

Australia's spies to be allowed to use more force

Written by Michelle Grattan, Professorial Fellow, University of Canberra

The government is moving to give Australia's overseas spies extra powers to protect themselves and their operations by the use of force.

Legislation to be introduced on Thursday will allow a staff member or agent of the Australian Secret Intelligence Service (ASIS) to be able to use "reasonable force" in the course of their work.

It also will enable the Foreign Minister to specify extra people, such as a hostage, who may be protected by an ASIS staffer or agent.

It is understood the changes have been discussed with the opposition and are likely to receive its support.

Foreign Minister Marise Payne says in a statement that ASIS officers often work in dangerous areas including under warlike conditions. "As the world becomes more complex, the overseas operating environment for ASIS also becomes more complex", she says.

The provisions covering the use of force by ASIS have not undergone significant change since 2004.

"Currently, ASIS officers are only able to use weapons for self-protection, or the protection of other staff members or agents cooperating with ASIS.

"The changes will mean officers are able to protect a broader range of people and use reasonable force if someone poses a risk to an operation", Payne says.

"Like the existing ability to use weapons for self-defence, these amendments will be an exception to the standing prohibitions against the use of violence or use of weapons by ASIS."

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There are presently legal grey areas in relation to using force, especially the use of reasonable and limited force to restrain, detain or move a person who might pose a risk to an operation or to an ASIS staff member.

Under the amendment the use of force would only apply where there was a significant risk to the safety of a person, or a threat to security or a risk to the operational security of ASIS. Any use of force would have to be proportionate.

The government instances as an example the keeping safe of an uncooperative person from a source of immediate danger during an ASIS operation, including by removing them from the danger.

Michelle Grattan does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond their academic appointment.

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