

behalf

of or under the direction of a foreign

principal

In the legislation this is referred to as a “*registerable activity*” and includes activities undertaken:

Under an arrangement with the foreign principal (refer to definition below)

In the service of the foreign principal

On the order or at the request of the foreign principal, or

Under the direction of the foreign principal.

The nature of the relationship is one where it is expected or intended that the person would undertake the activity on behalf of the foreign principal.

The activity may be mutually beneficial. It does not need not involve a payment or direct benefit to the person themselves.

The arrangement can be formal or informal, written or verbal – a contract, understanding or agreement made in Australia or overseas.

2. That foreign principal is a foreign government or political organisation, or their representative

In the legislation a “*foreign principal*” includes:

A foreign government

- o a government, or parts of a government; government authority (agencies, departments, etc. acting on behalf of a government or parts of a government of a foreign country, local government or regional body

A foreign political organisation

- o a foreign political party; or organisation primarily concerned to pursue political objectives

A foreign government-related entity, is

- o A company where either a foreign government or political organisation holds more than **15%** of share capital/voting rights; or appoints at least **20%** of the board of directors who usually acts according to instruction or wishes (by formal or informal obligation); or the foreign government or political organisation is in a position to exercise total control.
- o An entity where board members, for whatever reason, act in accordance with a foreign government or foreign political organisation.
- o An entity where its directors or employees are required to be members of a foreign political organisation and that requirement is set out in the entity’s constituting documents/rules of operation.

A foreign government-related individual, who is

- o Not an Australian citizen or permanent resident, and
- o Subject to foreign political control by formal or informal obligation.

3. That Members of the public who engage in political campaigning.

The concept of “*for the purpose of*” means that the sole, primary or a substantial reasons for the activity is to exert influence. In general, usual academic activity would not be regarded as being for the purpose of exerting influence. Consultancies, special or side projects should be considered on a case by case basis.

The concept of “*influencing*” a political or government process can include:

Political or government decisions (public policy, legislative or regulatory processes, procurement or grant-making decisions).

Affecting or impacting on a process, decision or outcome – to cause a change or to maintain the *status quo*.

A “*registerable activity*”