

Parliamentary Joint Committee on Intelligence and Security

Report by Statement

**Review of the 2022 relisting of four organisations as terrorist organisations
under the Criminal Code**

February 2023

Mr Speaker – I rise today to present a report by statement from the Parliamentary Joint Committee on Intelligence and Security, for the review of regulations re-listing four organisations as terrorist organisations under the *Criminal Code Act 1995*. These organisations are al-Qa'ida in the Arabian Peninsula (AQAP), al-Qa'ida in the Indian Subcontinent (AQIS), Islamic State in Libya (IS-Libya) and Islamic State Sinai Province (IS-Sinai).

Under the Criminal Code, regulations may be made specifying an organisation as a terrorist organisation for a three-year period. Organisations can be re-listed, provided the Minister is satisfied on reasonable grounds that the organisation continues to directly or indirectly engage in terrorism, or advocate the doing of a terrorist act.

AQAP was first listed as a terrorist organisation by the Australian Government on 26 November 2010, while AQIS, IS-Libya and IS-Sinai were first listed on 29 November 2016. All have been re-listed consistently since, and the regulations under consideration in this review re-listed the four organisations as terrorist organisations for a further three years from November 2022. The regulations were tabled in Parliament on 28 and 29 November 2022.

The Committee's review examined the Attorney-General's decision to re-list these organisations. Section 102.1A of the *Criminal Code* provides that the Committee may review a regulation which lists or re-lists an organisation as a terrorist organisation and report its comments and recommendations to each House of the Parliament before the end of the 15 sitting day disallowance period. This report serves this purpose and is being presented within the required period.

In determining whether the regulations re-listing the four organisations should be supported, the Committee reviewed the Attorney-General's explanatory statement and statement of reasons for re-listing the organisations, and other publicly available information. The Committee also invited public submissions on the listings, with a total of four submissions received.

The Committee noted the following information about the four organisations.

Al-Qa'ida in the Arabian Peninsula is a Yemen-based religiously motivated violent extremist group which, since its establishment in 2009, has undertaken numerous terrorist and criminal activities. AQAP formed through a merger of Saudi Arabian and Yemeni branches of al-Qa'ida. A recognised affiliate of al-Qa'ida, it has undertaken or attempted to conduct attacks within Yemen, Saudi Arabia, and the United States. Since it was re-listed in 2019 AQAP has claimed responsibility for multiple attacks, and has conducted bombings, kidnappings and assassinations against Yemeni and foreign government interests in an effort to destabilise the Yemeni state. AQAP has advocated for the undertaking of terrorist attacks within Yemen and internationally, including praising attacks against Australia's allies.

Al-Qa'ida in the Indian Subcontinent is an al-Qa'ida-affiliated religiously motivated violent extremist organisation, which seeks to advance al-Qa'ida's objectives in South Asia. AQIS currently recruits from Muslim communities across South Asia, with its leadership based in Afghanistan and Pakistan. While Australian interests have not been attacked by AQIS, in 2014 an Australian Navy vessel was specifically mentioned in the planning of an attack, although targeting of the vessel was ultimately abandoned in favour of easier targets. Since AQIS was last re-listed in November 2019, Pakistani authorities have regularly disrupted

plots, with members arrested in possession of large numbers of weapons. AQIS was also involved in fighting the former Afghan Government alongside the Afghan Taliban.

Islamic State Libya is a religiously motivated violent extremist organisation and an officially recognised Islamic State affiliate. It has undertaken terrorist attacks and kidnappings against police and military personnel in North Africa, resulting in multiple deaths. Since its re-listing in 2019, IS Libya has undertaken multiple attacks including bombing of a police checkpoint and attacks on Libyan National Army soldiers. IS-Libya has advocated for attacks on the US and its allies.

Islamic State Sinai is a religiously motivated violent extremist group located in Egypt's Sinai Peninsula and is officially recognised by Islamic State of Iraq and the Levant. Since its last re-listing in 2019, IS-Sinai has undertaken multiple attacks including against the Egyptian government, detonation of a gas pipeline and killing civilians and Egyptian soldiers through use of explosive devices.

All four organisations seek to revive or re-establish a Caliphate within the territories they operate in and seek to do so through a militant jihadist ideology and fomentation of sectarian violence. All four organisations have expressed sentiments against Australian allies and interests.

Mr Speaker, the Australian Government's assessment is that AQAP, AQIS, IS-Libya and IS-Sinai continue to be directly or indirectly engaged in preparing, planning, assisting or fostering the undertaking of terrorist acts, involving threats to human life and serious damage to property.

Based on the evidence provided, the Committee is satisfied with the re-listing process and considers that it has been appropriately followed for the four organisations. The Committee therefore supports the re-listing of AQAP, AQIS, IS-Libya and IS-Sinai under Division 102 of the *Criminal Code* in order to protect Australians and Australia's interests and finds no reason to disallow these regulations.

I commend this report to the Parliament.

Mr Peter Khalil MP

Chair