



Foreign Influence Transparency Scheme Rules 2018

I, Christian Porter, Attorney-General, make the following rules.

Dated 6 December 2018

Christian Porter
Attorney-General

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Part 1—Preliminary

1 Name

This instrument is the *Foreign Influence Transparency Scheme Rules 2018*.

2 Commencement

- (1) Each provision of this instrument 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 instrument	The later of: (a) the commencement of the <i>Foreign Influence Transparency Scheme Act 2018</i> ; and (b) the start of the day after this instrument is registered.	10 December 2018

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Foreign Influence Transparency Scheme Act 2018*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act.

In this instrument:

ABN has the same meaning as in the *A New Tax System (Australian Business Number) Act 1999*.

Act means the *Foreign Influence Transparency Scheme Act 2018*.

Part 2—Registration under the scheme

5 Exemptions: prescribed circumstances

For the purposes of section 30 of the Act, a person is exempt in relation to an activity the person undertakes on behalf of a foreign principal if:

- (a) the person:
 - (i) is employed under the *Members of Parliament (Staff) Act 1984*; or
 - (ii) is a consultant engaged under that Act; or
 - (iii) is a Commonwealth public official; and
- (b) undertaking the activity is within the scope of the functions that the person undertakes in the person's capacity as such a person; and
- (c) at the time the activity is undertaken, the identity of the foreign principal is either apparent to all persons with whom the person is dealing or disclosed to them.

Part 3—Register of scheme information

6 Information to be made publicly available on website

For the purposes of paragraph 43(1)(c) of the Act, the following information is prescribed in relation to each person registered in relation to a foreign principal:

- (a) the trading name of the person (if applicable);
- (b) the ABN, or foreign equivalent, of the person (if applicable);
- (c) any other names by which the person is known;
- (d) if the person is an individual—the occupation of the person;
- (e) if the person is a former Cabinet Minister—that fact;
- (f) if the person is a recent designated position holder—that fact;
- (g) the trading name of the foreign principal (if applicable);
- (h) the ABN, or foreign equivalent, of the foreign principal (if applicable);
- (i) if the foreign principal is an individual:
 - (i) the individual's title (including any post-nominals); and
 - (ii) any other names by which the individual is known;
- (j) the name of the foreign country that the foreign principal is part of or related to;
- (k) the type of foreign principal;
- (l) a description of the registrable activities the person undertakes, has undertaken or proposes to undertake on behalf of the foreign principal;
- (m) the date, or period over which, the person undertakes, has undertaken or proposes to undertake the registrable activities on behalf of the foreign principal;
- (n) whether the person undertakes, has undertaken or proposes to undertake the registrable activities on behalf of the foreign principal:
 - (i) under an arrangement with the foreign principal; or
 - (ii) in the service of the foreign principal; or
 - (iii) on the order or at the request of the foreign principal; or
 - (iv) under the direction of the foreign principal;
- (o) a description of any arrangement, order, request or direction mentioned in paragraph (n);
- (p) if subparagraph (n)(ii) applies to the person—a description of the relationship between the person and the foreign principal.

Note: Subsection 43(2) of the Act provides for when certain information must not be included on the website.

7 Removal of publicly available information from website

For the purposes of subsection 43(3) of the Act, the Secretary is to remove publicly available information from the website in the following circumstances:

- (a) the Secretary is satisfied that the information is not true;
- (b) the Secretary is satisfied that the information was provided in relation to an application for registration under the scheme that was fraudulently made.