

**Parliamentary Joint Committee on Intelligence and Security**

**Report by Statement**

**A review of regulations relisting Islamic State East Asia as a  
terrorist organisation under the *Criminal Code Act 1995***

**October 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 the regulation re-listing Islamic State East Asia as a terrorist organisation under the *Criminal Code Act 1995*.

Under the Criminal Code, 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 for the Australian Federal Police— currently the Attorney-General – is satisfied on reasonable grounds that the organisation continues to directly or indirectly engage in terrorism or advocate the doing of a terrorist act.

The effect of being listed as a terrorist organisation under the Criminal Code is to trigger the application of offences for supporting or associating with the organisation in specified ways; such as being a member of, recruiting for or providing funding to it.

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 report serves this purpose and is being presented within the required period.

The regulation subject to this review relates to Islamic State East Asia. This organisation was first listed as a terrorist organisation in 2017 and was relisted in September 2020. The present regulation relists it for a further three-year period from 4 September 2023.

In determining whether the relisting of this organisation should be supported, the Committee reviewed the Attorney-General's explanatory statement and statement of reasons for relisting this organisation, and other publicly available information. The Committee also invited public submissions on the listing and received one submission from a member of the public.

In its deliberations, the Committee noted evidence that:

- This organisation is comprised of several violent extremist factions, merging under the Islamic State East Asia banner.

Islamic State East Asia first pledged allegiance to Islamic State in December 2015, and has since reiterated its commitment to Islamic State in 2019 and 2022.

- The organisation promotes sectarian violence and targets those it labels as infidels and those who do not agree with its interpretation of Islam.

Since its relisting in 2020, ten instances of terrorist activity can be reliably attributed to Islamic State East Asia, with frequent and violent attacks against civilians, armed forces, and the Philippines government - seeking to remove the elected government through violence. IS East Asia remains a deadly terrorist threat in the Philippines, and a target destination for foreign terrorist fighters.

- Islamic State East Asia is also listed as a terrorist organisation by the United Nations and other likeminded countries, including New Zealand, Canada and the United States.

Mr Speaker, the Australian Government's assessment is that Islamic State East Asia continues to be directly or indirectly engaging in, preparing, planning, assisting in or undertaking terrorist activities that involve threats to human life and serious damage to property.

Based on the evidence provided, the committee is satisfied with the re-listing processes and considers that it has been followed appropriately for this organisation.

The Committee supports the re-listing of Islamic State East Asia as a terrorist organisation under Division 102 of the Criminal Code in order to protect Australians and Australia's interests, and finds no reason to disallow the regulation.

I commend this report to the Parliament.

**Mr Peter Khalil MP**

**Chair**