Foreign Influence Disclosure Procedure

Section 1 - Purpose and Scope

(1) The Foreign Influence Transparency Scheme Act 2018 (FITSA) imposes registration obligations for individuals and entities that undertake a registrable activity on behalf of a foreign principal, or enter into a registrable arrangement with a foreign principal. The scheme, established under the FITSA, aims to improve transparency with respect to foreign influence over Australia's political and government processes.

(2) Under this Procedure, UQ staff members are required to disclose any activities which may give rise to a requirement to register, for the purpose of ensuring compliance with the FITSA.

(3) Note that there are registration exemptions for various roles and activities.

(4) In addition, research grant applications to Commonwealth agencies with a foreign Chief Investigator (CI) do not need to be disclosed if they do not fall within the scope of the FITSA. Standard academic publications, which do not have the sole, primary or a substantial purpose of influencing government and political processes, do not fall within the scope of the FITSA.

(5) Although the FITSA applies broadly, the key controls in this Procedure apply to all Academic Staff and Nominated Senior Staff.

Legislative Context

(6) Underpinning Australia's governance of its external relations is a legislative framework which includes the FITSA.

(7) UQ has a responsibility to comply with the FITSA. The FITSA contains offences for non-compliance with the requirements of the scheme. These include:

a. undertaking registrable activities while not being registered under the scheme;
b. failing to fulfil responsibilities (e.g. reporting and disclosure obligations) under the scheme;
c. providing false or misleading information or documents in relation to registration; and
d. destroying records in connection with the scheme.

(8) Non-compliance with the FITSA leads to offences that can apply to individuals as well as body corporates. The offences can be criminal in nature and may lead to penalties such as fines or imprisonment.

Section 2 - Process and Key Controls

(9) Academic Staff and Nominated Senior Staff are required to disclose registrable activities through UQ's Foreign Influence Disclosure tool (the 'Disclosure'), though the tool is accessible to all UQ staff.

(10) Disclosures made by Academic Staff and Nominated Senior Staff through UQ's Foreign Influence Disclosure will be evaluated on a case-by-case basis by the Deputy Provost. The Deputy Provost may seek advice from relevant Senior Executives, including UQ's General Counsel (or delegate) and consult with the Chief Human Resources Officer (or

delegate) and/or the Provost as part of the evaluation process.

(11) If registration is required, this will be done by UQ externally through the Foreign Influence Transparency Scheme Public Register (the 'Transparency Register') housed on the Attorney-General's website.

(12) Academic Staff and Nominated Senior Staff whose disclosures are assessed as registrable in the Transparency Register:

a. Will undertake relevant processes for disclosure and registration as set out in the 'Disclosure and Registration Requirements' provisions below (Section 3);
b. Must not commence the registrable activity until they receive advice from UQ that the registration has been completed; and
c. Must ensure the ongoing registration obligations are adhered to, which is a requirement under the Conflict of Interest for Members of Staff Procedure.

(13) The conduct of staff in relation to this Procedure, including potential breaches of the Procedure, will be dealt with in accordance with Staff Code of Conduct Policy. The conduct of Staff in relation to research will be dealt with in accordance with Managing Complaints about the Conduct of Research Procedure.

Section 3 - Key Requirements

(14) For an activity to be registrable, it must meet the following three criteria:

Criteria	What this Means
Criterion 1: A person acts on behalf of a foreign principal.	The words "on behalf of" apply where a person acts under an arrangement with a foreign principal, in the service of the foreign principal, on the order or request of the foreign principal, or under the direction of the foreign principal, and both the person and the foreign principal knew or expected they would or might undertake the activity at the time the arrangement or service was entered into. It does not matter whether in- kind services or money is payable. "Foreign Principal" is defined as a: • Foreign government; • Foreign political organisation; • Foreign government related individual; or • Foreign government related entity.
Criterion 2: The activity is a registrable activity.	The person undertakes one of the following activities in Australia: • Parliamentary lobbying (lobbying a member of parliament and certain parliamentary staff); • General political lobbying (lobbying a Commonwealth public official, department, agency or authority of the Commonwealth, a registered political party, or a federal election candidate or registered political campaigner); • Communications activity (where information is disseminated to the public or a section of the public, or produced for communication to the public or a section of the public); • A disbursement activity (where money or things of value are distributed on behalf of a foreign principal); • Activities performed by a staff member who is a former cabinet minister; or • Activities performed by a staff member who is a recent designated position holder where the person contributes experience, knowledge, skills or contacts gained in their former capacity as a recent designated position holder.

Criteria	What this Means
Criterion 3: The registrable activity is undertaken for the purpose of political or government influence.	The sole, primary, or a substantial purpose of the activity is to influence any one or more of the following Australian federal government and political processes (or influence the public in relation to those matters): • Federal election or vote; • Federal government decision; • Proceeding of either House of Parliament; • Registered political party; • Independent member of Parliament; • Independent candidate in a federal election; • Political campaigner.

Additional Considerations for Registration

(15) The following additional considerations are applicable in determining whether a disclosure requires registration:

a. Parliamentary lobbying on behalf of a foreign government is a registrable activity unless an exemption applies, whether or not the purpose is political or government influence. However, parliamentary lobbying on behalf of a foreign government related entity, foreign political organisation or foreign government related individual is only a registrable activity where the purpose is political or government influence.
b. The term 'lobbying' has a broad meaning and includes communicate, in any way, with a person or a group of persons for the purpose of influencing any process, decision or outcome, and represent the interests of a person in any process.
c. The requisite purpose must be determined by reference to the intention of the person undertaking the activity or their belief about the intention of the foreign principal and either the intention of any foreign principal or the circumstances in which the activity is undertaken.
d. Examples of federal government decisions include decisions made by the Executive Council, Cabinet or a committee of Cabinet, a federal Minister or Ministers, a Commonwealth entity or its subsidiary, a Commonwealth company, or an individual in the course of performing his or her functions.
e. For activities that a person undertakes as a former Cabinet Minister or recent designated position holder, there is no requirement to establish the purpose is political or government influence.
f. The term 'designated position holder' means a Minister, MP, a member of staff of a Minister at or above the level of senior advisor, an agency head, a deputy agency head, a holder of an office under a law of the Commonwealth equivalent to that of agency head or deputy agency head and an Ambassador or High Commissioner. A recent designated position holder is a person who held the position at any time in the last 15 years, but who is not holding the office at the particular time.
g. A transparency notice issued under the FITSA may state that a person is a foreign government related entity or foreign government related individual.

Disclosure and Registration Requirements

(16) Academic Staff and Nominated Senior Staff must complete the Disclosure (internal registration) on an annual basis. If a disclosure is evaluated as requiring registration on the Transparency Register, the University will apply for registration on the staff member's behalf. In accordance with the FITSA, the period for registration on the Transparency Register is 14 days.

(17) A person who is registered under the scheme must comply with several ongoing obligations as follows:

a. Annual renewal of registration:
   Registration must be renewed each year if the registrable activities continue.
b. Updating information:

Registrants must keep the registration information updated and immediately inform the University where a registrant becomes aware their registration information is or will become inaccurate or misleading, so that the University may update their registration information on their behalf. Registration information must be corrected on the Transparency Register within 14 days.

c. Obligations during federal election period:
When a voting period begins, a registrant must within 14 days review their registration information and provide a notice to confirm registration is up to date, or if information is not up to date, update the information. During a voting period, a registrant must report any parliamentary or general political lobbying or communications activity undertaken on behalf of the foreign principal which relates to the vote within seven days of the activity commencing. Similarly, registrants must report within seven days disbursement activities relating to the vote which reach the electoral donations threshold or multiples of this threshold.

d. Disclosure requirements for registrable communications activity:
Particular disclosure obligations apply to communications activities that are registrable activities. The specific requirements differ depending on the type of communications activity being undertaken (refer to: Foreign Influence Transparency Scheme Factsheet 10 - Disclosures in Communications Activity).

Section 4 - Roles, Responsibilities and Accountabilities

Deputy Provost

(18) All online disclosures are referred to the Deputy Provost.

(19) The Deputy Provost is responsible for:

a. Evaluating whether a disclosure gives rise to a requirement to register under FITSA, and seeking further information as required from staff;
b. Organising any registration on the Transparency Register by UQ where required;
c. Complying with all ongoing registration obligations in relation to registrable activities recorded on the Transparency Register; and
d. In discharging these responsibilities, the Deputy Provost may seek legal advice from UQ's General Counsel (or delegate) and consult with the Chief Human Resources Officer (or delegate) and/or the Provost (if the Deputy Provost considers this is appropriate or necessary).

Heads of Organisational Unit

(20) Heads of Organisational Unit are responsible for the compliance by their Academic Staff and Nominated Senior Staff with this Procedure.

Academic Staff and Nominated Senior Staff

(21) Academic Staff and Nominated Senior Staff are responsible for:

a. completing UQ's Foreign Influence Disclosure (even if no activities are disclosed), disclosing their activities on the Disclosure, and updating where circumstances change;
b. providing all relevant and up to date information and documents to support any registration; and
c. complying with all ongoing registration obligations in relation to registrable activities recorded on the Transparency Register.

Section 5 - Monitoring, Review and Assurance

(22) The Deputy Provost is responsible for the compliance, monitoring and review of this Procedure.

(23) The Disclosure and Management of Interest Taskforce (DMIT) provides regular oversight of registrable activities.

Section 6 - Recording and Reporting

(24) The Office of the Deputy Provost must maintain records during and after registration.

(25) Records must be kept for the duration of the registration and until the end of 3 years after the registration ends as required by the FITSA. Regardless of whether or not the activity is registered, the records must be held in accordance with the relevant retention and disposal schedule as referenced in UQ's Information Management Policy. The records will be stored in TRIM. The records which must be held include records relating to registrable activities, benefits provided by the foreign principal, information or material forming part of any communications activity, any registrable arrangement and other information or material communicated or distributed to the public on behalf of the foreign principal.

Section 7 - Appendix

Definitions

Term	Definition
Academic Staff	Refers to continuing and fixed-term academic staff members including researchers (12-month contract and longer; paid conjoint appointments where UQ is the lead employer).
Foreign Influence	According to FITSA (2018), all governments seek to exert influence on other international actors. The Australian government welcomes these activities when they are conducted in an open and transparent manner. Foreign influence that is hidden from view can have serious and negative consequences, such as when the outcomes of domestic elections are interfered with or any other part of the democratic process is subverted.
Foreign Influence Transparency	According to FITSA (2018), Foreign Influence Transparency provides "the public and government decision-makers with visibility of the nature, level and extent of foreign influence on Australia's government and political processes."
Foreign Influence Transparency Scheme	According to FITSA (2018), 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."
Foreign Influence Transparency Scheme Act 2018	According to FITSA (2018), "An Act to establish a scheme to improve the transparency of activities undertaken on behalf of foreign principals, and for related purposes."
Foreign Influence Disclosure	UQ's online process for establishing registrable activities and recording whether these have been registered on the Commonwealth Government's Transparency Register.

Term	Definition
Nominated Senior Staff	Refers to UQ staff members in the following roles: • Chief Financial Officer (CFO); • Chief Human Resources Officer (CHRO); • Chief Information Officer (CIO); • Chief Operating Officer (COO); • Chief Marketing and Communication Officer (CMCO). It also refers to nominated senior professional staff in hybrid roles (professional and academic) including: • Vice-President (Advancement and Community Engagement) (VP-ACE); • Pro-Vice-Chancellor (Global Partnerships); and • Deputy Vice-Chancellor (Global Engagement) (DVCGE).
Transparency Portal	The pre-registration questionnaire to determine eligibility for external registration.
Transparency Register	The Foreign Influence Transparency Scheme Public Register on the Attorney-General's website.

Resources Provided by External Entities

(26) The Department of the Attorney-General provides a pre-registration questionnaire to determine eligibility for external registration:

a. Transparency Portal.

(27) The Department of the Attorney-General provides the Foreign Influence Transparency Scheme Public Register:

a. Transparency Register.

(28) The Department of the Attorney-General also provides:

a. Foreign Influence Transparency Scheme Information Page.
b. Foreign Influence Transparency Scheme Resources.

(29) The Federal Register of Legislation provides access to:

a. Foreign Influence Transparency Scheme Act 2018 (Cth).

Status and Details

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