



Foreign Influence Transparency Scheme

Factsheet 10

April 2019

Disclosures in communications activity

The Foreign Influence Transparency Scheme imposes disclosure requirements on people and entities who:

- undertake communications activity in Australia on behalf of the foreign principal for the purpose of political or governmental influence, or
- produce information or material on behalf of a foreign principal for the purpose of being communicated or distributed to the public

The disclosure obligations apply even if a person is not yet registered under the scheme. These disclosure obligations are important for ensuring that there is full transparency about the fact that communications material has been produced, or communications activities undertaken, on behalf of a foreign principal.¹

Factsheet 5 provides information about registrable activities, including communications activities.

Types of communications activity that attracts disclosure obligations

'Communications activity' is defined to mean two types of activity. The first is communicating or distributing information or material to the public or a section of the public. The second is producing information or material for the purpose of the information or material being communicated or distributed to the public or a section of the public.

These concepts relate to the production or communication/distribution of information or material in any form, including oral, visual, graphic, written, electronic, digital and pictorial forms. For example:

- printed materials (for example, articles in newspapers, magazines or journals; stickers, fridge magnets, leaflets, flyers, pamphlets, notices, posters or how-to-vote cards)
- telephony (including automated or robo-calls)
- text messages (such as mass text messaging)
- other forms of electronic messaging (including using platforms such as iMessage, Facebook Messenger, SnapChat, Instagram, and WhatsApp)
- communication via social media, such as Facebook and Instagram
- search advertising and digital banner advertising
- streaming music, such as Spotify, Google Play Music or Apple Music
- video-sharing, such as YouTube
- projections
- television and radio broadcasts
- communication using mobile or computer applications, and

¹ Sections 13 and 38 of the Act provides further information about registration obligations in relation to communication activities.

- oral communication made in person, such as speeches or presentations.

Note that a disseminator of communications activity which is wholly produced by another may not need to register. **Factsheet 11** provides more information about this exception.

What should the disclosure look like?

A person undertaking communications activity must ensure they make a disclosure about the fact that the information or material is produced, communicated or disseminated on behalf of a foreign principal and is a registrable activity under the *Foreign Influence Transparency Scheme Act 2018* (the Act).

The details of the disclosure requirements for different types of communications activities, including where and when the disclosure should occur, and in what form, are prescribed by the *Foreign Influence Transparency Scheme (Disclosure in Communications Activity) Rules 2018*. These details depend on the type of communication activity being undertaken, such as whether it is printed or audio communications. However, the substance of the disclosure is the same regardless of the type of communications activity.

The disclosure must:

- identify who is undertaking the communications activity (usually the person who is required to be registered under the scheme)
- identify the foreign principal on whose behalf the communications activity is undertaken (for example, the relevant foreign government, entity or person)
- state that the communications activity is undertaken on behalf of the foreign principal, and
- state that the disclosure is made under the Act.

An example of a disclosure could be:

This material is communicated by [name of person] on behalf of [name of foreign principal]. This disclosure is made under the Foreign Influence Transparency Scheme Act 2018

If the disclosure is made in writing, it must not be obstructed or distorted to any extent by anything in the rest of the communication, information or material. It must be printed in a font size and placed in a position that will be prominent to the reader. These disclosure requirements are intended to ensure that any communications being undertaken on behalf of a foreign principal are sufficiently transparent to those receiving the communication.

Failure to comply

Those who are liable to register under the scheme must comply with all responsibilities under the Act. It is an offence to fail to fulfil a responsibility to make a disclosure in communications activities. Refer to **Factsheet 17** for information on penalties for non-compliance.