



Foreign Influence Transparency Scheme Amendment Act 2019

No. 32, 2019

**An Act to amend the *Foreign Influence
Transparency Scheme Act 2018*, and for related
purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Foreign Influence Transparency Scheme Amendment Act 2019

No. 32, 2019

An Act to amend the *Foreign Influence Transparency Scheme Act 2018*, and for related purposes

[Assented to 5 April 2019]

The Parliament of Australia enacts:

1 Short title

This Act is the *Foreign Influence Transparency Scheme
Amendment Act 2019*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	6 April 2019

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Foreign Influence Transparency Scheme Act 2018

1 Section 4

Omit:

A registrant has various responsibilities under the scheme. In general terms, these responsibilities are aimed at ensuring that:

- (a) the Secretary has up to date information about the activities of registrants, especially during voting periods for federal elections; and
- (b) if a registrant makes disbursements or communications on behalf of the foreign principal, appropriate disclosures are made.

Penalties apply for persons who are liable to register under the scheme and do not register, and for registrants who fail to fulfil their responsibilities under the scheme.

substitute:

A registrant has various responsibilities under the scheme. In general terms, these responsibilities are aimed at ensuring that the Secretary has up to date information about the activities of registrants, especially during voting periods for federal elections.

In addition, any person who undertakes communications activity that is registrable in relation to a foreign principal must make a disclosure about the foreign principal. This applies whether or not the person is a registrant.

Penalties apply for persons who are liable to register under the scheme and do not register, and for those who fail to fulfil responsibilities under the scheme.

2 Subsection 13(1)

Repeal the subsection, substitute:

- (1) A person undertakes *communications activity* if:
- (a) the person communicates or distributes information or material to the public or a section of the public; or
 - (b) the person produces information or material for the purpose of the information or material being communicated or distributed to the public or a section of the public.

3 Paragraph 14(a)

Omit “or belief”.

4 Paragraph 14(a)

After “activity”, insert “or that person’s belief (if any) about the intention of any foreign principal on whose behalf the activity is undertaken”.

5 Part 3 (heading)

Omit “of registrants”.

6 Section 33

Omit:

- | |
|--|
| <p>(c) make disclosures when undertaking communications activity on behalf of the foreign principal; and</p> |
|--|

7 At the end of section 33

Add:

<p>In addition, any person who undertakes communications activity that is registrable in relation to a foreign principal must make a disclosure about the foreign principal. This applies whether or not the person is a registrant.</p>
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8 Section 35 (heading)

Omit “(other than in voting period)”.

9 Paragraph 35(1)(a)

Repeal the paragraph.

10 Paragraph 35(1)(b)

Omit “the person undertakes disbursement activity on behalf of the”, substitute “a person undertakes disbursement activity on behalf of a”.

11 Paragraph 35(1)(d)

Omit “the disbursement activity”, substitute “disbursement activity undertaken by the person on behalf of the foreign principal”.

12 Subsection 35(2)

Repeal the subsection, substitute:

- (2) The notice must be given before the end of the following period after the day the threshold or multiple is reached:
- (a) if the threshold or multiple is reached on a day in a voting period for a federal election (other than a by-election) or a designated vote—7 days;
 - (b) otherwise—14 days.
- (2A) However, if the person was not registered under the scheme on the day the threshold or multiple is reached, the notice may instead be given on the day the person applies for registration in relation to the foreign principal.

13 Subsection 35(4)

Repeal the subsection (including the note).

14 Section 37 (heading)

After “activity”, insert “(other than disbursement activity)”.

15 Paragraph 37(1)(a)

Repeal the paragraph.

16 Paragraph 37(1)(b)

Omit “the person undertakes an activity on behalf of the”, substitute “a person undertakes an activity on behalf of a”.

17 Paragraph 37(1)(c)

Repeal the paragraph, substitute:

- (c) the activity is registrable in relation to the foreign principal within the meaning of:
 - (i) section 20 (parliamentary lobbying on behalf of a foreign government); or
 - (ii) section 21 (activities in Australia for the purpose of political or governmental influence), other than disbursement activity; and

18 Subsections 37(2), (3) and (4)

Repeal the subsections, substitute:

- (2) The notice must be given before the end of the period of 7 days after the day the activity is undertaken.
- (3) However, if the person was not registered under the scheme in relation to the foreign principal on the day the activity was undertaken, the notice may instead be given on the day the person applies for registration in relation to the foreign principal.

19 Paragraph 38(1)(a)

Repeal the paragraph.

20 Paragraph 38(1)(b)

Omit “the person undertakes communications activity on behalf of the”, substitute “a person undertakes communications activity on behalf of a”.

21 Subsection 38(1) (note)

Repeal the note, substitute:

Note: It is an offence not to make the disclosure (see subsection 58(2)), whether or not the person who undertakes the activity is registered under the scheme.

22 Subsection 43(1A)

Repeal the subsection, substitute:

- (1A) Information that the Secretary is required to make available under subsection (1) and that is included in any of the following notices must be made available within 48 hours of being provided to the Secretary:

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- (a) a notice given under section 35 (reporting disbursement activity), if the threshold or multiple mentioned in paragraph 35(1)(d) is reached in a voting period;
 - (b) a notice given under section 36 (reporting on registration review when voting period begins);
 - (c) a notice given under section 37 (reporting registrable activity (other than disbursement activity) during voting periods).

23 Paragraph 57(3)(b)

Repeal the paragraph.

24 Paragraph 57(3)(d)

Repeal the paragraph, substitute:

- (d) the following circumstances exist at the time the person undertakes the activity:
 - (i) the person is not registered under the scheme in relation to the foreign principal;
 - (ii) the activity is registrable in relation to the foreign principal.

25 Paragraph 57(3A)(b)

Repeal the paragraph.

26 Paragraph 57(3A)(d)

Repeal the paragraph, substitute:

- (d) the following circumstances exist at the time the person undertakes the activity:
 - (i) the person is not registered under the scheme in relation to the foreign principal;
 - (ii) the activity is registrable in relation to the foreign principal.

27 Paragraph 57(4)(b)

Repeal the paragraph, substitute:

- (b) either:
 - (i) the person intentionally omits to apply for or renew the registration by the end of the period; or

- (ii) at the end of the period, the person is not registered under the scheme in relation to the foreign principal.

28 Application of amendments

The amendments of section 13 of the *Foreign Influence Transparency Scheme 2018* made by this Act apply in relation to an arrangement for a person to undertake an activity whether the arrangement is in existence before or after this Act commences.

[*Minister's second reading speech made in—
House of Representatives on 20 February 2019
Senate on 3 April 2019*]

(41/19)
