

Counter-Terrorism and National Security Laws

Democratic freedoms

Other priority human rights issues

National security laws on metadata retention and encryption do not provide appropriate protection for whistleblowers and the media, unduly restricting press freedom.

Australia has enacted a range of laws to address the threat of terrorism and protect national security. It is important that security agencies have appropriate powers to protect people's rights to safety. It is also important that where these powers limit other rights, like the right to privacy and freedom of expression, any limitation must be a legitimate and proportionate response to potential harm.

Some of Australia's counter-terrorism and national security laws disproportionately and unnecessarily limit human rights. The Australian Human Rights Commission is particularly concerned about laws relating to:

- [espionage and sabotage offences](#) which unnecessarily impact on public interest journalism and peaceful protest
- [continuing detention and extended supervision orders](#) which can rely on flawed risk assessments and lack sufficient safeguards in allowing people to be detained or monitored after they have already completed a sentence of imprisonment
- [control orders and preventative detention orders](#) which place significant restrictions on a person's liberty, freedom of movement, expression, association and right to privacy
- [declared areas offences](#) which makes it an offence for Australians to travel to a foreign conflict area nominated by a Minister, without sufficient [safeguards](#) for legitimate travel
- [temporary exclusion orders](#) which permit authorities to delay, and then monitor and control, the re-entry into Australia of identified Australian citizens, including children over 14 years old

- [citizenship stripping](#) which permits a Minister to apply to a court for an order removing a person's citizenship, including for children over 14 years old.

Security agencies have extensive powers to obtain material through warrants, to require participation in [compulsory questioning](#), and to proactively '[disrupt data](#)' and [takeover online accounts](#), which can unreasonably limit the right to privacy and press freedom.

The [Australian Security Intelligence Organisation Amendment Bill \(No. 2\) 2025](#) (Cth), currently before Parliament, proposes to expand the powers of the Australian Security Intelligence Organisation (ASIO) by making compulsory questioning warrants a permanent and expanding the scope of adult questioning warrants.

Priority action

The Australian Government should amend counterterrorism and national security laws that unduly limit human rights and restrict freedom of expression and the right to privacy.