



# Foreign Influence Transparency Scheme

Factsheet 11

February 2019

## Exception for disseminators of communications activity

The scheme covers all circumstances where information or materials are disseminated, published, disbursed, shared or made available on behalf of a foreign principal. However, a person who disseminates information or material which is entirely produced by someone else may not need to register.

A person does not need to register in relation to an activity that would otherwise be considered a 'communications activity' if all of the following conditions are met:<sup>1</sup>

- the activity is undertaken in the ordinary course of the disseminator's business,
- the activity is providing or distributing information or material that is:
  - produced entirely by a person other than the disseminator, or
  - produced by the disseminator only to the extent that the content has been altered to ensure compliance with the law or to fit into time or space constraints (e.g. content is shortened so that it fits into an allocated timeslot or a content warning is added that complies with Australian legislation), and
- the identity of the person who produced or commissioned the production of the information or material is apparent.

### *Example One*

Company X is a provider of online platforms on which information can be disseminated. One of these is a media streaming service. Company X has arrangements in place with a number of foreign media outlets and foreign content providers to stream programs and content on demand to subscribers of the service.

Company X has a contract to stream a particular program produced by a media outlet that is majority owned by a foreign government. The program showcases political commentators and analysts who comment on the foreign policies of other nations and their effect on the foreign country. The description of the program on company X's website clearly states it is produced by the foreign media outlet. When a person streams or downloads the content, the name and logo of the foreign media outlet is clearly displayed.

The program is very popular worldwide and has a high number of subscribers in Australia. This week, the program is focused on a particular policy that is being debated in Australia. The policy will have a direct impact on trade and the cost of business in the foreign country. The commentators are calling for the Australian Parliament to vote against the policy.

In this case, company X would not have to register under the scheme. Company X is making the program available in its usual course of business as an online service provider. While it may be the case that some episodes have been intended to influence Australian federal political or government processes or decisions, Company X has only disseminated the content and not produced it. Additionally, the identity of the foreign media company that produced the program is made clear to the viewer when it is streamed or downloaded.

<sup>1</sup> Section 13(3) of the *Foreign Influence Transparency Scheme Act 2018*

### **Example Two**

Company B is a company that provides and hosts a range of online platforms that can be used for publishing and presenting information. Its main line of business is hosting blog pages.

Jane Citizen writes a blog which is hosted by Company B. She uses her blog to comment on political issues. Jane is also a keen user of social media. She uses her Twitter feed to promote her blog posts and to engage in discussions. Due to her very large number of followers, Jane regularly receives offers to host sponsored content or to be paid to write about particular topics.

Jane has recently blogged in support of a particular policy that is being debated in the Australian Parliament. The policy is beneficial to a particular foreign government. The foreign government approaches Jane and encourages her to continue to blog on the issue. They offer her an exclusive interview with one of their most popular political figures to assist her ongoing blogging on the issue. Jane accepts this offer and continues blogging about the policy. Although she uses some quotes from the political figure, the blogs are written entirely by her and are her own thoughts and ideas.

In one of her posts she writes that the foreign government is in support of the policy and reads her blog. However, because the arrangement is not a sponsorship in the traditional sense, she does not mention the arrangement or the foreign government's role in facilitating the interview.

Jane uses her Twitter feed to promote her posts and receives a significant amount of visits to her blog as a result.

Company B does not need to register. Company B is merely the hosting vehicle that publishes information, the content is produced entirely by another person (Jane) and her identity is clear (because it appears on her blog).

Although Jane is writing her own thoughts on the policy, there is an arrangement with a foreign government to undertake a communications activity intended to influence an Australian Government process (i.e. the acceptance of the offer of an interview and agreement to continue blogging on the issue). As such, she must register under the scheme and ensure that both her blog posts and Tweets include the required disclosure.