

Parliamentary Joint Committee on Intelligence and Security
Review of the Criminal Code Amendment (State Sponsors of Terrorism) Bill 2025
Attorney-General's Department

Hearing date: 16 October 2025

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Andrew Wallace asked the following question:

Mr WALLACE: Can you draw the committee's attention to the specific provisions in the current legislative mechanism that you say prohibit the listing of the IRGC?

Mr Muffett: With your indulgence, Deputy Chair, I might take that on notice. I'm just very conscious of wading into providing legal advice, so I just want to be very careful. I understand the importance of that point. I just want to be very careful in the words I use. If it's all right, I might take that one on notice.

The response to the question is as follows:

The Department is of the view that organs of a nation state are not the kinds of entity covered by the terrorist organisation provisions in the Criminal Code. It would not be appropriate to provide legal advice to the Committee.

Parliamentary Joint Committee on Intelligence and Security

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Attorney-General's Department

Hearing date: 16 October 2025

Question date: 20 October 2025

Raff Ciccone asked the following question:

The powers (for control and preventative detention orders etc) as set out in Part 5.3 of the Criminal Code are separate to the activities (which ultimately became functions in the Act) that the Committee recommended in its 2014 Advisory report on the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014 it be able to monitor and review. Noting that a function of the AFP under Part 5.3 is to investigate terrorist acts which the Committee is able to monitor and review why, as currently drafted, does the Bill preclude the Committee from, in similar circumstances, monitoring and reviewing functions of the AFP under the new Part 5.3A (noting that a function of the AFP under new Part 5.3A will be to investigate state sponsored terrorist acts)?

The response to the question is as follows:

Part 5.3A does not contain any functions or powers for the AFP, only new criminal offences which the AFP may investigate. The AFP's function to investigate offences arises under the *Australian Federal Police Act 1979*.

Schedule 2 of the Bill would enable the various order frameworks in Divisions 104, 105 and 105A of Part 5.3 to apply to state terrorist acts and state sponsors of terrorism in the same way they currently apply to terrorist acts and terrorist organisations. Therefore current section 29(1)(baa) of the *Intelligence Services Act 2001* would provide the Committee the function to monitor and to review the performance of the functions of the AFP under Part 5.3, being those related to the various order frameworks, in relation to terrorist acts, whether engaged in by a state or non-state entity.