



# Espionage, foreign interference and foreign influence

On 28 June 2018, the Australian Parliament passed a comprehensive package of legislative reforms, including legislation to:

- enhance existing espionage, secrecy, treason, sabotage and related offences
- introduce new offences targeting foreign interference and economic espionage
- establish a Foreign Influence Transparency Scheme.

## Contact details

Espionage and Foreign Interference Review

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## Media releases

Australia's national security greatly enhanced with new laws - 28 June 2018

## Legislation

National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018

Foreign Influence Transparency Scheme Act 2018

## Related websites

[Review of the National Security Legislation Amendment \(Espionage and Foreign Interference\) Bill 2017](#)

[Review of the Foreign Influence Transparency Scheme Bill 2017](#)

## Espionage and foreign interference laws

The *National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018*:

- strengthens existing espionage offences
- introduces new foreign interference offences targeting covert, deceptive or threatening actions by foreign actors who intend to influence Australia's democratic or government processes or to harm Australia
- reforms the Commonwealth's secrecy offences, ensuring they appropriately criminalise leaks of harmful information while also protecting freedom of speech
- introduces comprehensive new sabotage offences that effectively protect critical infrastructure in the modern environment
- modernises and reforms offences against government, including treason, to better protect Australia's defence and democracy
- introduces a new theft of trade secrets offence to protect Australia from economic espionage by foreign government principals
- introduces a new aggravated offence for providing false and misleading information in the context of security clearance processes
- ensures law enforcement agencies have access to telecommunications interception powers to investigate these serious offences.

## Foreign Influence Transparency Scheme

The *Foreign Influence Transparency Scheme Act 2018* will establish the Foreign Influence Transparency Scheme. The scheme will introduce registration obligations for persons and entities who have certain arrangements with, or undertake certain activities on behalf of, foreign principals. The scheme provides visibility of the nature and extent of foreign influence over Australia's government and political processes.

Whether a person or entity is required to register will depend on who the foreign principal is, the nature of the activities undertaken, the purpose for which the activities are undertaken, and in some cases, whether the person has recently held a senior public position in Australia.

A foreign principal includes:

- a foreign government
- a foreign government related entity
- a foreign political organisation
- a foreign government related individual.

Categories of registrable activities include:

- parliamentary lobbying on behalf of a foreign government
- parliamentary lobbying on behalf of other kinds of foreign principals for the purpose of political or governmental influence
- general political lobbying for the purpose of political or governmental influence
- communications activities for the purpose of political or government influence
- disbursement activities for the purpose of political or governmental influence
- employment or activities of recent Cabinet ministers, recent ministers, recent members of Parliament or recent senior Commonwealth public officials in the period immediately following their public role.

Under the scheme, registrants will be required to disclose information about the nature of their relationship with a foreign principal, and activities undertaken pursuant to that relationship (both at the initial point of registration and on an ongoing basis for the duration of the relationship).

The scheme also:

- establishes exemptions, including for diplomatic and consular activities, activities related to the provision of legal advice or representation, religious activities, activities of registered charities, activities related to the arts and activities for the purposes of providing humanitarian aid
- contains criminal offences ranging from failing to comply with obligations under the scheme, through to failing to register in circumstances where a person is required to do so
- provides that some information will be made publicly available to achieve the transparency objectives of the scheme.