



Chief Minister

Treasurer

Minister for Social Inclusion and Equality

Minister for Tourism and Special Events

Minister for Trade, Industry and Investment

Member for Kurrajong

CMTEDD2020/4149

Senator the Hon Eric Abetz
Chair
Senate Foreign Affairs, Defence and Trade Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Senator ~~Eric~~ *Eric*

Thank you for your letter of 7 September advising me that the provisions of the *Australia's Foreign Relations (State and Territory Arrangements) Bill 2020* and *Australia's Foreign Relations (State and Territory Arrangements) (Consequential Amendments) Bill 2020* have been referred to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry, and inviting me to make a submission to the Committee.

The ACT Government has a range of agreements and arrangements with foreign governmental entities including Memoranda of Understanding on economic cooperation and to support educational outcomes, Sister City and sister school agreements, friendship agreements, declarations, covenants and alliances, 'twinned' partnerships, and agreements to support the National Multicultural Festival held annually in Canberra. These relationships help to build practical and meaningful links between Canberra and priority international markets and cities. They also support Canberra's ambition to be a globally recognised, international city which fosters innovation, creativity and the arts and is welcoming to all.

The ACT Government supports the Commonwealth Government's objective of ensuring that arrangements with foreign governmental entities serve Australia's national interest. In developing international arrangements, the ACT consults with the Commonwealth Department of Foreign Affairs and Trade to ensure our international arrangements align with Australia's foreign policy objectives.

However, the proposed role of the executive arm of the government in determining which arrangements between state and territory governments and foreign governmental entities adversely affect, or are inconsistent with, Australia's foreign policy, set out in the *Australia's Foreign Relations (State and Territory Arrangements) Bill 2020*, goes against key features of the treaty and the international agreement making process in Australia.

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Parliamentary scrutiny over treaty-making in Australia; analysis of the impact of treaties and the use of the external affairs power on the federation; and the provision of information to the public to assess the merits of treaties have been features of Australia's treaty and international agreement-making processes since the mid-1990s.

The Australian Parliament Joint Standing Committee on Treaties should be asked to review and report on the Commonwealth Government's proposed approach to state and territory international arrangements, as they arise, in the same way it does with proposed treaties and other international agreements. This will help ensure there is a consistent and transparent approach to international agreement making in Australia.

The ACT will enter Caretaker period on 11 September 2020 ahead of a general election in the ACT which will be held on 17 October 2020. The ACT Government will not be able to give evidence at a public hearing of the Committee should we be invited during this time, until the election of the ACT Chief Minister following that election.

Thank you for the opportunity to make a submission to the Committee.

Yours sincerely

Andrew Barr MLA
Chief Minister
10 September 2020