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ASIO's Controversial Questioning Powers Set to Become Permanent

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The Australian Security Intelligence Organisation (ASIO) will retain its post-9/11 compulsory questioning powers permanently under new legislation introduced by Home Affairs Minister Tony Burke. The bill not only removes sunset clauses requiring regular parliamentary review but expands ASIO's authority to investigate sabotage, border security threats, and communal violence. This move comes despite strong objections from human rights groups and legal experts who argue these extraordinary powers lack proper justification and oversight.

The controversial measures, originally introduced as temporary counter-terrorism tools after the 2001 attacks, have been used sparingly in recent years with just four warrants served since 2020. Burke defended the legislation as essential for national security, citing evolving threats including potential sabotage of AUKUS submarine projects. However, critics note these sweeping powers allow ASIO to question children as young as 14 without adequate safeguards, raising serious civil liberties concerns. The Australian Human Rights Commission has warned the powers disproportionately limit freedoms without meeting international human rights standards.

Legal authorities including the Law Council of Australia argue the legislation's broad scope goes far beyond its original counter-terrorism purpose. They contend ASIO's minimal use of these powers proves existing investigative tools are sufficient, making permanent authorization unnecessary. The proposed changes ignore previous bipartisan consensus that such extraordinary measures require regular parliamentary scrutiny through sunset provisions, a safeguard established under the Howard government when the powers were first introduced as "measures of last resort."



As the bill heads toward likely passage with Opposition support, Australia faces a defining moment in balancing security and liberty. While modern threats demand robust intelligence capabilities, making emergency powers permanent without enhanced oversight sets a dangerous precedent. The legislation represents a fundamental shift in Australia's security framework, one that grants unprecedented, unchecked authority to the domestic spy agency with minimal public debate. In the rush to appear tough on security, the government risks normalizing extraordinary powers that could one day be turned against law-abiding citizens. True national security requires both vigilance and restraint, a balance this legislation fails to strike.