

Australia's "foreign influence" register will attack basic democratic rights

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Australian Attorney-General Christian Porter flew out to London and Washington this week for what the *Australian* described as "high-level talks with his counterparts" on implementing the Turnbull government's planned "foreign influence" register.

Porter's trip came just over two weeks after the Liberal-National Coalition government, assisted by the Labor Party opposition, pushed two sweeping anti-foreign interference bills through parliament in just three days.

One, the Espionage and Foreign Interference (EFI) Act, inserts a host of new or expanded offences into the federal Criminal Code, aimed at criminalising political activity conducted in partnership with overseas or international organisations.

The other massive piece of legislation is the Foreign Influence Transparency Scheme (FITS) Act. Running to 72 pages, it provides for the establishment, within 12 months, of what will become a highly-publicised register of alleged facilitators of "foreign meddling."

Porter's visit underscores the source of the pressure—especially from the US political and military-intelligence establishment—to ram the bills through in just three days, from June 26 to June 28, as well as the close collaboration being undertaken on the establishment and targeting of the public register.

Among the first individuals and entities likely to be compelled to register are those accused of links with China or Russia, the two countries named by January's US National Defense Strategy as major threats to American global hegemony and against which preparations for war must therefore be made.

This axis has been signalled already by a report in last weekend's *Australian* identifying some of the earliest targets for the register. "Entities such as Chinese state-owned corporations or foreign-language media outlets such as *Russia Today* would be required to self-report," the newspaper asserted.

Against a background of anti-China propaganda being pumped out by the US-connected intelligence agencies, the

political elite and the corporate media, those at the top of the list could include former Foreign Minister Bob Carr, who currently heads the Australia-China Relations Institute (ACRI) at the University of Technology Sydney, which is partly funded by a Chinese-Australian billionaire.

Others likely to be compelled to register include ex-Trade Minister Andrew Robb, who represents Landbridge, a Chinese-based company that holds the lease over the civilian port in Darwin, the strategic capital of the Northern Territory. In fact, the FITS Act contains provisions imposing special registration requirements on former ministers, senior officials and members of parliament.

However, an examination of the FITS Act shows that the register's dragnet will extend far further, threatening entire aspects of political life. This will affect the basic democratic rights of millions of Australians, especially members or supporters of political parties, lobby groups or other organisations opposing official policies, including the drive to war itself.

The FITS Act will require registration by all individuals and organisations deemed to collaborate with overseas entities in any political activity. It has serious criminal consequences, with up to five years' jail for those who fail to register or comply with complex and ongoing reporting requirements. This includes "recklessly" failing to register, that is, merely being aware of a risk of needing to register but deciding that registration is not necessary.

Anyone who fails to register, even if inadvertently, can be compelled to do so by an arbitrary "transparency notice" issued by the Attorney-General's Department. No procedural fairness, that is due process, is required in issuing notices, and there is no right to sue for defamation if a person is incorrectly branded a foreign agent.

"Registrable activities" include "parliamentary lobbying," "general political lobbying" and "communications activity for the purpose of political or governmental influence." This covers virtually every political activity and any publication, in print or online, deemed to have a political purpose.

People must register if they undertake such an activity "on

behalf of” a “foreign principal.” These requirements are vague in their scope. “On behalf of” includes “under an arrangement”—an amorphous concept—as well as “in the service of,” “on the order of” and “under the direction of.”

“Arrangement” is broadly defined in section 10 to include a contract, agreement, understanding or other arrangement of any kind, whether written or unwritten.

The forbidden activities could extend to elucidating a foreign country’s position on a contested issue, such as China’s on the disputed South China Sea territories, or opposing involvement in a US-led military confrontation with China.

“Foreign principal” is defined to mean not only a foreign government or foreign government-related individual or entity, but also a “foreign political organisation.” That includes a “foreign political party” and a “foreign organisation that exists primarily to pursue political objectives.”

This extends to groups whose major purpose is to pursue political objectives, not just parties seeking election or engaged in parliamentary lobbying. As a result, a political party or politically-active group with international connections or affiliations may be forced to register.

By comparison, the definitions of foreign government-related individuals and entities are more narrowly drawn. They cover those “accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the foreign principal.”

Media commentators have dubbed these provisions “China clauses” because they are particularly designed to capture people working for, or with, Chinese state enterprises or private Chinese companies that are alleged to be under Beijing’s influence.

The focus on political organisations is also in contrast to exemptions granted for “commercial and business pursuits,” as well as for churches, registered (non-political) charities, legal advice, current members of parliament, artistic activities, industrial and professional associations and trade unions.

Individuals and organisations must register for each “foreign principal” on whose behalf they undertake “registrable activities.”

But it is not yet clear exactly what details they must provide to the register. The FITS Act hands intrusive powers to the register’s secretary to require “any information or documents.” Will that include names and addresses of members? Information about overseas co-thinkers?

How much information will be made public is also unclear. According to the government: “Some scheme information will be made publicly available (mainly, the names of registrants and foreign principals and descriptions

of the registrable activities).”

The reporting requirements are onerous. Registrants must “promptly report” any material changes affecting their registration, “promptly report” registrable activities, keep “proper records” and renew registration annually.

The secretary’s powers extend beyond the actual registrants to any person deemed to have “relevant” information: “The secretary has power to obtain information from any person if the secretary reasonably believes the person has information relevant to the scheme.”

It is a criminal offence not to comply with a notice from the secretary requiring information. Criminal offences also apply for failing to fulfil responsibilities under the scheme, providing “false or misleading” information or “destroying records.”

In addition, it is quite possible that someone who failed to register could be charged with a “foreign interference” offence under the EFI Act, punishable by up to 20 years’ jail, for “covertly” collaborating with an overseas group or individual to seek political change.

Porter’s rush to London and Washington for behind-the-scenes consultations on finalising the powers and operations of the planned register is just as revealing as the near-record pace with which the government and the Labor Party jointly rammed the bills through parliament.

Terrified of opposition, the political and security establishment is proceeding behind the backs of the population. However, the WSWs is continuing to expose the anti-democratic character of this legislation and the Socialist Equality Party (Australia) is holding public meetings to raise awareness of its implications.



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