



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

Implications for Defence's Workforce

The Criminal Code Act 1995 (Cth) was amended on 29 June 2018, as a result of the National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018 (the EFI Act) which was passed by Parliament on 28 June 2018, and received Royal Assent the following day.

The EFI Act amendments modernise and strengthen a range of espionage offences and introduces a number of new foreign interference laws, as well as a new aggravated offence for providing false or misleading information during a security clearance process.

This provides Australian law enforcement and security agencies the necessary powers to investigate and the option to pursue prosecution. Criminal charges and imprisonment are now possible consequences for actions that would previously been considered security incidents or breaches of administrative policy.

What you need to know?

To advance Australia's national interests, Defence will continue to engage with foreign nationals and entities in the acquisition and sustainment of our national security capabilities.

The legislation does not seek to limit Defence's engagements, but strengthens the criminal penalties for individuals that do not act in accordance with the obligations under the [Protective Security Policy Framework \(PSPF\)](#), [Defence Security Principles Framework \(DSPF\)](#) and as security clearance holders.

If you continue to meet your security obligations under the Protective Security Policy Framework (PSPF) and Defence Security Principles Framework (DSPF), you will be fulfilling your legal obligations.

What you need to do?

As a security clearance holder you must update changes in your personal circumstances and ensure the information that you provide is not deceptive or misleading.

Apply appropriate security classifications and correctly mark information and assets.

Handle, store, communicate and destroy/dispose of classified information appropriately.

Follow the Foreign Release process for the release of classified information to foreign nationals or entities, as detailed in [DSPF Control 15.1](#).

Report any suspected security incidents or contact reports to your Manager/Commander and Security Officer in the first instance. If your Security Officer is unavailable, please submit an [XP188](#) or [XP168](#) as soon as practical.

Where can I get more information?

If you are unsure about any of the security requirements or processes, please seek advice from your local Security Officer. A comprehensive Summary of Offences and penalties is available [here](#).

You can also find more information on the EFI Act [here](#).

