



# **Australia's Foreign Relations (State and Territory Arrangements) Amendment (Prospective Arrangements and Other Measures) Rules 2021**

---

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

Dated 11 March 2021

Marise Payne  
Minister for Foreign Affairs

---



---

# Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules.....	1
<b>Schedule 1—Amendments</b>		<b>2</b>
	<i>Australia’s Foreign Relations (State and Territory Arrangements) Rules 2020</i>	2



---

## 1 Name

This instrument is the *Australia's Foreign Relations (State and Territory Arrangements) Amendment (Prospective Arrangements and Other Measures) Rules 2021*.

## 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.	3.43 pm (A.C.T.) 11 March 2021

Note: This table relates only to the provisions of this instrument as originally made.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 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Amendments**

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

#### **1 At the end of subsection 5(1)**

Add:

- ; (c) foreign arrangements solely dealing with child protection.

#### **2 After Part 2**

Insert:

### **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;

- 
- (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**

- (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.

### **3 Paragraph 7(a)**

Omit “name”, substitute “title”.

### **4 Paragraph 7(d)**

Omit “date”, substitute “day”.