

22 January 2018

Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
CANBERRA ACT 2600

By email: pjcis@aph.gov.au

Dear Sir/ Madam,

Re: Review of Foreign Influence Transparency Scheme Bill 2017

This submission is made by me as Vice-Chancellor on behalf of Australian Catholic University. I have had the advantage of perusing the submission of the Australian Catholic Bishops Conference. Australian Catholic University wishes to associate itself with the points made in that submission.

In particular, both on behalf of the University, and writing as a Professor of Law expert in public law, I would stress the extraordinary confusion displayed by the drafters of the Bill between the Catholic Church in Australia – a purely religious collective of clergy and laity – and the Vatican City State, a sovereign state in international law.

The Catholic Church in Australia, its clergy, officials and members operate as an autochthonous Australian emanation of a world-wide faith and not at the direction or subject to the influence of any “foreign” power or individual, properly understood.

As a consequence of the confusion displayed in the Bill particularly on this point, its terms are apt to comprehend virtually every activity carried out through and by the Australian Catholic Church, and the individual activities of clergy, officials and laypeople.

The Bill, as drafted, is extraordinarily broad, and lacks all reasonable checks and safeguards. It is difficult to understand how, in its present form and particularly in its application to the Catholic Church, it could successfully be characterized against any of the legislative powers under the Commonwealth Constitution, including the external affairs power (section 51 (29)). I also query the consistency of the law, in its application to the Catholic Church, with section 116 of the Constitution, guaranteeing the free exercise of religion.

I should be happy to appear before the Committee to give evidence.

Yours sincerely,

Professor Greg Craven AO, GCSG
Vice-Chancellor and President

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