

Monday, 3 December 2018

Unprecedented and complex encryption access laws must not be rushed, nor politicised

The Law Council has today called on the Australian Parliament to not rush consideration of complex and unprecedented encryption access laws, warning of the very real risk of unintended consequences of not properly scrutinising [the bill](#).

President-elect of the Law Council of Australia, Arthur Moses SC, said Parliament must be given the time needed to work through the many concerns the proposed laws raise.

“The Law Council supports aspects of this bill to give intelligence agencies additional powers to help keep us safe,” Mr Moses said.

“However, this unprecedented bill is far too complex to be rammed through Parliament in its entirety in just four days.

“Parliament must proceed carefully to ensure we get it right. Rushed law can make bad law.

“Failing to properly scrutinise this bill risks unintended consequences which may impact on the privacy and rights of law-abiding Australian citizens, the media and corporate sector,” Mr Moses said.

Mr Moses also raised concerns about political attacks directed at those highlighting issues with the encryption access bill.

“When dealing with sensitive and complicated legislation like this, it is completely inappropriate for any politician to accuse anyone of putting at risk national security because they are raising legitimate concerns about legislation,” Mr Moses said.

“Allegations like that should not be thrown around like confetti in a democracy such as ours. The energy would be better spent on getting the legislation right.

“In this area, as in all legislation that impacts on the privacy and rights of Australians, it is essential that Parliament heed calls to act with caution, moderation and restraint,” Mr Moses said.

The Law Council has previously raised serious questions about the ability of law enforcement and intelligence agencies to access encrypted private information without a warrant, as well as the power detain individuals in certain circumstances.

You can learn more about the Law Council’s concerns by reading our earlier [media release](#) and [opening statement](#) to the Parliamentary Committee. Our [submission is also available here](#).

Patrick Pantano

P 02 6246 3715

E Patrick.Pantano@lawcouncil.asn.au

Anil Lambert

P 0416 426 722

E Anil@hortonadvisory.com.au

The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.