



Foreign Influence Transparency Scheme Amendment (2019 Measures No. 1) Rules 2019

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

Dated 8 April 2019

Christian Porter
Attorney-General

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1 Name

This instrument is the *Foreign Influence Transparency Scheme Amendment (2019 Measures No. 1) Rules 2019*.

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 day after this instrument is registered.	17 April 2019

Note: This table relates only to the provisions of this instrument as originally made.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 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Foreign Influence Transparency Scheme Rules 2018

1 Section 5

Before “For”, insert “(1)”.

2 At the end of section 5

Add:

- (2) 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 activity is covered by item 2 of the table in subsection 21(1) of the Act (about general political lobbying in Australia for the purpose of political or governmental influence); and
 - (b) the foreign principal or the person is taking part in a process relating to a federal government decision within the meaning of paragraph 12(1)(b) of the Act in order to comply with a law of the Commonwealth; and
 - (c) the process involves the foreign principal or the person providing information in accordance with that law to the maker of the decision or another person assisting the maker of the decision, for the purposes of making the decision; and
 - (d) 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.

3 After section 6

Insert:

6A Information not to be included on website

- (1) For the purposes of paragraph 43(2)(c) of the Act (about information not to be included on the website providing information on persons who are or have been registered in relation to a foreign principal), this section prescribes information:
- (a) that is sensitive; and
 - (b) that:
 - (i) was contained in an application for registration of a person, a notice given by a person under section 31, 34, 35, 36 or 37 of the Act in connection with registration of a person, or a renewal of registration of a person, relating to a foreign principal and an activity described in subsection (2) of this section; or
 - (ii) accompanied such an application, notice or renewal; or
 - (iii) was contained in a document accompanying such an application, notice or renewal.
- (2) Subparagraph (1)(b)(i) applies in relation to an activity for which all the following conditions are met:
- (a) the activity is or was undertaken on behalf of the foreign principal by the person;

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- (b) the activity is or was undertaken in the context of confidential consultation of the foreign principal or the person by a person (the *consulter*) described in subsection (3) that:
 - (i) was initiated by the consulter; and
 - (ii) relates or related to a proposed policy or proposed change to an existing policy;
 - (c) at the time the activity is or was undertaken, the identity of the foreign principal is or was either:
 - (i) apparent to all persons with whom the person is or was dealing; or
 - (ii) disclosed to them.
- (3) For the purposes of paragraph (2)(b), each of the following is a consulter:
- (a) a Commonwealth public official;
 - (b) a Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) or a subsidiary of a Commonwealth entity (within the meaning of that Act);
 - (c) a Commonwealth company (within the meaning of the *Public Governance, Performance and Accountability Act 2013*);
 - (d) an individual in the course of performing the individual's functions in relation to a person or body mentioned in paragraph (a), (b) or (c).