



## Understanding the ASIO Amendment Bill: 10 Things Every Australian Should Know

A plain-English guide to what this legislation is actually focused on — and why it matters to ordinary Australians.

Rather than creating entirely new headline powers, this legislation is primarily about expanding, modernising, and streamlining ASIO's existing powers so the agency can operate more broadly, more quickly, and with greater reach in the digital era.

That may sound technical — but technical amendments often have very real consequences.

This bill focuses on surveillance access, intelligence operations, secrecy, technology adaptation, and reducing operational barriers.

### **Here are 10 specific things Australians should understand:**

#### **1. Permanent extraordinary powers.**

The bill removes the sunset clause, meaning ASIO's compulsory questioning powers would no longer automatically expire or return to Parliament for regular reauthorisation.

Sunset clauses exist for a reason. They force governments to justify extraordinary powers again and again, rather than allowing them to quietly become normal.

For everyday Australians, this means powers introduced in an exceptional security context could become permanent standing powers of the state.

**Conversation starter:** Should extraordinary powers automatically expire unless Parliament proves they are still necessary?

#### **2. Compulsory questioning of minors.**

The framework continues to permit compulsory questioning warrants for minors aged 14 and above. That means young people can be drawn into intelligence questioning processes that most adults would find intimidating, complex, and difficult to navigate.

Children and teenagers may not fully understand their rights, the consequences of their answers, or the seriousness of the process they are caught in.

**Conversation starter:** Should children as young as 14 ever be subject to compulsory intelligence questioning powers?

### **3. Executive warrant process rather than independent judicial approval.**

Questioning warrants are issued through a statutory executive process involving the Attorney-General, rather than through an independent judicial warrant process.

That matters because the Attorney-General is part of the executive government. In a democracy, the more coercive the power, the stronger the argument for independent judicial approval.

For ordinary people, this raises a basic question: should the same arm of government seeking to use the power also be central to authorising it?

**Conversation starter:** Should compulsory questioning warrants require independent judicial approval?

### **4. Executive warrant process rather than independent judicial approval.**

The amendments includes criminal offences for disclosure, including telling family members that you have been subject to questioning, unless a legal exception applies.

That means a person may be legally restricted from speaking openly about what has happened to them.

This affects transparency, family support, public scrutiny, and the ability of Australians to understand how these powers are being used in real life.

**Conversation starter:** How can the public scrutinise powers people may be legally barred from discussing?

### **5. Restrictions on legal representation.**

ASIO retains the power to reject a person's chosen lawyer and impose limits on legal representatives during questioning. That matters because access to a trusted lawyer is one of the clearest safeguards a person has when facing state power.

If the state can limit who represents you, or restrict how they participate, the fairness of the process becomes a serious concern.

**Conversation starter:** Should ASIO be able to reject someone's chosen lawyer during compulsory questioning?

### **6. Right to silence removed.**

A person subject to a questioning warrant is legally compelled to answer questions. Refusal to comply may attract criminal penalties. This removes one of the most familiar protections people associate with the justice system: the right to remain silent.

For everyday Australians, this means intelligence questioning operates differently from the ordinary criminal process most people understand.

**Conversation starter:** Should Australians be forced to answer questions under threat of penalty?



### **7. Compulsion without charge.**

A person may be required to answer questions without being charged with any offence. That is because the framework is designed for intelligence gathering, not just criminal prosecution.

Someone may be compelled to participate because they are believed to have useful information, not because they have been accused of wrongdoing.

**Conversation starter:** Should people who have not been charged with any crime be forced into compulsory questioning?

### **8. Expansion beyond the original terrorism-focused rationale.**

The bill broadens the circumstances in which these powers may be used, including matters involving sabotage, promotion of communal violence, defence system attacks, and territorial security threats.

That matters because powers originally justified in the context of terrorism are being extended into a wider national security framework. The broader the category, the more people and situations may potentially be captured.

**Conversation starter:** How far should powers introduced for terrorism be allowed to expand?

### **9. Compelled answers and use of derivative evidence.**

Although protections exist around direct self-incrimination, a person can still be compelled to provide information that may assist intelligence investigations and indirectly contribute to broader enforcement outcomes.

Even where your exact answer cannot be used directly against you, the information you provide may still help authorities find other evidence, identify other leads, or build a broader case.

This creates a real concern about compelled cooperation with the state against a person's own interests.

**Conversation starter:** Is protection against direct self-incrimination enough if compelled answers can still generate investigative leads?

### **10. Reduced transparency and limited public accountability**

The questioning regime operates largely in secret, with disclosure restrictions and limited public visibility. That means Parliament and the public may have little ability to assess how often the powers are used, against whom, and whether they remain necessary or proportionate.

For everyday Australians, this is the heart of the issue: extraordinary powers are hardest to challenge when they operate out of sight.

**Conversation starter:** How can Australians judge whether these powers are justified if their use is largely hidden?

Taken together, the combination of permanence, broader scope, secrecy provisions, compulsory compliance, limits on legal representation, reduced judicial oversight, and limited public accountability materially expands the reach of intelligence powers while reducing safeguards normally associated with criminal justice processes.

A democracy can take national security seriously without allowing extraordinary powers to become ordinary.

If these powers are necessary, they should be transparent, limited, independently scrutinised, and regularly reviewed.

**Want to stop this bill being passed in the Senate?  
Take action today.**

**1. Use our tool to contact your state Senators and demand accountability on the ASIO Amendments.**

**2. Sign the Greens petition and help show growing public opposition to permanent extraordinary powers.**

**3. Download the flyer, share it in your community, and visit Stand Up Now for more information.**

Tell Senators to oppose this bill now.

Use our quick tool to email the Senate and

remind your Senators to vote on the bill.

Real votes. Real change.

**For more information visit:  
[www.standupnowaustralia.com.au/all-eyes-on-asio](http://www.standupnowaustralia.com.au/all-eyes-on-asio)**