

# Foreign Influence Transparency Scheme Procedure

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## Table of Contents

Purpose .....	1
Scope .....	1
Legislative Context .....	2
Definitions .....	2
Responsibilities .....	4
Actions .....	4
Foreign Influence Transparency Scheme .....	6
Registrable Activities .....	6
Registration .....	7
Exemptions .....	8
Implications for failing to Register .....	8
Supporting Documents .....	8
Promulgation .....	8
Implementation .....	9
Records Management .....	9

## Purpose

This Procedure outlines the responsibilities of Federation University Australia (**University**) staff and students in relation to Foreign Influence Transparency Scheme.

Under the Foreign Influence Transparency Scheme, as established under the *Foreign Influence Transparency Scheme Act 2018* (Cth) (**Act**), the University is required to register certain activities (**Registrable Activities**) if they are taken on behalf of a foreign principal.

## Scope

This Procedure applies to all the University staff and students who work with, or have potential to work with international bodies or individuals.

When entering into an agreement with an overseas body or individual University staff should also consider whether the agreement requires notification pursuant to the *Australia's Foreign Relations (State and Territory*

*Arrangements) Act 2020 (Cth)*. University staff should review the Foreign Arrangements Notification Checklist and Procedure to determine if the agreement requires notification.

## Legislative Context

- *Federation University Australia Act 2010 (Vic)*
- *Foreign Influence Transparency Scheme Act 2018 (Cth)*
- *Foreign Influence Transparency Scheme Rules 2018 (Cth)*

## Definitions

Term	Definition
Communications Activity	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.
Disbursement Activity	a person undertakes disbursement activity if:  (a) the person disburses money or things of value; and  (b) neither the person nor a recipient of the disbursement is required to disclose it under Division 4, 5 or 5A of the <i>Commonwealth Electoral Act 1918 (Cth)</i> .
Foreign Country	means any country other than Australia or an external Territory (whether or not an independent sovereign State).
Foreign Government	means:  (a) the government of a foreign country or of part of a foreign country; or  (b) an authority of the government of a foreign country; or  (c) an authority of the government of part of a foreign country; or  (d) a foreign local government body or foreign regional government body.
Foreign Government Related Entity	has the meaning prescribed under the <i>Foreign Influence Transparency Scheme Act 2018 (Cth)</i> .
Foreign Government Related Individual	means an individual:  (a) who is neither an Australian citizen nor a permanent Australian resident; and

	<p>(b) who is related to a foreign principal that is a foreign government, foreign government related entity or foreign political organisation in either or both of the following ways:</p> <p>(i) the individual is accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the foreign principal;</p> <p>(ii) the foreign principal is in a position to exercise, in any other way, total or substantial control over the individual.</p>
Foreign Principal	<p>means:</p> <p>(a) a foreign government;</p> <p>(b) a foreign government related entity;</p> <p>(c) a foreign political organisation;</p> <p>(d) a foreign government related individual.</p>
Foreign Political Organisation	<p>includes:</p> <p>(a) a foreign political party; and</p> <p>(b) a foreign organisation that exists primarily to pursue political objectives.</p>
General Political Lobbying	<p>Means lobbying any one or more of the following:</p> <p>(a) a Commonwealth public official;</p> <p>(b) a Department, agency or authority of the Commonwealth;</p> <p>(c) a registered political party;</p> <p>(d) a candidate in a federal election;</p> <p>(e) a person or entity that is registered under the <i>Commonwealth Electoral Act 1918</i> (Cth) as a political campaigner;</p> <p>other than lobbying that is Parliamentary lobbying.</p>
Parliamentary Lobbying	<p>means lobbying any one or more of the following persons:</p> <p>(a) a member of the Parliament;</p> <p>(b) a person employed under section 13 or 20 of the <i>Members of Parliament Staff Act 1984</i> (Cth).</p>
Registrable Activity	<p>has the meaning prescribed under the <i>Foreign Influence Transparency Scheme Act 2018</i> (Cth).</p>
Registrable Arrangement	<p>A registrable arrangement is an arrangement between a person and a Foreign Principal for the person to undertake, on behalf of the Foreign Principal, one or more activities that, if undertaken by the person on behalf</p>

	of the Foreign Principal, would be registrable in relation to the Foreign Principal.
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## Responsibilities

The Deputy Vice-Chancellor, Research & Innovation has delegated the Director, Research Enterprise & Innovation to oversee research sanctions compliance at the University.

	ACTIVITY	RESPONSIBILITY	STEPS
A	Oversee compliance with the Foreign Influence Transparency Scheme at the University.	Director, Research and Enterprise	<ul style="list-style-type: none"> <li>Promote awareness of the Foreign Influence Transparency Scheme and potential penalties for breaking the laws.</li> <li>Provide relevant training.</li> </ul>
B	Becoming familiar with the Foreign Influence Transparency Scheme.	Individual student or staff member	<ul style="list-style-type: none"> <li>Complete the training provided.</li> </ul>
C	Promoting compliance with the Foreign Influence Transparency Scheme.	Research Centre Directors	<ul style="list-style-type: none"> <li>Promote an environment where compliance with the Foreign Influence Transparency Scheme is encouraged.</li> <li>Encourage students and staff to complete the available training.</li> </ul>

## Actions

Staff and students must follow the procedure below to ensure compliance with the Foreign Influence Transparency Scheme.

	ACTIVITY	RESPONSIBILITY	STEPS
A	<p>An assessment is to be undertaken as to whether an activity is a Registrable Activity undertaken on behalf of a Foreign Principal. Activities may include, for example:</p> <ul style="list-style-type: none"> <li>Foreign government supporting a student and scholar association for international students where members must report to the foreign government and members lobby the Australian government regarding the agenda</li> <li>Campaign organisation by student unions supported by</li> </ul>	Executive Dean(s); or Dean of the Graduate Research School; or Dean of the Global Professional School (as appropriate)	<p>Compliance with the Foreign Influence Transparency Scheme must be assessed by individual staff or students prior to entering into or facilitating a Registrable Activity.</p> <p>University staff, must determine whether:</p> <ul style="list-style-type: none"> <li>the activity constitutes a Registrable Activity;</li> <li>the Registrable Activity is being undertaken on behalf of Foreign Principal; and</li> <li>no exemptions apply.</li> </ul>

	<p>foreign political parties that would have the effect of encouraging the general public to take political action</p> <ul style="list-style-type: none"> <li>• A student union publishing information and material that is about Australian elections and is produced by a foreign political candidate</li> <li>• Academics employed by an the University who are requested by a foreign university associated with a foreign government to hold a seminar with the topic prepared by the foreign university regarding Australian policy</li> <li>• The University enters into a partnership, contract or alliance with a foreign principal in relation to funding university research or academic courses and the courses are amended to be in line with the foreign principal's political objectives</li> <li>• Foreign political parties funding student associations in return for the association promoting the amendment of Australian regulations</li> </ul>		<p>Where it is determined that the activity meets these criteria, the University staff must ensure it registers the activity on the Transparency Portal.</p>
<p>B</p>	<p>Assessment of compliance with the Foreign Influence Transparency Scheme between the University and international researchers.</p>	<p>Individual researcher Director, Research and Innovation</p>	<p>Compliance with the Foreign Influence Transparency Scheme must be assessed by individual staff prior to academic collaboration between the University and international researchers.</p> <p>University staff, prior to collaborating with a foreign education body or distributing research material to a foreign education body, must determine whether:</p> <ul style="list-style-type: none"> <li>• the research activity constitutes a Registrable Activity;</li> <li>• the Registrable Activity is being undertaken on behalf of a Foreign Principal; and</li> <li>• no exemptions apply.</li> </ul>

			Where it is determined that the activity meets these criteria, the University staff must ensure they register the activity on the Transparency Portal.
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## Foreign Influence Transparency Scheme

The University staff and students will be required to register an activity if:

- they undertake Registrable Activities or enter into a Registrable Arrangement, and
- the activity is, or will be undertaken in Australia on behalf of a Foreign Principal, and
- the activity is undertaken for the purpose of political or governmental influence, and
- no exemptions apply.

A Foreign Principal includes:

- a Foreign Government
- a Foreign Political Organisation
- a Foreign Government Related Entity
- a Foreign Government Related Individual

Registrable activities include:

- Parliamentary Lobbying
- General Political Lobbying
- Communications Activities
- Disbursement Activity (payment of money or things of value).

If it is determined that an activity being undertaken by the University is a Registrable Activity then it will need to be registered.

Registration does not mean that the activity cannot proceed. The Foreign Influence Transparency Scheme operates to provide a public record of the University's activities to ensure it meets its legal obligations with respect to the purpose of any relevant foreign relationships.

## Registrable Activities

The Act describes categories of Registrable Activities. Whether a particular activity is registrable or not depends on who the foreign principal is, the purposes of the activity, the nature of the activities and the identity of the person undertaking the activities.

Under the Foreign Influence Transparency Scheme the types of activities undertaken at the University that may require registration could include:

- a Foreign Government supporting a student and scholar association for international students of which those members are obliged to report to and act on behalf of the Foreign Government and those members actively lobby the Australian government regarding the association's agenda;
- campaign organisation by student unions supported by foreign political parties that would have the effect of encouraging the general public to take political action, for example encouraging students to write an Australian political candidate to change Australian legislation;

- activities undertaken by a foreign education body in conjunction with an Australian university that involves an Australian government minister or is attended by a member of parliament or their staff;
- a student union publishing information and material that is about Australian elections and is produced by a foreign political candidate;
- research collaborations and the distribution of research material as between a foreign education body and the university where the foreign education body is funded by the foreign government and the Australian university disseminates material that aims to influence Australian policy;
- academics employed by an Australian university who are requested by a foreign university associated with a foreign government to hold a seminar with the topic prepared by the foreign university regarding Australian policy;
- universities entering into partnerships, contracts or alliances with a foreign principal in relation to funding university research or academic courses and the courses are amended to be in line with the foreign principal's political objectives rather than the Australian government objectives;
- academics paid by a foreign university that is owned by a foreign government to invite parliamentary ministers to attend a seminar that is on a topic prepared by the foreign university; or
- foreign political parties funding student associations in return for the association promoting the amendment of regulations.

## Registration

If an activity of the University is deemed to be a Registrable Activity, the University must register the Registrable Activity through the online Transparency Portal, available at <https://auth.transparency.ag.gov.au/my.policy>.

### Information required for Registration

If a University staff member or student determines that an activity requires registration they will require the following information:

- *Dates:*
  - the commencement date of the activity or arrangement
  - for Parliamentary Lobbying or General Political Lobbying, the dates of any meetings held or other specific activities undertaken as part of the Lobbying
  - for Communications and Disbursement Activities, the dates of specific instances of activity
  - the frequency of the activity, and
  - the end date of the activity or arrangement (where applicable), including the anticipated end date.
- *Details about the purpose of the activity:*
  - the governmental or political process the activity is aimed at influencing (for example, the federal budget), and
  - the particular subject matter or issue in relation to which the activity is being undertaken (for example, the federal government's policy on a particular matter, or a specific funding decision).
- *Lobbying activities:*
  - the type of lobbying (for example, meetings or correspondence)
  - dates, times and locations of any meetings held or correspondence exchanged
  - the person or group subject to the lobbying (for example, the recipients of communications or other parties to meetings), and
  - copies of any correspondence or minutes from meetings.
- *Disbursement activities:*
  - the value of each disbursement

- whether the activity consists of the disbursement of money or things of value, and if so, what things of value
- recipient of the disbursement
- if the value of the money or things of value disbursed in the course of the disbursement activity reaches the electoral donations threshold or a multiple of that threshold, the total value reached, and
- copies of any invoices, receipts or other evidence of the activity.
- *Communications activities:*
  - format of the Communications Activity (for example, radio broadcast, article, speech, text message)
  - details about the audience or recipient of the communication
  - copies of written or printed communications (such as newspaper articles, pamphlets, posters, whether communication was online or paper)
  - copies of communications in message form (such as screenshots of text messages or WhatsApp messages)
  - screenshots of any image-based communications (such as communications using social media, projections)
  - transcripts of audio communications (such as radio broadcast), or
  - links to urls of any online communications

## Exemptions

A staff member/student may be exempt in relation to the obligations under the Act where the an activity undertaken on behalf of a foreign principal relates to (amongst other exemptions that are not relevant):

- humanitarian aid or assistance;
- legal advice or representation
- diplomatic, consular or similar activities
- religion
- artistic purposes

However, where a staff member or student believes that an exemption applies they should contact Legal to ensure that they are not required to register the Registrable Activity.

## Implications for failing to Register

University staff and students should be aware that a failure to comply with the Act can incur significant penalties. A person commits an offence under the Act if a person knows they are required to apply for registration under the scheme and intentionally omits to do so, this is punishable by imprisonment.

## Supporting Documents

- [Foreign Interactions Procedure](#)
- [Foreign Arrangements Notification Procedure](#)

### Forms.

- [Foreign Arrangement Scheme Notification Checklist](#) (DOCX 360.5kb)

## Promulgation

This Procedure will be communicated throughout the University community in the form of:



- An Announcement Notice via FedNews website and on the 'Recently Approved Documents' page on the Policy Central Portal to alert the University-wide community of the approved Procedure
- Notification to Council

## Implementation

This Procedure will be implemented throughout the University via:

- An Announcement Notice via FedNews website and on the 'Recently Approved Documents' page on the Policy Central Portal to alert the University-wide community of the approved Procedure
- Policy/Procedure Training Sessions
- Staff Induction Sessions

## Records Management

DOCUMENT TITLE	LOCATION	RESPONSIBLE OFFICER	MINIMUM RETENTION PERIOD
Foreign Influence Transparency Procedure	Research Services	COO	7 years