Media Release

Law Council
OF AUSTRALIA

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Clearer lines need to be drawn on ACIC powers

Legislation governing the operation of the Australian Criminal Intelligence Commission (ACIC) must clearly define its mandate and better protect the administration of justice so intelligence powers do not risk the integrity of criminal proceedings.

In its submission to and appearance at a public hearing today of the Parliamentary Joint Committee on Intelligence and Security, the Law Council recommended further refinement of the Australian Criminal Intelligence Commission Bill 2026 (Cth).

"The Bill seeks to recharacterise the ACIC as a criminal intelligence agency focused primarily on serious and organised crime," Law Council of Australia President, Tania Wolff said.

"We support this role for ACIC, but the more closely aligned intelligence activities are to traditional investigations of criminal offences and proceedings before the court, the more important it is to be able to draw clear lines between function and purpose.

"ACIC has powerful and extraordinary tools at its disposal to disrupt serious and sophisticated criminal enterprises. These include the power to compel people, including non-suspects and minors, to answer questions even when the answers may incriminate them; conduct undercover operations in which laws are broken with immunity; and search premises without the occupant's knowledge.

"We are concerned these powers can be applied more broadly than intended and have the potential to undermine individual rights and freedoms, such as the privilege against self-incrimination and the right to a fair trial.

"Our recommendations include a call for ACIC's intrusive powers to be based on a narrower 'serious and organised crime' definition, to be restricted to circumstances appropriate for a criminal intelligence agency, and not be allowed to be used primarily for law enforcement. Amendments are also needed to better distinguish intelligence collection from the roles of traditional law enforcement and the courts.

"We would also like to ensure that requests to access extraordinary powers are more appropriately scrutinised and independently assessed, for people's right to access a lawyer to be better protected, and for comprehensive oversight of ACIC's activities.

"The Law Council believes these changes would better preserve the administration of the adversarial justice system and afford greater protection to individual rights; while allowing ACIC to continue to provide strategic criminal intelligence to the benefit of the community."

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