

ADDITIONAL INFORMATION

National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017

This Bill strengthens and modernises a range of offences including espionage, sabotage, and treason, and introduces new offences targeting foreign interference and economic espionage. Given the extreme threat these activities pose to our national security, the offences carry severe penalties, including life imprisonment.

The Bill introduces offences that criminalise covert and deceptive activities of foreign actors that fall short of espionage but are still intended to interfere with our democratic systems and processes or support the intelligence activities of a foreign government.

The Bill also introduces a new and balanced secrecy regime to criminalise disclosing inherently harmful information, such as classified documents. This will replace the existing outdated offences in the Crimes Act.

Extensive safeguards are a part of the legislation, including protections for journalists engaging in fair and accurate reporting in the public interest.

The Bill will be referred to the Parliamentary Joint Committee of Intelligence and Security for report by 15 February 2018.

Foreign Influence Transparency Scheme Bill and Foreign Influence Transparency Scheme (Registration Charge) Bill

Under this legislation, a new registration scheme will be established providing – for the first time – visibility of the nature and extent of foreign influence over Australia’s government and political processes.

Entities that engage in certain activities on behalf of a foreign individual or entity will have to register. Former Members of Parliament and former senior public officials will also need to disclose when they are employed by, or act in any capacity for, foreign entities following the end of their public role.

The Foreign Influence Transparency Scheme Bills will be referred to the Senate Legal and Constitutional Affairs Committee for report by 15 February 2018.

Summary of changes to criminal offences

- Strengthens existing espionage offences, with penalties of up to life imprisonment; and introduces new tiered espionage offences with graduated penalties;
- Introduces new foreign interference offences targeting covert, deceptive or threatening actions by foreign actors who intend to influence our democratic or government processes or harm Australia. This will include new provisions criminalising support for foreign intelligence agencies, which will be modelled on offences banning support for terrorist organisations. Penalties for these offences will be up to 20 years imprisonment;
- Reforms Commonwealth secrecy offences, ensuring they appropriately criminalise leaks of harmful information while also protecting freedom of speech, with penalties of up to 20 years imprisonment;

- Introduces comprehensive new sabotage offences that effectively protect critical infrastructure in the modern environment, with penalties of up to 25 years imprisonment;
- Modernises and reforms offences against government, including treason, to better protect Australia's defence and democracy, with penalties of up to life imprisonment;
- Introduces new theft of trade secrets offences to protect Australia from economic espionage by foreign government principals, with a penalty of 15 years;
- Introduces a new aggravated offence for providing false and misleading information in the context of security clearance processes, with a penalty of five years imprisonment; and
- Ensures law enforcement agencies have access to telecommunications interception powers to investigate these serious offences.

Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017

The Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017 is an important step in protecting the integrity of Australia's electoral system and ensuring that only those with a meaningful connection to Australia can influence local politics.

It will ban donations from foreign bank accounts, non-citizens and foreign entities.

To protect Australian elections from foreign influence, the Government has made clear that any ban on foreign donations must apply to all political campaigning, not just political parties. This is consistent with foreign donations bans in other jurisdictions.

This Bill takes into account the realities of contemporary political campaigning, in which political parties, independent candidates, trade unions, interest groups, advocacy groups and others spend millions of dollars each year to influence voters.

According to returns provided to the Australian Electoral Commission, in the 2015-16 financial year, which included the last election, third party campaign groups spent almost \$40 million on political advertising, polling, and campaigning. We know that some of that funding came from foreign sources.

The Bills will be introduced this week.