



Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation (INGE 2)

23.11.2022

MISSION REPORT

following the Canberra and Melbourne (Australia) from 20 to
22 September 2022

Special Committee on Foreign Interference in all Democratic Processes in the
European Union, including Disinformation (INGE 2)

Members of the mission:

Raphaël Glucksmann
Isabel Wiseler-Lima,
Andreas Schieder
Georgios Kyrtos

(S&D) (Chair of the mission)
(EPP)
(S&D)
(Renew)

Introduction

A four-Member delegation from the Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation (INGE 2), was in Australia (Canberra and Melbourne) from 20 to 22 September 2022 in order to learn about and discuss the Australian experience in dealing with foreign interference. This mission was designed to collect best practices and innovative ideas for fulfilling the mandate of the special committee and to explain the European approach on the matter, e.g. regulating social media platforms. The content of this report reflects the own assessment of the delegation.

The delegation met with four Australian ministers, including the Deputy Prime Minister and Minister for Defence, Mr Richard Marles, the Minister for Home Affairs and Cyber Security, Ms Clare O’Neil, the Minister for Communications, Ms Michelle Rowland, and the Attorney-General, Mr Mark Dreyfus. Other meetings were organised with the Senator / Shadow Minister for Countering Foreign Interference, Mr James Paterson, the Deputy Secretary of Foreign Affairs and Trade, Ms Michelle Chan, representatives from two Australian intelligence services (the Australia Security Intelligence Office and the Office of National Intelligence), representatives from the Australian Strategic Policy Institute, and representatives from the Australian Communications and Media Authority. The delegation also met with the national Counter Foreign Interference Coordinator, Mr Andrew Kefford, the Australian Electoral Commissioner, Mr Tom Rodgers, and members of the fact-checking organisation RMIT ABC Fact Check.

Scene setting

Between 2018 and 2020, Australia, with bipartisan support, adopted a set of five advanced pieces of legislation aimed at protecting the country against hybrid and destabilisation operations orchestrated by foreign states in an agnostic way. Following the general elections on Saturday 21 May 2022, the new political majority in the Australian Parliament did not result in a change in the consensus over the need to protect Australian democracy from foreign interference.

The assessment of the delegation is that, despite the agnostic approach of the Australian legislation, the most significant threat against the country clearly comes from the People’s Republic of China.

The new pieces of Australian legislation have been framed in such a way that they contribute to enhancing engagement with culturally and linguistically diverse communities, in order to strengthen these communities’ ability to challenge manipulation and coercion by foreign actors.

Main issues

Counter foreign interference coordination

In response to the unprecedented scale of foreign interference with Australia, in December 2019, the Australian Prime Minister established a Counter Foreign Interference Taskforce with the aim of protecting Australia’s sovereignty, values and national interests from foreign interference, in line with Australia’s counter foreign interference strategy.

The strategy aims to prevent foreign interference, which is by nature covert and deceptive, and not to ban foreign influence in Australia, which should be carried out in an open manner (i.e. knowing who is behind the influence). It focuses on building resilience in the sectors of Australian society most at risk from foreign interference and is based on a ‘whole-of-government’ approach.

The Counter Foreign Interference Coordinator brings together all the agencies within the Australian administration, including the Australia Security Intelligence Office, to oversee the implementation and enforcement of the recently adopted laws. This cross-sector approach is designed to create integrated and coordinated domestic and international programmes that respond to foreign interference activities, as well as to coordinate outreach efforts and advice. The coordinator also connects with like-minded countries and regional partners to build greater domestic and global resilience against foreign interference.

As an example, a coordinated approach has been followed concerning the need to protect Australian universities from foreign interference. With around 500 000 international students, including 140 000 Chinese students¹, out of around 1.4 million university students in total in Australia, the need to secure academic freedom and address the issues of financial dependency and theft of intellectual property has prompted close coordination across different government departments (inter alia education, intelligence and home affairs).

To this aim, the guidelines to counter foreign interference in the Australian university sector² were produced collaboratively by the Australian Government and the university sector to build awareness of and resilience to foreign interference within Australian universities.

Legal definition of an act of foreign interference

Since the adoption of the Espionage and Foreign Interference Act in 2018, Australia has been one of the few democratic countries to adopt a piece of legislation explicitly defining an act of foreign interference and creating a new criminal offence related to it. The Australian law now punishes covert and deceptive activities by foreign actors intending to interfere with Australia’s institutions or support the intelligence activities of a foreign government. So far, only a very limited number of persons have been prosecuted under this legislation, but the deterrence effect of the law has been widely recognised, as has the advantage of creating new legal concepts to allow better protection against foreign interference.

Transparency of foreign influence

Also adopted in 2018, the Foreign Influence Transparency Scheme Act aims to increase transparency of foreign influence in Australia without preventing it. The purpose of the scheme is to establish a register of persons and entities undertaking certain activities, including lobbying, on behalf of foreign actors. Designed to shed light on the nature, level and extent of foreign influence-related activities in Australia, it is widely recognised as an innovative and

¹ Department of Education, Australian Government, ‘[International student numbers by country, by state and territory](#)’, last updated 5 September 2022.

² Department of Education, Australian Government, ‘[Guidelines to counter foreign interference in the Australian university sector](#)’, last updated 17 August 2022.

ambitious tool.

However, the low number of registrations and prosecutions since its entry into force seems to indicate that the scheme has not yet met expectations, and that additional steps are required, in particular in terms of communication and prosecution.

The deterrent effect of the Foreign Influence Transparency Scheme Act on working methods and changes in behaviour has nevertheless been widely acknowledged. A review of the legislation is currently in progress in both the Australian Parliament and at the High Court of Australia, and these reviews could result in the broadening of relevant definitions.

Foreign investment review and protection of critical infrastructure

Australia's Foreign Relations Act, adopted in 2020, created a scheme under which any Australian state or local government should notify the federal authorities and publicly declare any 'foreign arrangement', i.e. agreement with a foreign national or subnational government or a foreign university lacking institutional autonomy.

If found to be inconsistent with Australian national security and foreign policy, the federal authorities can terminate the agreement. Given that the Australian law does not target any specific country, a number of objective criteria must be used to define security risks, including 'rule of law' criteria and the level of autonomy of the relevant entity.

The Foreign Investment Review Board makes recommendations based on national security risks on whether to authorise the foreign arrangement. It also promotes the need to diversify the supply chains for all Australian businesses.

The 2018 Security of Critical Infrastructure Act set up a register of critical infrastructure assets that gives the government visibility on who owns and controls the assets. The Security Legislation Amendment, which entered into force in 2022, introduced new obligations for responsible entities to create and maintain a critical infrastructure risk management programme. It also provides a new framework for enhanced cyber security obligations for operators of systems of national significance.

Electoral integrity

The mandate of the Australia Election Commission (AEC) comprises not only organising elections and referendums in Australia, where voting and electoral registration are both compulsory, but also overseeing the manual counting of votes (there are no voting machines in Australia) and all communication about the elections.

Communication about the elections includes communication before the elections take place, such as the AEC's 'stop and consider' campaign³, which called on people to consider the source of information, but it also includes handling perceptions and the reputation of the elections once they have happened (i.e. whether there have been issues concerning their integrity). This work entails a large amount of media work, especially on social media, such as Twitter.

³ AEC, '[AEC launches campaign to combat disinformation](#)', 12 April 2022.

The AEC also updates a public ‘disinformation register’⁴, which lists and debunks attempts to manipulate information related to elections.

In addition, an Electoral Integrity Assurance Taskforce has been set up to provide assurance that the relevant electoral event has been unaffected by interference. The taskforce brings together people from different sectors of the administration (cybersecurity, communication, intelligence services, home affairs, etc.) to protect the integrity of Australia’s electoral processes from cyber or physical security threats, misinformation/disinformation campaigns and risks stemming from perceived or actual interference in electoral processes. In particular, the taskforce monitors ongoing disinformation campaigns and engages with online platforms, including Chinese-based platforms like WeChat, as soon as disinformation related to the integrity of the elections is spotted.

Finally, the AEC is also tasked with monitoring electoral rules, including as regards the funding of political parties. According to the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act, adopted in 2018, foreign donations to political parties are prohibited in Australia.

Conclusions and follow-up

The ad hoc delegation to Australia was of great value to INGE 2’s work, in view of its final recommendations to be adopted at the end of its mandate. The exchanges over best practices and Australia’s experience in dealing with foreign interference provided Members with tangible items to be included in the report of the special committee.

Moreover, the delegation reaffirmed the need to set up close partnerships among democracies, such as the EU and Australia, that are facing similar challenges in terms of hybrid operations orchestrated by authoritarian regimes, such as Russia and China. It also provided the opportunity to express common support for Ukraine, which is facing unjustified military war by Russia.

⁴ AEC, ‘[Disinformation register](#)’, last updated 20 July 2022.

20-22 September 2022

Canberra and Melbourne (Australia)

PROGRAMME

Tuesday 20 September 2022 – Canberra

- 08.00 - 08.45** Briefing with EU Ambassador, Mr Gabriele VISENTIN
- 09.00 - 10.30** Meeting with the National Countering Foreign Interference Coordinator, Mr Andrew KEFFORD
- 11.30-12.00** Meeting with Deputy Prime Minister and Minister for Defence, Richard MARLES
- 12.30 – 14.00** Working lunch with the Australian Strategic Policy Institute and the National Security Committee on hybrid threats
- 14.30-15.00** Press point
- 15.30-16.30** Meeting with the Hon Michelle ROWLAND, Minister for Communications
- 16.30-17.15** Meeting with the Attorney-General, the Hon Mark DREYFUS
- 17.30-18.30** Briefing with EU Member States

Wednesday 21 September 2022 – Canberra

- 08.30 – 09.30** Meeting with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, and the Australian Communications and Media Authority
- 10.00 – 12.00** Meeting with the Australian Electoral Commissioner, Mr Tom ROGERS, and Tour of the Command Centre of the Australian Electoral Commission, followed by a briefing on Electoral Integrity Assurance Taskforce
- 12.15-14.00** Lunch round table hosted by Michelle CHAN, Deputy Secretary Department of Foreign Affairs and Trade

- 14.00-15.15** **Round table meeting with Department of Foreign Affairs and Trade First Assistant Secretaries**
- 15.30-16.30** **Joint Briefing with ASIO (Australia Security Intelligence Organisation) and with ONI (Office of National Intelligence)**

Thursday 22 September 2022 - Melbourne

- 9.00 - 10.00** **Meeting with the Hon Clare O'Neill, Minister for Home Affairs**
- 10.30 – 11.30** **Meeting with RMIT ABC Fact Check**
- 12.00 – 13.15** **Lunch hosted by the Commonwealth Scientific and Industrial Research Organisation**
- 14.00-15.00** **Meeting with Senator James Paterson, the Shadow Minister for Cyber Security and for Countering Foreign Interference**