Media Release

Law Council
OF AUSTRALIA

30 July 2026

Report highlights role of INSLM in promoting necessity and proportionality in national security laws

The review of Australia's espionage, foreign interference and related offences released last week demonstrates the vital role the Independent National Security Legislation Monitor (INSLM) plays in ensuring an appropriate balance between national security and civil liberties.

"This report by the INSLM considers the operation, effectiveness and implications of Australia's espionage, foreign interference, sabotage and theft of trade secrets offences under the *Criminal Code Act 1995* (Cth)," Law Council of Australia President, Tania Wolff explained.

"Australia's security environment has changed significantly since these offences were first introduced eight years ago. Our national security legislation must be fit for purpose to protect Australians and Australia's democracy from the serious threat posed by malicious actors.

"We commend the INSLM's recommendations as a clear demonstration that a commitment to the rule of law and democratic values is a core pillar of Australia's national security. We note in particular the INSLM's focus on addressing overly broad espionage offences and recommending the repeal of certain preparatory offences, including preparatory foreign interference offences.

"The consultation undertaken and subsequent recommendations made by the INSLM will help ensure that national security legislation provides a proportionate and effective framework to respond to the contemporary threats we face, while appropriately protecting individual rights.

"We support the majority of recommendations made by the INSLM and thank him for his consideration of the views of the legal profession and other civil society organisations."

In its submission to the review, the Law Council stated: "Any statutory mechanisms or criminal offences proposed in support of national security must not undermine the rule of law, or rights and freedoms central to democratic participation and government. Indeed, laws that balance these public policy interests in a serious way, proportionate to the gravity of threats to the national interest, provide a robust demonstration to adversaries of the strengths and values of a liberal democracy."

"We look forward to continuing to work with the Australian Government as the recommended legislative changes proposed by the INSLM are progressed," Ms Wolff said.

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