

# EXPOSURE DRAFT



EXPOSURE DRAFT

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

---

I, Marise Payne, Minister for Foreign Affairs, make the following rules.

Dated 2020

Marise Payne [**DRAFT ONLY—NOT FOR SIGNATURE**]  
Minister for Foreign Affairs

---

EXPOSURE DRAFT



# EXPOSURE DRAFT

---

## Contents

<b>Part 1—Preliminary</b>	1
1    Name.....	1
2    Commencement .....	1
3    Authority.....	1
4    Definitions .....	1
<b>Part 2—Exempt arrangements</b>	2
5    Exempt arrangements.....	2
<b>Part 3—The Public Register</b>	3
6    Information that must be included on the Public Register .....	3
<b>Part 4—Application, saving and transitional provisions</b>	4
<b>Division 1—Transitional requirements relating to pre-existing foreign arrangements</b>	4
7    Information to be included in notice of pre-existing foreign arrangement .....	4



# EXPOSURE DRAFT

Preliminary **Part 1**

Section 1

---

## Part 1—Preliminary

### 1 Name

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

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	Immediately after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 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*.

# EXPOSURE DRAFT

## Part 2 Exempt arrangements

### Section 5

---

## 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).
- (2) For the purposes of subsection 13(4) of the Act, a variation of an arrangement is an exempt arrangement if:
- (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 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.

# EXPOSURE DRAFT

**Part 4** Application, saving and transitional provisions

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

Section 7

---

## **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 name of the arrangement;
- (b) the parties to the arrangement;
- (c) a brief statement summarising the subject matter and effect of the arrangement;
- (d) the date 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.