

Foreign arrangements approval and notification

1. Purpose

This guideline provides recommendations regarding best practice to support compliance with approval and notification obligations established under the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (the Act) and relevant Queensland Government policy.

Queensland Health 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 guideline applies to all employees, contractors and consultants within Hospital and Health Services (HHSs) and independent statutory health agencies involved in the **negotiation** and entry into foreign arrangements.

Compliance with this guideline is not mandatory, but sound reasoning must exist for departing from the recommended principles within a guideline.

Note: This guideline defines minimum requirements based on statutory and Queensland Government obligations.

3. Related documents

Standards, procedures and guidelines

- QH-POL-487:2021 Foreign arrangements approval and notification policy
- QH-IMP-487:2021 Foreign arrangements approval and notification standard
- Queensland Government process for foreign arrangements under *Australia's Foreign Relations Act (State and Territory Arrangements) Act 2020* (Cth)

Forms, templates

- *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*
- Australia's Foreign Relations (State and Territory Arrangements) Act Factsheet
- Australia's Foreign Relations (State and Territory Arrangements) Act 2020 – Risk Analysis Guide
- Foreign arrangements reporting template
- Master List of AFRA Coordinators & Master Administrators

4. Requirements

4.1. Overarching localised processes for compliance

HHSs and independent statutory agencies should:

- 4.1.1. Develop, implement and maintain localised processes to ensure compliance with the Act and relevant 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 contract management and/or procurement processes)
 - Assessment of identified arrangements as core or non-core foreign arrangements (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 should be based on local risk matrices. See Australia's Foreign Relations (State and Territory Arrangements) Act 2020 – Risk Analysis Guide for further guidance.*

- 4.1.2. Develop an approvals protocol for authorising submissions to the Foreign Arrangements Scheme Online Notification Portal (Portal).

Approvals guide:

- where the arrangement is evaluated to be of a **low or medium** risk, approval to submit to the Portal is to be managed internally at the appropriate leadership level
 - arrangements evaluated to be of **high or very high** risk require the Minister for Health and Ambulance Services' (the Minister) approval for submission to the Portal
 - notifications related to **adverse declarations** by the Minister for Foreign Affairs require ministerial approval prior to submission to the Portal
- 4.1.3. Register and management of Foreign Arrangements Scheme Online Notification Portal account
- 4.1.4. Identify a designated Australia's Foreign Relations Act Coordinator (AFRA Coordinator). See section 4.3.
- 4.1.5. 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:
- tailored education and training sessions
 - development of localised educational and guidance material
 - appropriate communication of new processes to relevant staff

- access to support
- 4.1.6. Develop localised compliance management procedures for the general legislation, including to identify and manage changes to the legislation as well as risks of non-compliance and/or an adverse declaration by the Minister for Foreign Affairs.

4.2. Using the Foreign Arrangements Scheme Online Notification Portal

Notifications and approvals for prospective foreign arrangements must be submitted to the Portal.

Access to the Portal should be managed by the HHS or independent statutory health agency including:

4.2.1. Creating an account on the Portal.

- Each organisation (based on ABN) should have a single **Master Administrator** account registered on the Portal.
- A Master Administrator requires one primary contact person to be nominated. The primary contact should:
 - Be authorised by an appropriate member of the executive leadership team;
 - be sufficiently senior to liaise with the Department of Foreign Affairs and Trade (DFAT) on declared statements (e.g. if DFAT requires additional information).
- **Administrator** and **Standard User** accounts can then be created by the Master Administrator as required.
- To create a Master Administrator account contact the DFAT Foreign Arrangements Taskforce at foreignarrangements@dfat.gov.au with the request.

Please ensure your organisation (based on ABN) does not already have an account registered prior to contacting DFAT).

- Inform the foreign arrangements team at QH_foreignarrangements@health.qld.gov.au once a new Master Administrator account has been created.

4.2.2. Submitting notifications

- Each HHs and independent statutory agency must:
 - ensure timely and authorised submission of each notification as required
 - monitor and communicate all approvals and/or declarations by the Minister for Foreign Affairs to relevant staff

- maintain a record of all foreign arrangements that have been submitted to the Portal and subsequently entered into, in the *Foreign arrangements reporting template*.
- DFAT requires each declared arrangement to have a **secondary contact**. This should be the Department of Premier and Cabinet (DPC).

Please include the following information for **all** arrangements when a secondary contact is requested in the uploading process:

- **Secondary contact name:** Queensland Foreign Arrangements
Secondary contact email:
foreignarrangements@premiers.qld.gov.au
Secondary contact phone: 07 3003 9188
- Assistance with the Portal
 - The Portal can be accessed at
<https://fas.foreignarrangements.gov.au/fasportal/s/>
 - Please refer to DFAT's *Foreign Arrangements Scheme Online Portal User Guide for State and Territory Entities* when submitting notifications
 - For further assistance with account registration and submission of arrangements, please contact
QH_foreignarrangements@health.qld.gov.au
 - For technical issues with the Portal (i.e. password, logins, portal not working) please contact DFAT Technical Support at
salesforce@dfat.gov.au

4.3. AFRA Coordinator – role and responsibilities

4.3.1. The AFRA Coordinator is a new role to be designated to an existing position as required by local context.

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 and guidance materials and ensuring all relevant staff are aware of obligations under the Act
- reporting on foreign arrangements that have been submitted to the Portal and subsequently entered into.

4.3.2. The AFRA Coordinator nomination must be endorsed by the HHS or independent statutory health agency's executive leadership.

4.4. Queensland Health reporting requirements

4.4.1. Requirement to seek approval from the Minister for arrangements evaluated to be of *high or very high* risk at the pre-negotiation stage.

- These arrangements should be reported to QH_foreignarrangements@health.qld.gov.au as soon as practicable after risk evaluation.
- The foreign arrangements team at HIRO 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 Health (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 must 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 will be notified in writing.

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

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

4.4.3. Requirement to notify the foreign arrangements team at HIRO within 14 days of entering into a foreign arrangement.

- Within 14 days of entering a foreign arrangement and notifying the Minister of Foreign Affairs, AFRA Coordinators must send a copy of the arrangement and the completed *foreign arrangements reporting template* to QH_foreignarrangements@health.qld.gov.au, confirming all legislative obligations have been fulfilled with regard to the arrangement.
- DoH will compile and submit details of all Queensland Health foreign arrangements to DPC for recording in ***Queensland's Central Foreign Arrangements Registry***.
- Where the foreign arrangement is signed by the Minister, the foreign arrangements team at HIIRO will work with the arrangement owner to brief the Minister and notify the Premier of entry into the arrangement, as required by the Queensland Government policy (additional details may be required).

4.4.4. 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.

5. Definitions

Term	Definition / Explanation / Details	Source
Administrator	A Foreign Arrangements Scheme Online Notification Portal user account able to create Standard User accounts for their entity. Administrators will only have visibility (view and edit rights) of arrangements/notifications they have created, or the users they've created.	Foreign Arrangements Scheme – Portal User Accounts (Department of Foreign Affairs and Trade)
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.	<i>Queensland Government process for foreign arrangements under Australia's Foreign Relations Act (State and Territory Arrangements) Act 2020 (Cth)</i>
Foreign arrangements	Written arrangements, agreements, contracts, understandings or undertakings between State and Territory entities and foreign entities	<i>Australia's Foreign Relations (State and Territory Arrangements) Act 2020, s6.</i>
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	<i>Queensland Government process for foreign arrangements under Australia's Foreign Relations Act (State and Territory Arrangements) Act 2020 (Cth)</i>

Term	Definition / Explanation / Details	Source
Foreign Arrangements Scheme Online Notification Portal	An online tool for submitting notifications to the Minister for Foreign Affairs under the Foreign Arrangements Scheme	<i>Foreign Arrangements Scheme Online Portal User Guide for State and Territory Entities</i>
High or very high level of risk	Evaluation to be based on local risk matrices	See <i>Foreign Arrangements Risk Analysis Guide</i> for further guidance
Hospital and Health Service (HHS)	Hospital and Health Service established under the <i>Hospital and Health Boards Act 2011</i>	<i>Hospital and Health Boards Act 2011</i>
Low or medium level of risk	Evaluation to be based on local risk matrices.	See <i>Foreign Arrangements Risk Analysis Guide</i> for further guidance
Independent statutory health agency	A separate legal entity created under enabling legislation to provide flexibility and independence	
Negotiation	Discussions or dealings between the proposed parties that are directed towards the making of the arrangement	<i>Australia's Foreign Relations (State and Territory Arrangements) Act 2020</i>
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.	Foreign Arrangements Scheme – Portal User Accounts (Department of Foreign Affairs and Trade)
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.	<i>Queensland Government process for foreign arrangements under Australia's Foreign Relations Act (State and Territory Arrangements) Act 2020 (Cth)</i>
Standard User	A Foreign Arrangements Scheme Online Notification Portal user account able to create, view and edit notifications made by them	Foreign Arrangements Scheme – Portal User Accounts (Department of Foreign Affairs and Trade)

5. Document approval details

Document custodian

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Version Control

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