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## More time needed to get NACC right

The divergence of stakeholder and Committee views on key issues regarding the establishment of the National Anti-Corruption Commission (NACC) highlighted by the release yesterday of the Parliamentary report on the NACC legislation demonstrates the importance of not rushing this important legislation through Parliament.

“The Law Council of Australia continues to fully support the establishment of the National Anti-Corruption Commission, however it is extremely important that we get the detail right,” Law Council of Australia President, Mr Tass Liveris said. “We welcomed the opportunity to share the legal profession’s views on the detail of the NACC legislation with the Committee.”

“While noting that the Committee was only able to reach a consensus position on six recommendations, the Law Council agrees with the proposals put forward. The majority of these recommendations are in line with our submission and the evidence provided by the Law Council and we believe will strengthen the Bill.

“We welcome the proposals to tighten the ‘corrupt conduct’ definition, include a proactive Inspector audit function, enable individuals to disclose information which is subject to a non-disclosure notation to their medical practitioner or psychologist, and ensure that persons investigated are notified of findings that they have not engaged in corrupt conduct.

“We also welcome the acknowledgement that broader reforms for press freedom and whistleblowers are needed; and that Coalition Committee members reflected the Law Council’s concerns on a range of issues such as the abrogation of the privilege against self-incrimination and client legal privilege, removing the ability of the Commission to investigate future corrupt conduct, and access to judicial review.

“However, this legislation is extremely complex, running to over 300 pages. It also raises a number of complex and important issues and further detailed consideration of these is still required.

“The report indicates there are important matters where stakeholders, and even Committee members themselves, are far from holding a unified view, and others which are yet to receive more than scant attention.

“We would strongly urge against rushing these Bills through Parliament as these outstanding matters are worthy of further attention and debate. It is essential the NACC legislation works well for all Australians.

“In the Law Council’s view, the Committee was unable to sufficiently evaluate certain issues owing to the truncated period made available for the inquiry, with the Bills being introduced on 28 September 2022 and submissions open until 14 October 2022, before the Committee reported yesterday.

“We urge the Government to ensure further careful attention be given to certain matters including post-charge coercive powers and information sharing, the privilege against self-incrimination and client legal privilege, application to future conduct and thresholds for investigation. Several of these matters go to the heart of the right to a fair trial.”

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