

Foreign arrangements approval and notification

Department of Health Policy

QH-POL-487:2021

1. Statement

The Department of Health is committed to ensuring all **foreign arrangements** entered into are consistent with Australia's foreign policy and do not adversely affect Australia's foreign relations as per obligations under the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (Commonwealth) (the Act).

This is to be accomplished in accordance with Queensland Government policy, including:

- a direction by the Premier that the Minister for Health and Ambulance Services (Minister) is ultimately responsible for ensuring Queensland Health portfolio entities comply with the Act and;
- requirement to notify the Premier in certain circumstances as outlined in the Queensland Government policy.

To achieve this the Department will:

- Take action to comply with legal obligations to ensure relevant foreign arrangements are approved and notified to the Minister for Foreign Affairs.
- Incorporate relevant approval and notification processes into organisational and operational structures.
- Apply a risk-based and proportionate approach to efficiently and effectively achieve **compliance**.
- Empower staff with the necessary knowledge, skills and abilities to fulfil responsibilities.
- Ensure relevant information, support and feedback mechanisms are readily available and governance mechanisms are in place.
- Embed processes to ensure proactive identification of relevant foreign arrangements and management of risks through ongoing monitoring and mitigation strategies.
- Continually improve the management of foreign arrangement approval and notification processes through consultation, monitoring and review.
- Encourage streamlining of compliance processes and identify opportunities to reduce unnecessary regulatory burden and to not impose unnecessary restraints on entering foreign arrangements.

2. Purpose

To ensure obligations under the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* and the relevant Queensland Government process are followed when negotiating and entering foreign arrangements across the Department.

Specifically, the purpose of this policy (and associated documents) is to establish consistent processes to ensure:

- responsibilities and expectations regarding negotiating and entering foreign arrangements are clear to all relevant employees, contractors and consultants across the Department.
- systems and processes are designed and implemented to ensure compliance with the legislation is monitored, recorded, reported and where relevant, enforced, in a fair, consistent and timely manner
- a practical and coordinated response to the Act

3. Scope

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

4. Requirements

Mandatory requirements for the implementation and maintenance of approval and reporting processes for foreign arrangements are outlined in the supporting *Foreign arrangements approvals and notification standard*.

4.1. Overview of roles and responsibilities

4.1.1. Employees, contractors and consultants

All employees, contractors and consultants engaged by the Department of Health, who are involved in the administration of foreign arrangements must perform their related responsibilities in accordance with legislative obligations, the Queensland Government process and all relevant policy and regulatory documents. This includes the timely reporting of any actual or potential legislative **breaches**.

4.1.2. Directors, supervisors and managers

Directors, supervisors and managers have additional responsibilities relating to reporting and managing potential and actual legislative breaches in their area of responsibility.

4.1.3. Executive Leadership

Executive leaders of each division are required to ensure compliance with the legislation and relevant policy documents by:

- ensuring implementation in a manner appropriate to the purpose, size and context of the division and to address the specific nature of the foreign arrangements associated with the business area
- utilising local processes and other documentation specific to the business area where appropriate
- ensuring compliance reporting requirements are met.

4.1.4. Compliance Manager

The Compliance Manager is responsible for setting, maintaining and communicating an overarching framework for the management of entering foreign arrangements.

This includes identifying and documenting legislative obligations, overseeing the management of risks, ensuring staff are aware of legislative obligations and development and maintenance of key documents to support legislative compliance, monitoring, review, enforcement and reporting.

Key documents include:

- compliance plan
- regulatory standards, guidelines and resources
- annual compliance statement

5. Legislation

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

6. Supporting documents

- QH-IMP-487:2021 Foreign arrangements approvals and notifications standard
- 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
- Australia's Foreign Relations (State and Territory Arrangements) Act 2020 obligations and breach reporting guide
- Compliance Manager procedure – AFRA
- AFRA decision tree – flowchart (toolkit)
- AFRA legal evaluation checklist (toolkit)
- Master List of AFRA Coordinators & Portal user accounts

7. Definitions

Term	Definition
Breach	<p>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.</p> <p>Actual breach: evidence suggests a breach has occurred</p> <p>Potential breach: evidence suggests a breach is likely to occur without intervention</p>
Compliance	Awareness of and upholding of relevant laws and regulations
Compliance Manager	Nominated senior officer responsible for monitoring and reporting compliance for a particular Act or part of an Act of general legislation
Executive leader	Is the most senior leader of each division and can include persons reporting to that position
Foreign arrangements	Written arrangements, agreements, contracts, understandings or undertakings between State and Territory entities and foreign entities
Negotiation	Discussions or dealings between the proposed parties that are directed towards the making of the arrangement

Version Control

Version	Date	Comments
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