



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: PuLC/DHvk:1566970

3 August 2018

Mr Jonathan Smithers
Chief Executive Officer
Law Council of Australia
DX 5719 Canberra

By email: natasha.molt@lawcouncil.asn.au

Dear Mr Smithers,

**National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018
and Foreign Influence Transparency Scheme Act 2018**

The Law Society of NSW understands that the *National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018* and the *Foreign Influence Transparency Scheme Act 2018* ("Acts") both received assent on 29 June 2018.

Parts of the *National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018* have already commenced. Commencement of other parts of that Act (being the provisions relating to the transparency scheme and secrecy provisions) and of the *Foreign Influence Transparency Scheme Act 2018* has been delayed and they will commence by proclamation. We understand that the transparency scheme must commence within 12 months, and the secrecy provisions within six months of the date of assent.

Given that the Acts will likely have far-reaching implications for many, where contravention may lead to serious consequences, the Law Society requests that the Law Council liaise with the Attorney-General's Department to advocate for the creation of guidance material in respect of proactive engagement and compliance with the Acts. In particular, it would be of assistance to legal practitioners, as well as entities and individuals, for such guidance material to clarify the proactive conduct required to comply with the Acts (particularly as required under the transparency scheme) as well as examples of conduct likely to fall foul of the Acts. It would also assist if the guidance material indicated whether the Acts are anticipated to interact with other legislation or policy or both (including state and territory legislation and policy).

The Law Society of NSW would be pleased to support the Law Council further in respect of such advocacy if it would assist.

Thank you for your consideration of this request. Questions at first instance may be directed to Vicky Kuek, Principal Policy Lawyer, at victoria.kuek@lawsociety.com.au or (02) 9926 0354.

Yours sincerely,

Doug Humphreys OAM
President

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