

Foreign arrangements approval and notification

Department of Health Standard

QH-IMP-487: 2024

1. Statement

This standard outlines the minimum requirements for fulfilling approval and notification obligations established under the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (Commonwealth) (the Act) and relevant Queensland Government policy.

The Department of Health (DoH) is committed to ensuring all **foreign arrangements** negotiated and entered into are consistent with Australia's foreign policy and do not adversely affect Australia's foreign relations.

2. Scope

This standard applies to all employees, contractors and consultants within the Department of Health divisions and business units involved in the **negotiation of and entry** into foreign arrangements.

3. Requirements

3.1. Integration of foreign arrangement notifications into existing processes

Relevant divisions must:

3.1.1. implement and maintain processes to ensure **compliance** with the Act and Queensland Government policy, including, but not limited to:

- Identification of foreign arrangements within scope of the Act – at the pre-negotiation stage (this may involve integration of checks and prompts into pre-existing divisional contract management and/or procurement processes)
- Assessment of identified arrangements as a **core foreign arrangement** or **non-core foreign arrangement** (this may involve legal assessment)
- Risk evaluation of identified arrangements to determine whether the arrangement is low, medium, high or very high risk to Queensland Health

*risk evaluation must be based on DoH risk matrix. See *Australia's Foreign Relations (State and Territory Arrangements) Act 2020 – Risk Analysis Guide* for further guidance.

3.1.2. Provide evidence of approval to negotiate and/or enter an arrangement prior to submission to the **Foreign Arrangements Scheme Online Notification Portal** (Portal).

Approvals protocol:

- arrangements evaluated to be of a **low** or **medium risk**, must be approved or endorsed by a divisional **executive leadership** team member as appropriate, prior to submission to the Portal
- arrangements evaluated to be of **high** or **very high risk** require ministerial approval for submission to the Portal
- submissions related to **adverse declarations** by the Minister for Foreign Affairs require ministerial approval for submission to the Portal

3.1.3. Ensure authorised notifications are submitted to the Foreign Arrangements Scheme Online Notification Portal at all required instances, according to the prescribed process

3.1.4. Identify a designated Australia's Foreign Relations Act Coordinator (AFRA Coordinator). See section 3.3.

3.1.5. Ensure relevant staff have the appropriate skills and knowledge to effectively undertake their roles and responsibilities in regard to the legislative obligations. This may involve:

- Participation in training sessions and workshops
- development of localised educational and guidance material
- appropriate communication of new processes to relevant staff
- access to divisional and departmental support

3.2. Submitting notifications to the Foreign Arrangements Scheme Online Notification Portal

3.2.1. All notifications and approvals for prospective foreign arrangements must be submitted to the Portal.

3.2.2. DoH's registered account on the Portal is administered by the Foreign Arrangements Team at the Office of Research and Innovation (ORI).

3.2.3. Divisions are responsible for:

- ensuring timely submission of notifications for approved arrangements at each stage i.e. pre-negotiation stage, pre-entry stage and post-entry stage (within 14 days of entering the arrangement), as required by the Act.
- contacting ORI at QH_foreignarrangements@health.qld.gov.au, as early as possible, to a request a notification be submitted to the Portal.

The request should include the following (as a minimum):

- evidence of approval to negotiate and/or enter the arrangement by an appropriate member of divisional executive leadership team;
 - details of the arrangement generally (proposed parties, classification of foreign entity (under the Act), dates, purpose) (for all stages)
 - copy of the arrangement (at the pre-entry stage (unsigned) and post-entry stage (signed))
 - Other information as required.
- ensuring arrangements do not proceed to the next stage without making the necessary notifications and subsequently receiving approval from the Minister for Foreign Affairs. Note: approvals can take up to 30 days to be processed.
 - communicating all approvals and/or declarations by the Minister for Foreign Affairs to relevant staff.

3.2.4. ORI, as the Master Administrator user for DoH will:

- administer DoH registration to the Portal
- submitting approved DoH notifications to the Portal (on request)

Note: DFAT requires each declared arrangement to have a **secondary contact**. This should be the Department of Premier and Cabinet (DPC).

- **Secondary contact name:** Queensland Foreign Arrangements
Secondary contact email: foreignarrangements@premiers.qld.gov.au
Secondary contact phone: 07 3003 9188
- monitor and communicate approvals and/or declarations by the Minister for Foreign Affairs to the divisions (as required)
- maintain the *Foreign arrangements reporting template* to record all foreign arrangements that have been submitted to the Portal and subsequently entered into.
- Assistance with the Portal
 - The Portal can be accessed at <https://fas.foreignarrangements.gov.au/fasportal/s/>
 - Follow DFAT's *Foreign Arrangements Scheme Online Portal User Guide for State and Territory Entities* when submitting notifications
 - For technical issues with the Portal (i.e. password, logins, portal not working) please contact DFAT Technical Support at Salesforce@dfat.gov.au.

3.3. AFRA Coordinator – role and responsibilities

3.3.1. The AFRA Coordinator is a role designated to an existing position within the division.

Responsibilities include:

- liaising with the Department of Health Foreign Arrangements Team
- responding to communications and updates from the Foreign Arrangements Team on the Act
- sharing updates with relevant staff within their organisation
- ensuring prompts and checks are integrated into organisational processes to ensure obligations are fulfilled
- maintaining educational resources and ensuring all relevant staff are aware of obligations under the Act
- requesting for arrangement notifications to be submitting to the Portal at each stage as required.

3.3.2. The AFRA Coordinator nomination must be endorsed by the Deputy Director-General of the division.

3.4. Department foreign arrangements reporting requirements

3.4.1. Requirement to seek approval from the Minister for Health, Mental Health and Ambulance Services and Minister for Women (the Minister) for arrangements evaluated to be of high or very high risk at the pre-negotiation stage.

- These arrangements must be reported to the Foreign Arrangements Team at ORI via QH_foreignarrangements@health.qld.gov.au at the earliest opportunity, after risk evaluation.
- The Foreign Arrangements Team at ORI will work with the arrangement owner to prepare a Ministerial brief for approval and progress to the Minister. The brief should include a letter to the Premier, identifying information regarding the (as a minimum):
 - Foreign arrangement generally (including proposed parties, dates and scope)
 - Significance of the agreement to Queensland (benefits and alignment with strategic priorities)
 - Risks to Queensland Health (e.g., fiscal, legal, or reputational) in the context of the Act and appropriate mitigation or negotiation strategies to respond to these (including whether further approvals such as Cabinet consideration may be appropriate).
- Such arrangements will not be submitted to the Portal until approved by the Minister to do so. After approval is granted, submissions must be made to the Portal as required by the legislation.

If the Minister believes the arrangement carries a level of risk to Queensland requiring the Premier's attention, the Premier must be notified in writing.

3.4.2. Requirement to notify the Minister of adverse declarations by the Federal Minister for Foreign Affairs and proposed action.

- Adverse declarations should be reported to QH_foreignarrangements@health.qld.gov.au as soon as practicable, including the following details (as a minimum):
 - Details of the foreign arrangement (Foreign Arrangements Scheme identification number, parties, dates, purpose and copy)
 - Consequences of, and appropriate mitigation strategies in response to the declaration
- The foreign arrangements team at ORI will work with the arrangement owner to brief the Minister and notify the Premier of the declaration.

3.4.3. Requirement to notify DPC of entering into a foreign arrangement.

- ORI will compile and submit details of all Queensland Health foreign arrangements to DPC via foreignarrangements@premiers.qld.gov.au for recording in **Queensland's Central Foreign Arrangements Registry**.
- Where the foreign arrangement is signed by the Minister, ORI will work with the arrangement owner to brief the Minister and notify the Premier as required by Queensland Government policy.

3.4.4. Usual Queensland Government processes apply to foreign arrangements

- Existing Cabinet and Cabinet Budget Review Committee processes should be followed for foreign arrangements with significant or sensitive policy issues or budgetary and fiscal measures respectively.

3.5. Compliance Management and reporting

3.5.1. Executive Director, Office of Research and Innovation (ORI), Clinical Planning and Service Strategy Division is the **Compliance Manager** for the Act, with duties administered by ORI.

3.5.2. In compliance with the Legislation Compliance Management Framework, ORI will:

- Develop and maintain a compliance plan for the Act, to be reviewed annually
- Develop and maintain documentation to embed compliance requirements into policy and/or local processes
- Undertake quarterly review of the legislation and Queensland Government policy
- Submit an annual compliance performance statement to Governance, Assurance and Information Management Branch

- Submit quarterly breach reporting to Governance, Assurance and Information Management Branch (by exception)
- 3.5.3. All DoH employees are responsible for proactively identifying and reporting actual and potential **breaches** of legislation and must ensure that they notify their manager and/or the Compliance Manager immediately upon becoming aware of an actual or potential breach.
- 3.5.4. Directors, supervisors and managers have additional responsibilities relating to the reporting and management of potential and actual legislative breaches in their area of responsibility.
- 3.5.5. All actual and potential breaches should be reported to the Compliance Manager by submitting a completed *Breach Notification Report* to QH_foreignarrangements@health.qld.gov.au.

3.6. Staff education and training

- 3.6.1. The Compliance Manager and **executive leadership** of divisions are to ensure that relevant employees have the appropriate skills and knowledge to effectively undertake their roles and responsibilities. This includes ensuring relevant employees are aware of their legislative responsibilities, current legislative compliance activities and key documents for compliance with the Act.
- 3.6.2. Educational and support materials will be disseminated, from time to time, to AFRA Coordinators for further distribution.

3.7. Resources and materials

- 3.7.1. The Compliance Manager is responsible for maintaining currency of policies, standards, guidelines, factsheets, and forms.

3.8. Roles and responsibilities

Position	Responsibilities
Minister for Health, Mental Health and Ambulance Services and Minister for Women	<ul style="list-style-type: none"> • Responsible for ensuring Health Portfolio compliance with the Act • Notify the Premier, in writing, where required by the Queensland Government policy
Divisional executive leadership	<ul style="list-style-type: none"> • Ensure adherence to the foreign arrangements policy and standard to facilitate compliance with the Act • Endorse an AFRA Coordinator • Facilitate appropriate training and ensure relevant employees within the division are aware of obligations under the Act • Approval to negotiate and/or enter arrangements • Ensure compliance with reporting requirements
AFRA Coordinator	<ul style="list-style-type: none"> • Liaise with the foreign arrangements team at ORI • Respond to communications on the Act

	<ul style="list-style-type: none"> • Share updates with relevant divisional staff • Maintain localised educational resources where required • Ensure all relevant staff are aware of obligations under the Act • Request for notifications to be submitted to the Portal as required • Undertake compliance reporting, including breach reporting and contributing to annual statements where required.
Compliance Manager	<ul style="list-style-type: none"> • Ensure obligations are identified, documented and risk assessed • Ensure relevant employees are aware of obligations under the Act • Develop and maintain relevant policies, standards, guidelines and other resources to support compliance with the legislation • Monitor compliance and implement relevant measures to facilitate compliance • Manage legislative risks and (actual or potential) legislative breaches in a timely and appropriate manner • Undertake reporting in accordance with <i>Managing general legislation compliance – Department of Health Standard</i>
Directors, supervisors and managers	<ul style="list-style-type: none"> • Responsibilities relating to the reporting and management of potential and actual legislative breaches
Relevant employees, contractors and consultants	<ul style="list-style-type: none"> • Comply with legislation • Report all actual or potential breaches of legislation to their manager, director and/or compliance manager promptly

4. Aboriginal and Torres Strait Islander considerations

There are no specific implications for Aboriginal and Torres Strait Islander Queenslanders.

5. Human rights

Human rights are not engaged by this standard.

6. Legislation

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

7. Supporting documents

- QH-POL-487: 2024 Foreign arrangements approval and notification policy
- Queensland Government process for foreign arrangements under *Australia's Foreign Relations Act (State and Territory Arrangements) Act 2020* (Cth)
- *Australia's Foreign Relations (State and Territory Arrangements) Act* – Factsheet (2021)
- *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* – Risk Analysis Guide
- Foreign arrangements reporting template
- AFRA obligations and breach reporting template
- Compliance Management Plan – AFRA
- AFRA decision tree – flowchart (toolkit)
- AFRA legal evaluation checklist (toolkit)
- DFAT Online Notification Portal User Guide
- Master List – DOH AFRA Coordinators and Portal user account holders

8. Definitions

Term	Definition
Adverse declaration	A declaration by the Minister for Foreign Affairs other than an approval. This could include a requirement to make a variation to the arrangement, a rejection or declaration that the arrangement cannot be entered into.
Breach	A breach can occur as a result of an act or failing to do an act, and includes a failure to comply with a legislative or other requirement, under this policy. Actual breach: evidence suggests a breach has occurred. Potential breach: evidence suggests a breach is likely to occur without intervention.
Compliance	Awareness of and upholding of relevant laws and regulation
Compliance Manager	Nominated senior officer responsible for monitoring and reporting compliance for a particular Act or part of an Act of general legislation
Core foreign arrangement	An arrangement between a core State/Territory entity and a core foreign entity (see subsection 10(2) of the Act)
Executive leadership	Is the most senior leader/s of each division and can include persons reporting to that position

Term	Definition
Foreign arrangements	Written arrangements, agreements, contracts, understandings or undertakings between State and Territory entities and foreign entities
Foreign Arrangements Scheme	The Scheme creates an obligation for states and territories and their entities to notify or seek approval from the Minister for Foreign Affairs if they propose to negotiate, or enter, or have entered a foreign arrangement
Foreign Arrangements Scheme Online Notification Portal	An online tool for submitting notifications to the Minister of Foreign Affairs under the Foreign Arrangements Scheme
High or very high level of risk	Evaluation to be based on Department of Health risk matrix. See <i>Foreign Arrangements Risk Analysis Guide</i> for further guidance.
Low or medium level of risk	Evaluation to be based on Department of Health risk matrix. See <i>Foreign Arrangements Risk Analysis Guide</i> for further guidance.
Negotiation	Discussions or dealings between the proposed parties that are directed towards the making of the arrangement
Non-core foreign arrangement	A foreign arrangement that is not a core foreign arrangement
Master Administrator	A Foreign Arrangements Scheme Online Notification Portal user able to create Administrator and Standard User accounts for their organisation without having to contact the Foreign Arrangements Taskforce. Master Administrators will have visibility (view and edit rights) of all arrangements/notifications of their organisation. They will also be able to manage (and suspend) administrators and users.
Queensland's Central Foreign Arrangements Registry	A registry of all foreign arrangements entered by the Queensland Government maintained by the Department of Premier and Cabinet.

9. Approval and implementation

Policy Custodian	Policy Contact Details	Approval Date	Approver
Executive Director	Julie.white2@health.qld.gov.au 0499 975 241	22 July 2024	Deputy Director-General, Clinical Planning and Service Strategy

Version control

Version	Approval Date	Comments
1	2 July 2021	Version 1
2.0	22 July 2024	Version 2 – Updates made to Minister’s title, and Division and Branch names. Updates also made due to new template with new sections on Aboriginal and Torres Strait Islander considerations and Human rights.