

Foreign influence or interference in national affairs – new legal obligations

New laws regulating some forms of engagement with foreign governments and entities to better protect Australia's national security and interests recently commenced.

These changes will not impact unduly on academic activities but all University personnel should be aware of the potential reach of these new laws and the substantial penalties that apply, including long prison sentences where national security has been compromised.

Academics providing analysis of government or political activity and academics working in strategic areas (such as defence technology) should actively consider the nature and intent of their activities, particularly where international connections exist.

The potential impact of the new legislation will depend on the context, scope and intent of the activity and the nature of any linkages to national or foreign interests.

Foreign Influence laws are most likely to affect academics involved in:

- Academic disciplines where commentary on politics or government is more likely (for example, social sciences or law).
- International collaborations or consultancy work that is primarily intended to influence Australian politics or government outcomes (or could be characterised that way).
- Projects or collaborations which are funded or directed by a foreign government.
- Publication of commentaries or analyses in journals or by publishers owned and controlled by a foreign government.

If you are involved in any activity conducted on behalf of a foreign government (or agent) for the 'sole purpose' of influencing an Australian government or political outcome, you must be registered with the Commonwealth Government. Penalties of up to 5 years imprisonment may apply to individuals who fail to register or to individuals (supervisors, local area managers) who ignore the obligation of others when the nature of the activities are known to them.

Espionage and Foreign Interference laws are most likely to impact on academics involved in:

- Sensitive government or strategic defence research projects, which may already be subject to other regulatory requirements, such as Defence Trade Controls.
- Advances or improvements in knowledge or technologies that are commercially sensitive or secret.
- Collaborations or consortiums where sensitive information or knowledge might be accessible to foreign academics or students.

Failure to control such risks can be an offence under the *Australian Criminal Code* should a crime against national security or the national interest occur. Prison sentences of up to 20 years apply.

If your work has national security significance, you are encouraged to reassess the risks and make any necessary adjustments to the protections already in place.

Read the Legal and Risk Blog posts on these topics:

[Commencement of Foreign Influence Transparency Scheme](#)

[From undue interest to foreign interference](#)

[Connecting the dots – should declared interests be registered under the Commonwealth's Foreign Influence Transparency Scheme.](#)

Or refer to information on the [Legal and Risk](#) website.

Additional information about the *Foreign Influence Transparency Scheme* can be found on the Attorney-General's Department website, including a *pre-registration questionnaire* to assist individuals determine their obligation. To register please visit the [pre-registration questionnaire](#) webpage.

Academic staff and graduate research students are encouraged to seek advice from [Research Legal Services](#) and/or [Legal and Risk Branch](#) where there is uncertainty.