



Foreign Influence Transparency Scheme

Factsheet 1

December 2018

What is the Foreign Influence Transparency Scheme?

The *Foreign Influence Transparency Scheme Act 2018* (the Act) establishes the Foreign Influence Transparency Scheme (the scheme) to provide the public and government decision-makers with visibility of the nature, level and extent of foreign influence on Australia's government and political processes.

The scheme establishes registration obligations for individuals and entities that undertake certain activities on behalf of foreign principals. Whether or not a person is required to register under the scheme depends on who the foreign principal is, the nature of the activities undertaken, the purpose for which the activities are undertaken and, in some cases, whether the person has held a senior public position in Australia.

In order to register, individuals and entities must provide information about the nature of their relationship with the foreign principal and the activities being undertaken on their behalf. **Factsheets 3, 4 and 5** provide more information on these concepts.

Some of the information provided by registrants will be made available on a public register so that government decision-makers and members of the public can access information about the nature and extent of foreign influence in Australia.

The rationale for the scheme

Australia is a robust democracy that benefits from diverse opinions and voices from all sectors of society. All governments, including the Australian Government, make efforts to influence important issues and policies around the world. These activities, when conducted in an open and transparent manner, are positive and welcomed in Australia.

Foreign influence activities that are hidden or not transparent can have serious implications for Australia, for national policy and for democratic processes. If foreign actors wish to have a voice, then they should do so openly and transparently.

The Foreign Influence Transparency Scheme will provide visibility of the forms and sources of foreign influence in Australia's federal government and political processes. During elections and referenda, foreign influence might impact on people's voting choices, undermine the legitimacy of the process, contribute to a perception of corruption or obscure relevant information. For this reason, there are more stringent requirements around elections and referenda.

Registering under the scheme

When a person registers under the scheme, they are demonstrating their respect for Australia's democratic processes. Registrants are being open and transparent about the activities they are undertaking in Australia on behalf of a foreign principal.

The scheme commenced on 10 December 2018. From this date, potential registrants will need to complete a registration form on the scheme's website and supply certain information and documents.

Who needs to register?

Any person who undertakes registrable activities on behalf of a foreign principal in Australia is required to register under the scheme, unless they are exempt.

Registrable activities include parliamentary lobbying, general political lobbying, communications activity or disbursement activity. **Factsheet 3** provides more details about registrable activities.

Former Cabinet ministers and recent senior Commonwealth public officials have additional registration obligations because of the special nature of the positions they have held. Former Cabinet ministers and recent senior Commonwealth public office holders should refer to **Factsheet 7** for more information.

There are a number of exemptions to registering under the scheme. **Factsheet 8** provides more information on exemptions.

It is the responsibility of the person undertaking the activities to determine whether they are required to register. It is an offence not to register if you are required to do so, and penalties apply. **Factsheet 13** provides information on penalties for non-compliance.

Information required to register

Registrants need to provide a range of information to support their registration. Some of this information will be made public via the scheme's website (see below). It is an offence to provide false or misleading information.

The information required for registration includes:

- the registrant's:
 - name
 - contact details
 - occupation
- details about the foreign principal and the relationship between the registrant and the foreign principal, and
- details about the registrable activity.

Factsheet 17 provides more details about the information and documentation required to register.

Registrants must keep their registration information up to date. Changes to personal details, details associated with the activities being undertaken and details of the foreign principal listed in the registration must be updated within 14 days of any material change. You can make these changes by logging into your user account that was created upon registration. Failure to keep your registration up to date is an offence, and penalties apply.

When to register

Obligations to register will come into effect from the scheme's commencement date of 10 December 2018. From this date, you must register within 14 days of either entering into a relationship with a foreign principal or undertaking a registrable activity on behalf of a foreign principal. Failure to register when you are required to do so is an offence.

Registrations need to be renewed every 12 months if the registrant continues to undertake registrable activities for a foreign principal. If a registration is not renewed after 12 months, it will automatically expire. Registrants may also end their registration earlier by notifying the Attorney-General's Department of the date the registrable activity or the registrable arrangement with a foreign principal ceased.

The public register

The public register will show information about the activities of registrants and the foreign interests they represent, providing the Australian Government and the Australian community with an accurate picture of foreign influence in Australia. The public register will be accessible from the scheme's website.

The following information will be published on the public register, via the scheme's website:

- the registrant's full name, and other names they are known by
- the date that the registrant entered into the relationship with the foreign principal or began undertaking each registrable activity
- a description of the registrant's relationship with the foreign principal.
- the full name of the foreign principal
- the foreign principal's country of origin or association
- (where relevant) the date registration ended or the date registration expired.

Information that is commercially sensitive, relates to national security or is not true will not be published.

Factsheet 12 provides more information about commercial sensitivity.

Transparency notices

The Secretary of the Attorney-General's Department may issue a transparency notice confirming that a person is a foreign government-related entity or foreign government-related individual. If a transparency notice is issued, the person or entity named is considered to be a foreign principal under the scheme and persons undertaking registrable activities on their behalf must register. **Factsheet 6** provides more information about transparency notices.

More information

Information about the operation of the scheme is available at <https://www.ag.gov.au/transparency>.

Specific questions can be sent via the **Enquiry form** on the website.