is a school is a party to the arrangement; or
- (b) a core foreign entity that is a school located in a foreign country is a party to the arrangement.

Part 5—Repeal

9 Repeal

This instrument is repealed on 10 December 2025.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
exp = expires/expired or ceases/ceased to have effect	renum = renumbered
F = Federal Register of Legislation	rep = repealed
gaz = gazette	rs = repealed and substituted
LA = <i>Legislation Act 2003</i>	s = section(s)/subsection(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
(md) = misdescribed amendment can be given effect	Sdiv = Subdivision(s)
(md not incorp) = misdescribed amendment cannot be given effect	SLI = Select Legislative Instrument
mod = modified/modification	SR = Statutory Rules
No. = Number(s)	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Australia's Foreign Relations (State and Territory Arrangements) Rules 2020	F2020L01569	10 December 2020	
Australia's Foreign Relations (State and Territory Arrangements) Amendment (Education) Rules 2021	F2021L00212	8 March 2021	
Australia's Foreign Relations (State and Territory Arrangements) Amendment (Prospective Arrangements and Other Measures) Rules 2021	F2021L00229	11 March 2021	
Australia's Foreign Relations (State and Territory Arrangements) Amendment (Repeal) Rules 2021	F2021L01125	17 August 2021	

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
def	ad F2021L00212
s 2	rep LA s 48D
Part 2	
s 5(1)	ad F2021L00229
Pt 2A	ad F2021L00229
Pt 2B	ad F2021L00229
Part 4	
s 7	am F2021L00229
s 8	ad F2021L00212
Part 5	
s 9	ad F2021L01125
