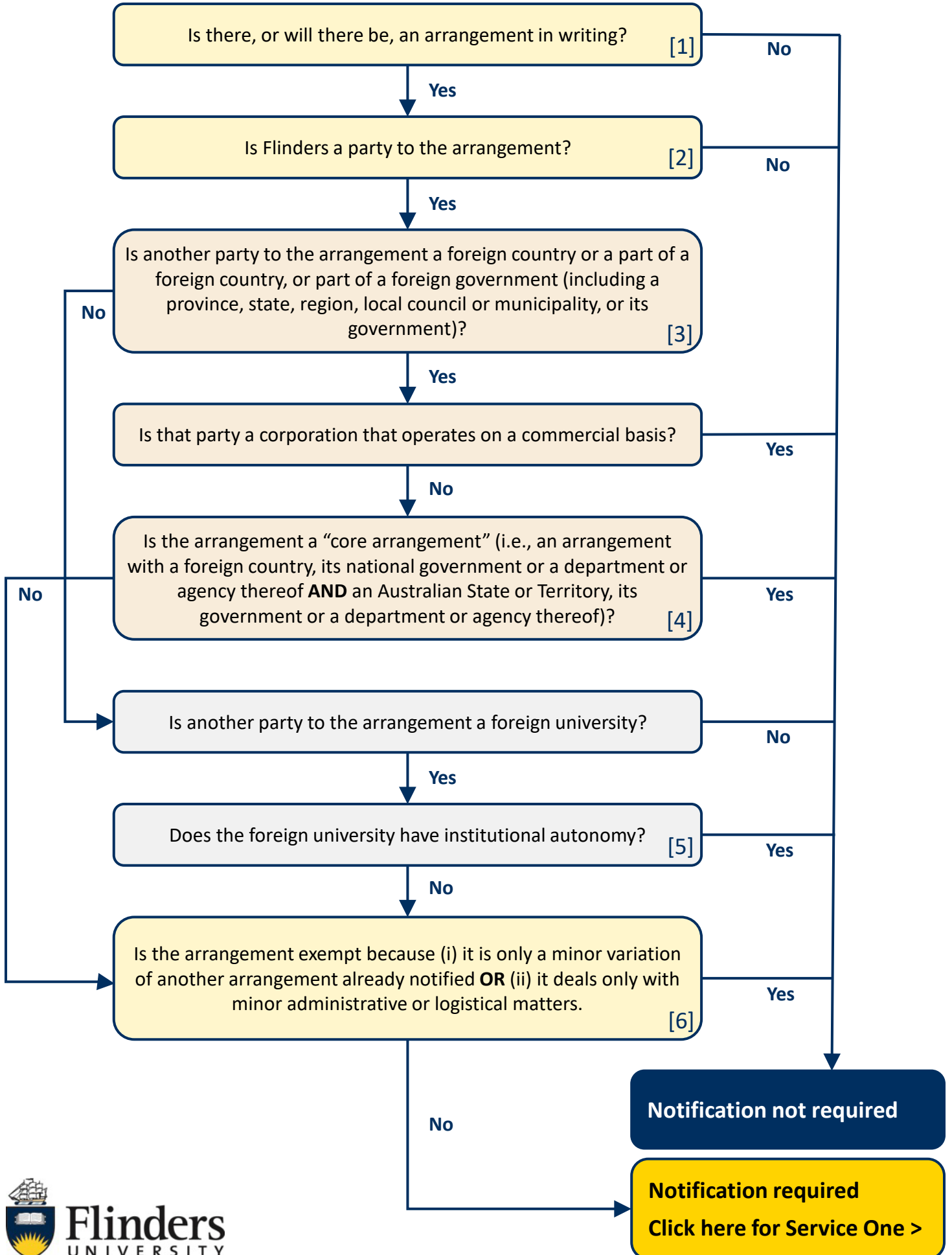


Foreign Arrangements Scheme

Further explanation is provided on following pages for sections with numbers in square brackets



Explanation of terms used in Foreign Arrangement Scheme flowchart

This document offers guidance when assessing whether a proposed arrangement must be notified by Flinders under the Australian Government's [Foreign Arrangements Scheme](#) (FAS or the Scheme). Arrangements need to be assessed for notification even if an earlier related arrangement has already been notified.

If you have any questions about whether notification is required, please contact the appropriate team. They might seek additional advice on your behalf as appropriate.

- For research-related matters, contact your College's Senior Research Support Officer.
- For non-research-related matters, contact your College's Non-Research Contract Officer.

[1] **"Arrangement"** is defined very broadly and includes anything in writing that is an arrangement, agreement, contract, understanding or undertaking, whether or not it is legally binding, and whether or not it is made in Australia. For example, a non-binding memorandum of understanding is an arrangement.

"Writing" is not restricted for formal documentation; it also includes an exchange of emails.

[2] The Scheme applies only to Australian public universities when they enter arrangements with, broadly speaking, foreign countries or governments or certain foreign universities, not individuals acting in their own right.

Flinders University has developed a test setting out three indicators of an arrangement to determine whether Flinders is a party to the arrangement. If any of these indicators are present, Flinders is considered a party to the arrangement. The three questions are:

1. Does Flinders have control about the **topic of the collaboration**, which is the subject of the proposed arrangement?
2. If the academic does not proceed with the proposed arrangement, would Flinders have power or would Flinders be obliged to **substitute the academic**?
3. Is it contemplated that there will be a formal agreement, MoU or other **formal documentation** setting out the terms of the proposed arrangement, **to which Flinders will be a signatory**?

[3] **"Part of a foreign government"** means a department or agency, or an authority established for a public purpose (other than a university), of a foreign country or sub-national political subdivision, or its government.

"Sub-national political subdivision" means a province, state, self-governing territory, region, local council, municipality or other political subdivision (by whatever name known) of a foreign country.

Explanation of terms used in Foreign Arrangement Scheme flowchart continued

[4] Ministerial approval would need to be obtained by the “core” Australian State or Territory entity before negotiating or entering into the arrangement, but Flinders would not be obliged to notify the arrangement.

[5] A foreign university lacks institutional autonomy if a foreign government is in a position to exercise substantial control over the university.

This is determined by reference to specific indicators under the Scheme. According to the Department of Foreign Affairs and Trade, the vast majority of foreign universities will not meet any of these indicators and universities with similar levels of institutional autonomy to Australian universities do not meet these indicators, and so will be outside the scope of FAS.

If in any doubt, please err on the side of caution and seek advice by submitting your arrangement through ServiceOne.

[6] (i) A variation is minor where it does not alter the substance of the arrangement. This includes, for example, a variation that alters the number of students involved in a student exchange under an arrangement from 6 to 5.

(ii) The Scheme exempts foreign arrangements solely for dealing with minor administrative or logistical matters. This captures, for example, arrangements for dealing with flights, accommodation, submitting paperwork or visa applications, or the timing of conferences. This recognises that such arrangements are less likely to pose a risk from a foreign policy or foreign relations perspective. The exemption will not cover foreign arrangements which are substantive, and do not solely deal with minor administrative matters.

If notification is required, check “yes” on the relevant question in the ServiceOne Request for review of your documentation. If you are unsure, please check “I don’t know”.

- If this arrangement is related to research, please complete the **Research Contract** form in [ServiceOne](#).
- If this arrangement is unrelated to research, please complete the **Non-Research Contract** form in [ServiceOne](#).