Media Release

Law Council
OF AUSTRALIA

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A call for transparent and sensible lawmaking

The Law Council of Australia is disappointed by the rushed introduction of the Home Affairs Legislation Amendment (2025 Measures No. 1) Bill 2025 without adequate public scrutiny.

“The Law Council was concerned by the volume of important legislation that was being rushed through the last Parliament without adequate time for input and consideration,” Law Council of Australia President, Juliana Warner said.

“We were so concerned by this trend in fact, that when Parliament resumed in July, we circulated to Members and Senators a Best Practice Legislative Checklist to remind them of the minimum checks and balances needed to ensure good law making in this country.

“Unfortunately, this Bill continues this problematic trend and does not reflect the attributes of good law making.

“Instead of an open consultation process, the Senate Legal and Constitutional Affairs Legislation Committee will hold an abbreviated hearing on this Bill this afternoon with only 24 hours’ notice. Only officials from the Department of Home Affairs will be invited to give evidence.

“This Bill was only introduced last week, without enough time for civil society stakeholders to review the legislation and give comprehensive feedback.

“This Bill in particular requires careful scrutiny because of its troubling implications for procedural fairness and the rule of law.

“As a matter of principle, the Law Council is concerned about the removal of any kind of natural justice requirement by legislation.

“The Bill poses risks where a non-citizen is removed to a third country and is particularly vulnerable as a result of that decision. For example, the non-citizen may be vulnerable to chain refoulement from the third country, or at risk of not receiving appropriate and necessary health care.

“The Law Council is also concerned with the retrospective application of certain provisions of this Bill. This would appear to be contrary to the rule of law and will create significant uncertainty for many non-citizens in Australia.

“Even if legislation is considered necessary, it should be prospective and not retrospective in nature.”

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