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Australian Government
Australian Security
Intelligence Organisation

ASIO submission to the Parliamentary Joint Committee on Intelligence and Security

Review of the *Foreign Influence Transparency Scheme Act 2018*

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Protecting the openness that is fundamental to Australia's democracy

1. ASIO's role is to protect Australia and Australians from threats to their security, including from 'foreign interference'.
2. Foreign interference, as defined in the *Australian Security Intelligence Organisation Act 1979*, includes clandestine or deceptive actions conducted by or on behalf of a foreign power that are carried on for intelligence purposes, or for the purpose of affecting political or governmental processes, or are otherwise detrimental to Australia's interests. In short, foreign interference is about covertly shaping decision-making to the advantage of another nation—which can be highly corrosive if left unchecked.
3. The *Foreign Influence Transparency Scheme Act 2018* (FITS Act), by comparison, focuses on bringing transparency to 'foreign influence' where it concerns Australia. Foreign influence activities, when undertaken openly and transparently, are distinct from foreign interference and can be a normal part of statecraft.
4. ASIO is not directly concerned with foreign influence, and the investigation of foreign influence activities is not a part of our statutory functions.
5. There are circumstances, however, in which people and organisations can use seemingly legitimate foreign influence activities as cover to engage in security-relevant activities on behalf of foreign powers, for example, by:
 - using access gained in the course of legitimate foreign influence activity to simultaneously or subsequently seek to engage in acts of foreign interference and shape the views of members of the Australian public, government officials, or members of diaspora communities, to advance the interests of a foreign power to the detriment of Australia and our national interests;
 - leveraging contacts and associations developed through legitimate foreign influence activities to build relationships with officials, members of industry and others who have access to privileged or confidential information, that can be exploited for espionage purposes.
6. Measures that promote transparency around foreign influence activities, such as the FITS Act, can assist to reduce the opportunities for foreign powers to work through proxies and intermediaries in these ways. These measures can also provide ASIO with insights into where foreign governments may be focusing their efforts in Australia.
7. ASIO supports any measures that increase the transparency of foreign influence within Australia. Such measures protect the openness that is fundamental to our democratic society and assist to ensure it is not exploited in ways that are contrary to Australia's interests.