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

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Dear Committee Secretary

**RE: REVIEW OF THE FOREIGN INFLUENCE TRANSPARENCY SCHEME ACT 2018**

Commercial Radio Australia (**CRA**) is the peak industry body representing the interests of commercial radio broadcasters throughout Australia. CRA has 261 member stations, comprising the entire Australian commercial radio industry.

CRA welcomes this opportunity to comment in relation to the review of the *Foreign Influence Transparency Scheme Act 2018* (**Act**) and the accompanying *Foreign Influence Transparency Scheme (Disclosure in Communications Activity) Rules 2018* (**Rules**), made under section 71 of the Act.

The Foreign Interest Transparency Scheme (**FITS**) set out under the Act imposes registration, record keeping and disclosure requirements on organisations conducting communications activities for the purpose of political or governmental influence in Australia, where those activities are on behalf of certain foreign entities.

CRA urges the Committee to recommend the retention of the following aspects of the Act and the Rules:

- the restriction of affected foreign principals to foreign governments, foreign political organisations and their related entities (definition of *foreign principal* in **section 10 of the Act**). This prevents the Act from inadvertently catching advertisements placed by foreign owned companies or organisations such as charities;
- the exemption for broadcasters who are simply broadcasting material produced by a third party (**section 13(3) of the Act**). This is important as it allows broadcasters to disseminate material that has been either produced entirely by a third party, or, produced by the radio station only to the extent necessary to ensure compliance with the law or to fit time and space constraints. In such situations, the radio station is acting as no more than a conduit and has no influence on the substance of the material;
- the provision in the Rules allowing a shortened disclosure requirement for communications already subject to authorisation or notification requirements under

the *Broadcasting Services Act 1992 (BSA)* (**section 7 of the Rules**). Radio broadcasters are subject to extensive tagging obligations under the BSA in every instance where they broadcast political matter. The imposition of additional tagging obligations would be unduly onerous; and

- the provision that exempts radio advertisements of 15 seconds or less from substantial elements of the required disclaimers (**section 6 of the Rules**). For such advertisements, radio broadcasters need only state that the communication is registrable under the FITS. This is a key provision for radio, as commercial radio has only one means of communicating a message – audio – and therefore any spoken disclaimer takes over the entire message. This makes radio different to other media, where a text disclaimer can be added to the other content. The impact of spoken disclaimers on radio is uniquely burdensome.

We urge the Committee to recommend the continued inclusion of the above elements of the Act and the Rules as part of the Review. If there is any suggestion that any of the above elements might change, we ask the Committee to consult closely with CRA.

We would be pleased to discuss any of these issues further if that would assist the Committee.

Yours sincerely



Joan Warner  
Chief Executive Officer