



AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

Bishops Commission for Life, Family and Public Engagement

29 November 2021

Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600
pjcis@aph.gov.au

Dear Sir/Madam

Review of the Foreign Influence Transparency Scheme Act 2018

The Australian Catholic Bishops Conference supports the objective of the *Foreign Influence Transparency Scheme Act 2018* (the Act), which is “... to provide for a scheme for the registration of persons who undertake certain activities on behalf of foreign governments and other foreign principals, in order to improve the transparency of their activities on behalf of those foreign principals.”

The Catholic Church in Australia carries out its Australian religious mission under authority conferred by Church canon law on local people as principals in their own right, not as agents of a foreign principal. The Church’s mission in Australia is determined by Australian residents of the Church including bishops, priests, deacons, religious women and men, lay persons and Church-controlled entities.

The activities of the Catholic Church are not subject to the legislation because the activities of the Church are not “on behalf of” a foreign principal and, even if they were, that principal is not a foreign government.

Some may regard the Pope, as a “foreign principle”, in terms of being “a foreign government related individual”.

As Head of Vatican City State, which is an independent state, the authority exercised by the Pope is restricted to matters relating to that jurisdiction. The Fundamental Law of Vatican City State makes no provision for the Pope to use the office of Head of State to determine the teaching of the Church.

Nevertheless, the Conference appreciates the broad exemption for religion in section 27 of the legislation to avoid any doubt: “A person is exempt in relation to a religious activity the person undertakes, in good faith, on behalf of a foreign principal.”

Shortly after the scheme commenced, the Attorney General’s Department wrote to Archbishop Mark Coleridge, President of the Australian Catholic Bishops Conference, on 19 December 2018 to inform him of the scheme, to ask him to make other bishops aware of the scheme and to invite him to register if required.

A 2021 survey of Australian dioceses indicates that they have not been separately invited by the Government to register.

We have legal advice that so long as the activities carried out by a diocesan bishop and/or the entities under his canonical authority are religious and they are following the teachings or direction of the Pope in his capacity as head of the Catholic Church, then those activities will not be registrable activities and not caught by the Scheme.

However, if a diocesan bishop and/or entities under his canonical authority act under the influence of the Pope in his capacity as the Head of Vatican City State, in pursuance of the charitable objects of the Church entity, they would be able to rely upon exemptions at section 27 (Exemption: religion) and 29C (Exemption: registered charities) of the *Foreign Influence Transparency Scheme Act 2018*.

I would be happy to answer any questions. I can be contacted via [REDACTED], Deputy General Secretary of the Conference on [REDACTED]

Yours faithfully

Most Rev Peter A Comensoli
Archbishop of Melbourne
Chair, Bishops Commission for Life, Family and Public Engagement