

## Overview of the Foreign Arrangements Scheme and how it applies to University made

**What is the Foreign Arrangements Scheme (FAS)?** The [Foreign Arrangements Scheme](#) establishes a formal notification process that applies to all Australian public universities. The Scheme is established by the [Australia's Foreign Relations \(State and Territory Arrangements\) Act 2020](#) (Cth) (the Act). Public universities are included in the definition of "State/Territory entities" along with all Australian State, Territory and local governments.

**What is the purpose of FAS?** The purpose of the Act is to protect and manage Australia's foreign relations. The FAS is the statutory notification and assessment process managed by the Department of Foreign Affairs and Trade (DFAT) to support compliance with the Act.

**What is a foreign arrangement?** A foreign arrangement is a written agreement, contract, understanding or undertaking between an Australian State/Territory entity and a **foreign entity**, whether or not there are any other parties to the arrangement or whether it is legally binding or not.

**If any of the following entities are involved, your arrangement is with a Foreign Entity and must be notified:**

Section ref:	A foreign entity can be:	Consider whether these characteristics apply to the entity:	Some qualifying features to note:
<b>s8(1)</b>			
a.	A foreign country	Any type of jurisdiction that is outside of Australia (and its Territories).	FAS does not apply to Australian subsidiaries of foreign entities.
b.	A National government	This is the governing entity of a foreign country regardless of how the political system is structured.	A foreign entity can be located in a foreign country or be a part of another (parent) foreign entity located in another country.
c.	A Department or agency of a. or b.	These may be described in terms such as offices, bureaus, commissions, or the executive of a national government – their purpose is to determine and deliver government functions and/or services.	A corporation owned by a foreign government is not a foreign entity if it operates on a commercial basis, but it will be if it is established for public purposes.
d.	A State / Territory / Provincial government	These are 2 <sup>nd</sup> tier governments within a foreign country and may vary according to political system.	
e.	A Local government / Municipality / District or City Council / Counties / Districts	These are 3 <sup>rd</sup> tier governments within a foreign country.	
f.	A Government subdivision set out in d. and e.	These may include executive councils or other bodies that oversee state or local government activities.	
g.	A Department or agency of d. e. or f.	These will include departments established by state or local governments to deliver government functions or services – they may be described in terms such as public authorities, statutory authorities, bureaus, ministries, or commissions. These are other types of entities that can be established to carry	
h.	Established by a foreign country for a public purpose <u>NB - other than a university</u>		

