# Media Release

Law Council
OF AUSTRALIA

2 September 2025

# Support for safeguards on powers to identify and disrupt cyber-enabled crime

The Law Council of Australia supports the Independent National Security Legislation Monitor's (INSLM) proposals to strengthen the operational framework of the *Surveillance Legislation Amendment (Identify and Disrupt) Act 2021* (SLAID Act).

"When enacted, the SLAID Act introduced extraordinary and highly invasive covert powers with the aim of enabling the Australian Federal Police and the Australian Criminal Intelligence Commission to identify and disrupt serious cyber-enabled crime," Law Council of Australia President, Juliana Warner said.

"While the Law Council appreciates the critical importance of ensuring that Australia's national security and law enforcement agencies have appropriate powers to combat serious threats, the use of these powers must be both necessary and appropriate. There must be proper accountability and transparency so that privacy and the rule of law are respected.

"Therefore, we were pleased to see the release of the INSLM's detailed review report yesterday, which contains a number of important recommendations for improving the existing framework and ensuring it is fit for purpose.

"We particularly welcome the INSLM's close attention to the procedures and safeguards in place when the issuing of a warrant is considered under the SLAID Act and endorse the review's finding that the current system for issuing warrants is not fit for purpose.

"Under the INSLM's proposed approach, warrants issued under the SLAID Act would use a panel of retired judges as the issuing authorities, introduce a 'Public Interest Monitor' to review warrant applications and provide feedback on areas of concern as well as make submissions on matters of public interest, and facilitate access to independent technical advice on the risk and reach of warrants when required.

"The Law Council has previously suggested that SLAID Act warrants should be authorised by judicial officers of state, territory or federal superior courts with criminal trial experience. However, if implemented correctly, the INSLM's recommendation to rely on retired judges to issue warrants appears to strike a reasonable balance between ensuring warrants are scrutinised by those with relevant criminal law experience, while not overburdening the judicial system.

"It is the INSLM's recommendation for a Public Interest Monitor however, that is likely to have the most significant impact on public confidence in the SLAID Act warrant framework.

"In our view, the presence of an effective contradictor in the warrant issuing phase will be extremely valuable and will assist a decision-maker to review the information contained in warrant applications more thoroughly and from more than one perspective.

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"As noted in the INSLM's report, the role of a Public Interest Monitor may be particularly valuable in the protection and preservation of legal professional privilege in the public interest. We welcome the INSLM's recommendations in this regard.

"We also support further recommendations from the INSLM that go towards improving the warrant issuing system under the SLAID Act, including an enhanced duty of candour that would require disclosure of all matters of which the applicant is aware – both favourable and adverse – and an effective secretariat to ensure warrant applications are independently allocated."

The Law Council will carefully review the INSLM's full report and looks forward to working with the Government to achieve the aims of these key recommendations.

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**Contact:** Kristen Connell, P. 0400 054 227, E. kristen.connell@lawcouncil.au