



Foreign Influence Transparency Scheme

Factsheet 12

February 2019

Transparency notices

A transparency notice is a formal notice issued by the Secretary of the Attorney-General's Department (the Secretary) to an individual or entity declaring that it is a foreign government-related individual or a foreign government-related entity.¹ The transparency notice makes it clear that the individual or entity is a 'foreign principal' for the purpose of the Foreign Influence Transparency Scheme. If someone is undertaking registrable activities on behalf of the individual or entity, they may need to register.²

Factsheets 3, 4 and 5 deal with the concept of a foreign principal, acting on behalf of a foreign principal and registrable activities.

Purpose of transparency notices

Transparency notices allow the Secretary to declare that an individual or entity is connected to a foreign government or foreign political organisation. Transparency notices provide certainty to potential registrants that a person or entity is a foreign principal.

Potential registrants should not rely on the existence or non-existence of a transparency notice to determine whether or not they should register. Transparency notices will only be issued in limited cases.

Process for issuing a transparency notice

If the Secretary is satisfied that an individual or entity falls within the definition of foreign government-related individual or foreign government-related entity, the Secretary may issue a provisional transparency notice. The notice is provided to the individual or entity named in the notice along with an invitation to make a submission regarding the provisional transparency notice. The provisional notice is also published on the scheme's website. The individual or entity has 14 days to make a submission to the Secretary regarding the notice before it becomes final. This process ensures that the individual or entity has the opportunity to provide information to the Secretary relevant to the decision to issue the notice.

If the person makes a submission, the Secretary must consider the information contained in the submission within 28 days of the date of the invitation. The notice remains provisional throughout this period. If, after considering any information provided by the named individual or entity, the Secretary is convinced that the individual or entity is not a foreign government-related individual or foreign government-related entity, the Secretary may revoke the provisional transparency notice. If the provisional transparency notice is not revoked within 28 days of being issued, it becomes a final transparency notice. This change is reflected on the scheme's website.

¹ Division 3 of Part 1 the *Foreign Influence Transparency Scheme Act 2018* (the Act) deals with transparency notices.

² Sections 11 and 13A of the *Foreign Influence Transparency Scheme Act 2018* (the Act) deals with acting on behalf of a foreign principal.

Dates of effect

A transparency notice comes into force on the day that the provisional transparency notice is published online. Any registration requirements that apply to another person as a result of the notice will also commence from that date. The transparency notice remains in force until it is formally revoked.

Changing or cancelling a transparency notice

A transparency notice can be varied when the details contained in the notice are incorrect. This can occur through investigation or by a person providing additional details. The Secretary can change or cancel the notice and all variations to a transparency notice will be published on the scheme's website.

If the Secretary is no longer satisfied that the person is a foreign government-related individual or a foreign government-related entity, the transparency notice will be revoked. Once revoked, the transparency notice is no longer in effect. Revocations of transparency notices are published online.

Appealing a transparency notice

A person who is affected by a transparency notice may appeal to the Administrative Appeals Tribunal for an independent merits review of:

- a decision to issue a provisional transparency notice
- a decision to vary a transparency notice, or
- a decision to revoke a transparency notice.

Judicial review of transparency notice decisions is available under the *Administrative Decisions (Judicial Review) Act 1977*.