



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

A handwritten signature in blue ink that reads 'Marise Payne'. The signature is written in a cursive style.

Marise Payne
Minister for Foreign Affairs

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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.	

Note This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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”.