



Australian Government

Australian Government response to the
Parliamentary Joint Committee on Intelligence and Security
report:

ASIO's questioning and detention powers

April 2019

Recommendation

Government Response

Recommendation 1:

The Committee recommends that the Australian Security Intelligence Organisation (ASIO) retains a compulsory questioning power under the *Australian Security Intelligence Organisation Act 1979* (ASIO Act).

The Government accepts this recommendation.

Recommendation 2:

The Committee recommends that ASIO's current detention powers, as set out in Division 3 of Part III of the ASIO Act, be repealed.

The Government accepts this recommendation in principle.

The Government will consider options for a reformed ASIO compulsory questioning framework.

Recommendation 3:

The Committee recommends that the Government develop legislation for a reformed ASIO compulsory questioning framework, and refer this to the Committee for inquiry and report.

The Committee further recommends that proposed legislation be introduced by the end of 2018 and that the Committee be asked to report to the Parliament no sooner than three months following introduction.

The Committee considers any proposed legislation should include an appropriate sunset clause.

The Government accepts this recommendation in principle.

The Government will work to introduce legislation to implement a reformed ASIO compulsory questioning framework in 2019.

Recommendation 4:

The Committee recommends that the ASIO Act be amended to extend the sunset date of 7 September 2018 by 12 months to allow sufficient time for legislation to be developed and reviewed.

The Government has implemented this recommendation.

The *Counter-Terrorism Legislation Amendment Act (No. 1) 2018*, which commenced on 25 August 2018, amended section 34ZZ of the ASIO Act to extend the sunset date for 12 months, until 7 September 2019.