



# Foreign Influence Transparency Scheme

**Factsheet 17**

February 2019

## Penalties for non-compliance

Registrants must comply with the requirements of the scheme. There are penalties for failures to comply that are intended to encourage compliance and deter people from evading their registration obligations. Offences and associated penalties recognise the significant implications that unchecked and unknown forms and sources of foreign influence can have on Australia's government and political processes.

### Offences

The *Foreign Influence Transparency Scheme Act 2018* (the Act) contains offences for non-compliance under the scheme. These include:

- undertaking registrable activities while not being registered under the scheme
- failure to fulfil responsibilities (e.g. reporting and disclosure obligations) under the scheme
- providing false or misleading information or documents in relation to an individual's registration, and
- destroying records in connection with the scheme.

#### Undertaking a registrable activity while not registered

It is a criminal offence for a person to not register under the scheme when they should do so. Broadly:

- it is an offence for a person to undertake a registrable activity on behalf of a foreign principal while not being registered
- it is an offence for a person to give notice that they are no longer liable to be registered when a registrable arrangement is still in place and where registrable activities on behalf of a foreign principal are undertaken.

The maximum penalties for these offences range from six months to five years imprisonment, depending on the seriousness of the conduct.

#### Failure to fulfil responsibilities under the scheme

It is a criminal offence for a person to not fulfil responsibilities under the scheme. Broadly:

- it is an offence for a person to fail to meet reporting obligations under the scheme. This includes:
  - failing to give notice related to:
    - material changes in circumstances
    - disbursement activity
    - a review of registration when a voting period begins
    - registrable activity during voting periods
  - failing to make a disclosure about communications activity
  - failing to keep records related to the registration, and
- it is an offence for a person to not comply with a notice from the Attorney-General's Department requesting information.

The maximum penalties for these offences range from a fine of 60 penalty units to six months imprisonment, depending on the seriousness of the conduct.

### **Providing false or misleading information or documents**

It is an offence to give false or misleading information or documents to the Attorney-General's Department in relation to any registration under the scheme.

The maximum penalty for this offence is three years imprisonment.

### **Destroying records**

It is an offence to damage, destroy or conceal records that are required to be kept in relation to any registration under the scheme. It is also an offence to take any action to prevent a registrant from keeping proper records related to the scheme.

The maximum penalty for this offence is two years imprisonment.

Refer to part 5 of the Act for more information on enforcement and penalties.