

Parliamentary Joint Committee on Intelligence and Security

Report by statement

**Review of the re-listing of al-Qa'ida in the Arabian Peninsula,
al-Qa'ida in the Indian Subcontinent, Islamic State in Libya and
Islamic State Sinai Province under the *Criminal Code*.**

January 2020

Mr Speaker and fellow Members – I rise today to present a statement of 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*. The re-listed organisations considered in this review are:

- al-Qa’ida in the Arabian Peninsula;
- al-Qa’ida in the Indian Subcontinent;
- Islamic State in Libya; and
- Islamic State Sinai Province.

Regulations that specify an organisation as a terrorist organisation cease to have effect on the third anniversary of the day on which they take effect. 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. These organisations were last listed on the 26th and 29th of November 2016, and the regulations to re-list them were tabled in the Parliament on the 11th of November 2019.

Mr Speaker, the Committee’s review examines the Minister’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 applicable 15 sitting day disallowance period. This statement serves this purpose and is being presented within the required period.

In determining whether the regulations re-listing these four organisations should be supported, the Committee reviewed the merits of each re-listing in accordance with the Minister for Home Affairs' explanatory statement, ASIO's statement of reasons for each organisation, and other publicly available information including submissions received by Dr Tony Murney and Mr Dominic Wy Kanak. These submissions provide reflections on, and question the applicability of, the listing and re-listing process which remain considerations of the Committee for this and all future reviews.

In its deliberations, the Committee determined that:

- **al-Qa'ida in the Arabian Peninsula** is still an active affiliate of al-Qa'ida. It subscribes to al-Qa'ida's Sunni Islamist extremist ideology, which promotes violence and is strongly anti-Western. While no known attacks have killed or injured Australian citizens, al-Qa'ida in the Arabian Peninsula remains committed to conducting and encouraging others to undertake terrorist attacks against Western targets, which includes Australian interests.
- also an active affiliate of al-Qa'ida, **al-Qa'ida in the Indian Subcontinent's** objectives are to prepare for military jihad against their enemies, to liberate Muslim lands now ruled by non-Muslims, and to revive the Islamic caliphate. The Committee considers al-Qa'ida in the Indian Subcontinent a threat to Australian citizens due to their anti-Western ideology and confirmed threats made against an Australian Navy vessel.
- **Islamic State in Libya** is an active affiliate of Islamic State which promotes extreme violence against those who do not agree with its interpretation of Islam. Islamic State in Libya has issued statements threatening Westerners

and Western interests in general, including the US and its allies of which Australia is one.

- also an active affiliate of Islamic State, **Islamic State Sinai Province** adheres to global jihadist ideology, promotes sectarian violence, and targets those who do not agree with their interpretations of Islam with extreme violence. This includes the West, in particular the United States, of which Australia is an ally.

Mr Speaker, these four organisations remain a real threat to Australians and the Australian way of life. There is strong evidence that each has, and continues to engage in, terrorist activities that are targeted at countries with Western values, such as Australia.

In examining the evidence that has been provided to the Committee, and in considering the concerns of submitters, the Committee is satisfied with the re-listing processes and consider that they have been followed appropriately for these four organisations. The Committee therefore supports the re-listing of the organisations under Section 102.1A of the *Criminal Code* in order to protect Australians and Australia's interests, and finds no reason to disallow the regulations.

Andrew Hastie MP

Chair