

Wednesday, 13 May 2020

## Statement on proposed amendments to the ASIO Act by Law Council President, Pauline Wright

The Law Council of Australia is very concerned with some aspects of the proposed amendments to the *Australian Security and Intelligence Act 1975* (Cth) (**ASIO Act**) released today in parliament.

If adopted, the amendments would redesign the Australian Security and Intelligence Organisation's (**ASIO's**) compulsory questioning warrant regime and repeal its specific detention powers.

It would also make some significant changes to ASIO's surveillance powers, including permitting warrantless (that is, internally authorised) surveillance in relation to the use of certain tracking devices.

The Law Council welcomes the repeal of the ASIO detention regime in relation to the investigation of terrorism, which is consistent with its longstanding policy position. However, the amendments propose a re-design of the use of questioning warrants and we are concerned that there may be very limited time to scrutinise the proposed laws, which are lengthy, complex and highly intrusive on individual rights.

The proposal to reduce the age of minors who may be subject to questioning from 16 to 14 years and the conferral of powers on police to apprehend and detain persons for the purpose of bringing them in for compulsory questioning also requires detailed scrutiny by the Law Council, amongst the many other amendments.

The Law Council is concerned that the government is now rushing the Bill, despite having had over two years to develop the re-designed questioning legislation since the PJCIS tabled its report in May 2018.

Now there is a sense of urgency given that ASIO's current questioning powers are due to sunset in 7 September, and the amendments are set to commence by or before that date.

This is not a Bill to be hurried through.

The Law Council will need to carefully scrutinise the Bill and we look forward to providing a comprehensive submission to the inquiry.

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