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From: S47F(1)
Date: Friday, 02 Aug 2019, 4:25 pm
To: S47F(1), Wellington, Tim <Tim.Wellington@ag.gov.au>
Subject: FW: CPAC talking points [~~DLM=For-Official-Use-Only~~]

~~For Official Use Only~~

FYI

From: Atkinson, Lucinda
Sent: Friday, 2 August 2019 4:20 PM
To: S47F(1)
Cc: AGO DLO; Transparency; Walter, Andrew
Subject: CPAC talking points [~~DLM=For-Official-Use-Only~~]

~~For Official Use Only~~

Hi S47F(1)

As requested, below are some points about the CPAC letter and FITS in case this is raised with the AGO. Happy to discuss.

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Talking Points

- The Foreign Influence Transparency Scheme (the scheme) commenced on 10 December 2018. The scheme is designed to provide the public and government decision-makers with visibility of the nature, level and extent of foreign influence on Australia's government and political process.
- The scheme does not prevent people or groups from participating in political conversations, expressing views about a government or political party or advocating their political opinions on various platforms. Nor should the scheme deter people from doing so. Rather, the scheme is intended to ensure that the source of the interests being represented through such activities is clear and appropriately disclosed.
- The scheme requires people or entities undertaking certain activities on behalf of a foreign principal to register, unless an exemption applies. Foreign principals include foreign governments and foreign political organisations. Relevant activities include 'communications activities', like speeches, where the aim of the activity is to influence public views on matters relating to Australian federal government policies and decisions.
- My department administers the scheme. As the scheme is relatively new, when the department becomes aware of activities which might attract registration obligations, the department will typically write to those involved to ensure they are aware of the obligations under the scheme.
- [I am aware of reports that] My department has written to the President of LibertyWorks Inc. (LibertyWorks), Mr Andrew Cooper, in relation to his organisation's role in promoting the upcoming Conservative Political Action Conference (CPAC) Australia 2019 in conjunction with the American Conservative Union (ACU). I understand the letter drew LibertyWorks' attention to the operation of the scheme and sought their cooperation to ensure those speaking at the conference are also aware of the obligations imposed by the scheme.

- It is a matter for potential registrants to determine whether or not they are required to register. It would not be appropriate to comment further. More information about the scheme is available at www.ag.gov.au/transparency.

Background

Conservative Political Action Conference (CPAC) Australia 2019

- On 22 July 2019, senior representatives of the Integrity and Security Division provided the Shadow Attorney-General, the Hon Mark Dreyfus QC MP, with a briefing on implementation of the Foreign Influence Transparency Scheme (the scheme). During the meeting, Mr Dreyfus queried the application of the scheme to foreign political organisations holding events in Australia. He specifically raised the upcoming Conservative Political Action Conference (CPAC) to be held in Sydney on 9-11 August 2019, as an example of an event that may trigger registration obligations under the scheme and asked what the Department planned to do about it.
- The CPAC website describes the event as being jointly organised by the American Conservative Union (ACU) and Australian organisation LibertyWorks Inc. (LibertyWorks). The website lists Australian President of LibertyWorks, Mr Andrew Cooper, as the event's co-host.
- The ACU's purpose is to promote and advocate for conservative values, policies, and political candidates. The ACU has held annual CPAC conferences in the US since 1973 and has previously co-hosted events in Israel and Japan.

S42(1)

- Further, individuals who have agreed to speak as part of the event may also be liable to register. In this regard, we note **several** of the speakers are former Cabinet Ministers or recent designated position holders, subject to more extensive obligations under the scheme.
- In order to ensure LibertyWorks and others are made aware of their potential obligations as quickly as possible, the Department wrote to LibertyWorks on **2 August 2019** outlining its potential obligations under the Act and requesting that it bring the scheme to the attention of speakers.
- The Department has chosen not to write directly to former Cabinet Ministers and recent designated position holders who are listed as speakers at CPAC, as letters to these individuals would be unlikely to reach them in advance of the event. Instead, the Department will ensure that future outreach to these people takes into account the possible obligations which may arise from participation in this event.

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Attorney-General's Department – Integrity and Security Division

File No: 19/2093-4

DEPUTY SECRETARY

Foreign Influence Transparency Scheme – Letters regarding CPAC Australia 2019

Deadline: Thursday 8 August 2019

Recommendation: I recommend that you **sign** the letters to The Hon Tony Abbott, S47F(1) [redacted] at **Attachment C**

Signed / Not Signed / Discuss

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Deputy Secretary
8 / 8 / 2019

Key Issues/Analysis: On 22 July 2019, senior representatives of the Integrity and Security Division provided the Shadow Attorney-General, the Hon Mark Dreyfus QC MP, with a briefing on the Foreign Influence Transparency Scheme (the scheme). During the meeting, Mr Dreyfus queried the application of the scheme to foreign political organisations holding events in Australia. He specifically raised the upcoming Conservative Political Action Conference (CPAC) to be held in Sydney on 9-11 August 2019, as an example of an event that may trigger registration obligations under the scheme. Details of the CPAC agenda are at **Attachment A**.

The CPAC website describes the event as being jointly organised by the American Conservative Union (ACU) and Australian organisation LibertyWorks Inc. (LibertyWorks). The ACU's purpose is to promote and advocate for conservative values, policies, and political candidates. S42(1) [redacted]

S42(1) [redacted]

There are a number of prominent former Cabinet Ministers and recent designated position holders who have agreed to speak as part of the event and may also be liable to register. Whilst the Department had originally identified more individuals who may be subject to registration obligations, several speakers no longer appear on the conference agenda and this list has now been narrowed down to 4 people: two former Cabinet Ministers (the Hon Tony Abbott and S47F(1) [redacted]) and two recent designated position holders S47F(1) [redacted]

After discussion with the Secretary's office, it has been decided that it would be most appropriate that these letters come from you. We recommend that you write to these people to alert them to their obligations under the scheme. Letters have been prepared for your signature at **Attachment C**.

Note, these letters are not a formal exercise of the powers available under the Act.

AGD Clearing Officer: Lucinda Atkinson, Assistant Secretary, Institutional Integrity Branch, S47E(d)

Date Cleared: 8 August 2019

Action Officer: S22(1)(a)(ii) [redacted] Foreign Influence Transparency Scheme, S22(1)(a)(ii)

Attachments:

- **A** – CPAC 2019 agenda
- **B** – Letter to LibertyWorks Inc.- 2 August 2019
- **C** – Letters to The Hon Tony Abbott, S47F(1) [redacted]

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