



Australian Government

Department of Foreign Affairs and Trade

PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY

REVIEW OF THE CRIMINAL CODE AMENDMENT (STATE SPONSORS OF TERRORISM) BILL 2025



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INTRODUCTION

1. The Department of Foreign Affairs and Trade (DFAT) welcomes the opportunity to contribute this submission to the Parliamentary Joint Committee on Intelligence and Security (PJCIS) review of the Criminal Code Amendment (State Sponsors of Terrorism) Bill 2025 (the Bill).
2. DFAT supports the Bill as proposed, and considers it is an effective and proportionate framework that appropriately balances Australia's national security, diplomatic, foreign policy, legal, and humanitarian interests. The Bill proposes a number of necessary safeguards to support its operation.
3. The Bill was developed following assessments made by the Australian Security Intelligence Organisation (ASIO) and shared publicly on 26 August 2025 that Iran's Islamic Revolutionary Guard Corps (IRGC) had directed at least two attacks in Australia in 2024. These dangerous acts were orchestrated by a foreign state entity, and sought to undermine Australia's security and erode social cohesion. The Bill provides a legislative framework which addresses the evolving terrorist threat posed by certain foreign state entities, and allows the Government to hold these entities and their proxies to account.
4. The Bill was introduced to Parliament on 8 October 2025, and proposes to:
 - a. establish a new legislative framework enabling the Governor-General to list foreign state entities as state sponsors of terrorism on the advice of the Australian Federal Police Minister, and subject to the agreement of the Foreign Affairs Minister;
 - b. create new offences which criminalise conduct engaged in by the listed state sponsor of terrorism, in addition to new offences which criminalise conduct engaged in by persons who seek to or provide support for these activities;
 - c. create a series of general defences, which are intended to mitigate unintended criminal liability attaching to persons who may be required to engage with a listed foreign state entity for a legitimate purpose which is not connected to terrorism; and
 - d. make necessary amendments to other Commonwealth Acts to ensure that law enforcement powers and other policy tools are applicable to the new provisions concerning state sponsored terrorism.
5. The terrorist organisation listing framework contained in Division 102 of the Criminal Code provides an effective framework to address the terrorist threats posed by organisations. It is a robust legislative and policy tool, which serves to disrupt and deter terrorist activity by making it a criminal offence to engage in certain dealings with the organisation – including by being a member of, recruiting for, or providing funds to the terrorist organisation. However, the terrorist organisation listing framework is not legally capable of applying to foreign state entities. Foreign state entities do not meet the definition of an 'organisation' for the purposes of the terrorist organisation listing framework, and therefore cannot be listed as a terrorist organisation. The terrorist organisation framework and the proposed state sponsors of terrorism framework are separate and distinct from Australia's sanctions frameworks administered by DFAT, under which both persons and entities can be listed for targeted financial sanctions.
6. The Bill provides for a separate mechanism which would allow the Australian Government to designate foreign state entities as a state sponsor of terrorism where the foreign state entity has directly or indirectly engaged in, prepared, planned, assisted in or fostered the doing of a terrorist act that was targeted at Australia, or has advocated the doing of a terrorist attack that was targeted at Australia. The Bill builds on key elements of the existing Division 102 terrorist organisation framework while introducing new, targeted offences to address the unique threat posed by foreign state entities—ensuring a proportionate and effective legislative response.
7. It is appropriate and necessary that the Australian Government has access to frameworks which allow the threats posed by terrorist organisations and state sponsors of terrorism to be addressed in a bespoke manner. Establishing a separate state sponsors of terrorism framework and associated offences reflects the seriousness and complexity of the terrorist threat posed by certain foreign state entities towards Australia.

8. The framework proposed by the Bill would ensure Australia is better positioned to respond to contemporary challenges in our dynamic, diverse and degraded security environment. Terrorism and terrorist tactics are increasingly used to undermine the social cohesion of nation states during a time of increasing geo-strategic competition. The proposed framework would be one of many tools available to government to counter terrorism, violent extremism, foreign interference, and other types of criminal activity.

Consultation

9. The Attorney-General's Department, as the agency responsible for administering the Criminal Code, prepared the Bill in close consultation with DFAT, the Department of Home Affairs, the Department of the Prime Minister and Cabinet, the Australian Federal Police, and ASIO. Both the Australian Federal Police Minister (as at October 2025, the Minister for Home Affairs) and the Foreign Affairs Minister will have responsibilities for the administration and implementation of the state sponsors of terrorism framework proposed by the Bill.
10. Within DFAT, the International Security Division coordinated the Department's input to the Bill, and consulted with the Australian Passports Office, Consular and Crisis Management Division, East Asia Division, Europe Division, Humanitarian Division, Legal Division, Middle East and Africa Division, People Division, and Regulatory and Legal Policy Division. This consultation addressed the policy considerations underpinning the Bill, and consequential amendments to legislation administered by the Foreign Affairs Minister.
11. This extensive internal consultation was undertaken to ensure the proposed framework appropriately reflected the diplomatic, foreign policy, humanitarian and security considerations inherent in the development of a State Sponsors of Terrorism framework, and any proposed listings. It has enabled appropriate safeguards to be contained in the Bill, which ensure its efficacy and proportionality.

DEFINITIONS

12. Division 110 of the Bill proposes key definitions relevant to the operation of the proposed state sponsors of terrorism framework. The majority of these definitions are aligned with those already contained in sections 110.1 of the Criminal Code. Where necessary, the Bill provides for new definitions to support the bespoke operation of the proposed framework.
13. Division 110 of the Bill also includes the mechanism to list foreign state entities as state sponsors of terrorism. This is similar to the terrorist organisation listing mechanism in Division 102 of the Criminal Code.

Foreign State Entity

14. Section 110.1 defines 'foreign state entity' as:
 - a. The government of a foreign country or part of a foreign country;
 - b. An authority of the government of a foreign country;
 - c. An authority of the government of part of a foreign country;
 - d. A foreign local government body or foreign regional government body; or
 - e. An entity prescribed by the regulations for the purposes of this paragraph.
15. The Bill provides a broad definition of 'foreign state entity', to accurately reflect and capture the range of entities which may be involved in state sponsored acts of terrorism. The intention of this phrasing is to capture governments, including at the national, regional or local levels, and parts or authorities of a government. The definition is clear in the scope and intent of its operation.



Member of an entity

16. Section 110.1 provides for the definition of the term ‘member’ in relation to an entity. This is a new definition, which has been prepared specifically for the proposed state sponsors of terrorism framework. It is necessary that this definition is included to clarify the scope of membership, particularly in relation to the offence of membership of a state sponsor of terrorism at section 112.2 of the Bill.
17. It is intentional that the term ‘member’ does not automatically include all nationals of a nation state. Such an inclusion would be excessive and disproportionate. The Bill’s proposed definition of ‘member’ would capture persons who are engaged with the foreign state entity as employees, appointees, officials, and individuals in service of the entity. This is a non-exhaustive list, which provides appropriate flexibility and reflects the type of person who should be considered a member of a state sponsor of terrorism.

Targeted at Australia

18. The legislative criteria to list an entity as a state sponsor of terrorism, contained in section 110.3(3) of the Bill, requires that there is a nexus to Australia in terms of a terrorist act that would support a listing of a foreign state entity as a state sponsor of terrorism.
19. The term ‘targeted at Australia’ is defined in section 110.2 of the Bill. This is a key difference from the Division 102 terrorist organisation listing framework, which does not require there to be a nexus to Australia in order to list an organisation. This appropriately reflects the international community’s strong stance against terrorism, noting there is a generally agreed international view as to what actions are likely to constitute a terrorist act.
20. Acts which are considered to be ‘targeted at Australia’ include actions which are done or threatened to be done in Australia, against Australians, and against Australian interests overseas. It includes acts which cause damage to property in the possession or control of the Commonwealth, State or a Territory Government overseas. This inclusion ensures acts or threats against Australian Embassies, High Commissions, and Consulates overseas would be considered within scope. It also covers residential premises of Australian staff posted overseas, as well as defence assets. This provides necessary coverage for posted or deployed staff overseas, and sends a clear message that attacks or threats of action on Australian nationals and permanent residents, wherever located, will not be tolerated.
21. In recognition of the increasing spread of terrorism online, section 110.2 of the Bill also provides that an action or threat of action may be considered ‘targeted at Australia’ where it interferes with, disrupts, or destroys an electronic system that operates wholly or partly in Australia. DFAT considers it is critical that the Bill recognises the specific terrorist threats extant in the online environment, and includes provisions which further deter foreign interference with online and electronic systems.

Terrorist Act

22. The definition of ‘terrorist act’ outlined in section 110.1 of the Bill is broadly consistent with the definition of ‘terrorist act’ outlined in Division 100.1 of the Criminal Code. Both definitions note that ‘*advocacy, protest, dissent or industrial action*’ in certain circumstances will not be considered terrorist acts.
23. The Bill proposes an additional action which will not be considered a terrorist act under subsection (3) of the definition of ‘terrorist act’ in section 110.1 of the Bill. This is to cover ‘*conduct that takes place in the context of, and is associated with, an international armed conflict*’. Acts undertaken during an international armed conflict would be considered out of scope for the purpose of meeting the definition of a ‘terrorist act’. Actions of state in international armed conflict are regulated by international humanitarian law, with breaches of those laws already criminalised through Division 268 of the Criminal Code.
24. DFAT agrees it is appropriate that this additional provision is included in the Bill, as terrorist organisations listed in Part 5.3 of the Criminal Code do not engage in international armed conflict in the same manner as a state entity may. Terrorist organisations, being organisations which are not organs of a nation state, are not typically involved as primary actors in international armed conflicts in the same way a state sponsor of terrorism may be involved.

State Sponsor of Terrorism

25. The Bill proposes a definition of ‘state sponsor of terrorism’ in section 110.3, which is ‘an entity that is specified by the regulations for the purposes of this definition (see subsections (3) to (5), section 110.4 and subsection 110.5(5)’. A ‘state sponsor of terrorism’ is only an entity which has been specified as such in a regulation made by the Governor-General. Unlike the terrorist organisation listing framework in Part 5.3 of the Criminal Code, the Bill does not propose a framework where it would be open to a court to determine the offences apply to an unlisted foreign state entity.
26. This is a necessary distinction between the state sponsors of terrorism framework and the terrorist organisation framework. It is appropriate that the listing of a foreign state entity as a state sponsor of terrorism is a matter for Government to determine, given the significant foreign policy and diplomatic considerations inherent in listing a state sponsor of terrorism. It is necessary that the Bill provides an appropriately balanced opportunity for Government to consider the potential impacts on Australia’s bilateral relationships of listing a foreign state entity as a state sponsor of terrorism. Criminality under the Bill’s proposed framework would extend only to listed state sponsors of terrorism, and persons engaging in conduct related to these entities.

LEGISLATIVE CRITERIA

27. Per section 110.3(3) of the Bill, in order for an entity to be listed as a state sponsor of terrorism, the AFP Minister must be satisfied on reasonable grounds that:
- a. The entity is a foreign state entity; and
 - b. The entity or a member of the entity:
 - i. Has directly or indirectly engaged in, prepared, planned, assisted in or fostered the doing of a terrorist act that was targeted at Australia; or
 - ii. Has advocated the doing of a terrorist act that was targeted at Australia.
28. DFAT is supportive of this proposed legislative criteria, which broadly aligns with the Part 5.3 Criminal Code terrorist organisation legislative criteria, with the addition of the ‘targeted at Australia’ nexus.
29. In line with the Part 5.3 Criminal Code terrorist organisation listing framework, regulations that specify a foreign state entity as a state sponsor of terrorism would also not be subject to sunseting. This is appropriate given the seriousness of such a listing. Necessary and proportionate review mechanisms are proposed by the Bill at sections 110.6 and 110.7.

ROLE OF THE MINISTER FOR FOREIGN AFFAIRS

Listing an entity as a state sponsor of terrorism

30. Should the AFP Minister be satisfied on reasonable grounds that a foreign state entity meets the legislative criteria to be listed as a state sponsor of terrorism, section 110.3(5) of the Bill provides that the Foreign Affairs Minister’s agreement must be obtained in writing before the Governor-General can make a regulation specifying the entity as a state sponsor of terrorism.
31. This is a key difference from the Division 102 terrorist organisation listing framework, in which a listing of an organisation as a terrorist organisation may be made on the basis the AFP Minister is satisfied the relevant legislative criteria are met.
32. It is necessary that the state sponsors of terrorism framework includes a formal role for the Foreign Affairs Minister in the making of a listing. This provision reflects the significant foreign policy and diplomatic considerations inherent in any listing under the proposed framework. It ensures that impacts on Australia’s bilateral relationships, international security and foreign policy interests are appropriately considered prior to a listing being made, and can be balanced with national security considerations.

33. It is necessary that the Bill provides for a framework where the Foreign Affairs Minister has a formal role, rather than relying solely on standard processes of Government or deferring to the Federal Executive Council. This reflects the significant foreign policy implications of a listing, and also ensures that appropriate measures can be undertaken to safeguard the safety and security of diplomatic staff who may be posted or deployed in the relevant foreign state.

De-listing an entity as a state sponsor of terrorism

34. In the case the AFP Minister is satisfied it is no longer appropriate for a listed state sponsor of terrorism to be prescribed as such, the AFP Minister may make a declaration to this effect under section 110.5 of the Bill. The declaration must specify the date on which the AFP Minister became satisfied the listing was no longer appropriate. The listing of the state sponsor of terrorism will cease on this date. This section also provides that the AFP Minister may make such a declaration on their own initiative, or upon application under section 110.6.
35. As distinct from the process to list a foreign state entity as a state sponsor of terrorism, the Foreign Affairs Minister is not required to provide agreement for any proposed de-listing. However, section 110.5(4) of the Bill states that the Foreign Affairs Minister must be consulted in relation to such a declaration.
36. Due to the significant criminal penalties enlivened by a listing as a state sponsor of terrorism, it was considered appropriate that there should be an avenue to progress a de-listing should the AFP Minister cease to be satisfied the listing is appropriate and necessary. The requirement to consult the Foreign Affairs Minister, rather than to obtain express agreement, ensures the AFP Minister benefits from the Foreign Affairs Minister's perspective when determining whether the listing remains appropriate. The Foreign Affairs Minister may have access to relevant information regarding Australia's foreign policy, diplomatic, consular, or humanitarian considerations that should be considered prior to progressing a de-listing.

DE-LISTING APPLICATIONS

37. The proposed framework as it relates to de-listing applications is distinct from the provisions in Part 5.3 of the Criminal Code applicable to listed terrorist organisations, where any person or organisation, including the listed organisation, may make a de-listing application to the AFP Minister.
38. Per section 110.6 of the Bill, it would be open to both the PJCS and the foreign country to which the listed state sponsor of terrorism belongs to make an application to the AFP Minister regarding a de-listing. In this regard, the Bill differentiates between the listed state sponsor of terrorism, and the country to which it belongs. Given the seriousness of any listing of a foreign state entity as a state sponsor of terrorism, it is appropriate that the making of a de-listing application is progressed by recognised states through official, diplomatic channels, or by the PJCS.

OFFENCES

39. The Bill proposes a series of offences regarding state terrorist acts (Division 111), dealings with state sponsors of terrorism (Division 112), and financing of state terrorist acts targeted at Australia (Division 113). These offences apply only in relation to listed state sponsors of terrorism, per the operation of section 110.3(1) of the Bill. The offences would also only apply prospectively from the date the regulations are made that would list a foreign state entity as a state sponsor of terrorism. These offences include:
- a. Engaging in state terrorist acts [*s111.2 of the Bill*];
 - b. Providing or receiving training connected with state terrorist acts [*s111.3 of the Bill*];
 - c. Possessing things connected with state terrorist acts [*s111.4 of the Bill*];
 - d. Collecting or making documents likely to facilitate state terrorist acts [*s111.5 of the Bill*];
 - e. Other acts done in preparation for, or planning, state terrorist acts [*s111.6 of the Bill*];
 - f. Providing or receiving training connected with terrorist acts [*s111.7 of the Bill*];



- g. Possessing things connected with terrorist acts *[s111.8 of the Bill]*;
 - h. Collecting or making documents likely to facilitate terrorist acts *[s111.9 of the Bill]*; and
 - i. Other acts done in preparation for, or planning, terrorist acts *[s111.10 of the Bill]*.
 - j. Directing the activities of a state sponsor of terrorism *[s112.1 of the Bill]*;
 - k. Membership of a state sponsor of terrorism *[s112.2 of the Bill]*;
 - l. Recruiting for a state sponsor of terrorism *[s112.3 of the Bill]*;
 - m. Training involving a state sponsor of terrorism *[s112.4 of the Bill]*;
 - n. Getting funds to, from or for a state sponsor of terrorism *[s112.5 of the Bill]*;
 - o. Providing support to a state sponsor of terrorism *[s112.6 of the Bill]*; and
 - p. Associating with a state sponsor of terrorism *[s112.7 of the Bill]*.
 - q. Financing a state terrorist act targeted at Australia *[s113.1 of the Bill]*; and
 - r. Financing a person involved in a state terrorist act targeted at Australia *[s113.2 of the Bill]*.
40. Many of the offences contained in these Divisions mirror provisions contained in Part 5.3 of the Criminal Code as they relate to terrorist organisations. This reflection is appropriate, given many activities that are considered criminal acts in relation to terrorist organisations should also be considered criminal acts in relation to listed state sponsors of terrorism.
41. Division 111 of the Bill also outlines the definition of a ‘state terrorist act’, which is a terrorist acts engaged in by the state sponsor of terrorism, or by members of the entity, including where there is involvement of a non-state entity.
42. Crucially, the offences proposed by the Bill in Division 111, Subdivision B are directed toward criminalising state sponsors of terrorism and their members who are otherwise supporting or assisting non-state entities (including proxies) who may engage in a terrorist act. The offences in Subdivision A from sections 111.3 to 111.6 of the Bill align with the offences in Subdivision B from sections 111.7 to 111.10 of the Bill, with the former applying to state terrorist acts, and the latter applying to terrorist acts. This inclusion was necessary to reflect the reality that state sponsors of terrorism may engage proxies to undertake a terrorist act in an attempt for the state sponsor to obscure their involvement. The offence of commission of a terrorist act itself is covered in Division 101 of the Criminal Code.
43. Where they correspond, the maximum penalties attached to the offences in Divisions 111, 112 and 113 of the Bill are aligned with those applicable to the terrorist organisation offences in Divisions 101, 102 and 103 of the Criminal Code, respectively. This would ensure consistency within the Criminal Code, and affirms that both terrorist acts and state terrorist acts are not tolerated under Australian law.

General Defences to Offences

44. General defences to offences in Division 112 are outlined at section 112.8 of the Bill, and are intended to mitigate unintended criminal liability attaching to persons who may have legitimate or unavoidable reasons to engage with a state sponsor of terrorism, for purposes which are not connected to terrorism. These defences are replicated in Division 113.
45. Subsection 112.8(1)(c) of the Bill states it is not an offence against Division 112 of the Bill to ‘*perform an official duty or function for the Commonwealth, a State or a Territory*’. This provides necessary protection for persons who are posted or deployed on behalf of a Commonwealth, State or Territory Government, who may have legitimate reasons to engage with the state sponsor of terrorism in their official capacity. This is a critical inclusion for DFAT, particularly to provide adequate protections for officials who may be engaged in providing consular or humanitarian assistance internationally.



46. Subsection 112.8(1)(e) of the Bill outlines a general defence available for persons who are performing an official duty or function for the United Nations (UN), an agency of the UN, or the International Committee of the Red Cross (ICRC). The named agencies have robust assurance mechanisms and relevant operational experiences of delivering programs and services in areas where a state sponsor of terrorism may be operating.
47. Recognising that certain state sponsors of terrorism may have extensive links to a foreign State's economy, way of life, and administrative systems, subsection 112.8(2) of the Bill outlines a general defence for persons who are required to pay a tax, fee, fine or levy to the state sponsor in accordance with the domestic laws of the relevant foreign jurisdiction.
48. Subsection 112.8(3) of the Bill also outlines a general defence applicable where a person may be required to engage with a state sponsor of terrorism to obtain a service which cannot reasonably be obtained elsewhere, and does not relate to the support of state terrorist act. This is relevant where the foreign state entity is responsible for the issuance of visas or travel documents, or may be involved in the provision of healthcare or other necessary services.
49. These general defences have been drafted following a thorough consideration of the types of engagements with foreign state entities which should reasonably be permitted, and are considered proportionate and necessary to support the operation of the proposed framework.

Specific Exceptions for the Association Offence

50. At subsection 112.7(5) of the Bill, a series of specific exceptions for the association offence is proposed to enable certain activities. Among these, subsection 112.7(5)(d) proposes an exception for the provision of legal advice or legal representation in relation to a number of matters. Importantly for DFAT's purposes, this includes legal advice or legal representation provided in connection with a sanctions listing or proposed sanctions listing under the *Charter of the United Nations Act 1945*, and the application of a regulation made for the purposes of the *Autonomous Sanctions Act 2011* (subsections 112.7(5)(d)(v) and (vi)). These are practical inclusions, necessary to support DFAT's administration of Australia's sanctions laws and frameworks.

HUMANITARIAN CONSIDERATIONS

Humanitarian Exemption for the 'Association Offence'

51. There is a specific humanitarian exemption outlined in relation to the offence of 'associating with a state sponsor of terrorism' at section 112.7 of the Bill. This exemption outlines that the offence does not apply where '*the association is only for the purpose of providing aid of a humanitarian nature*'. This is aligned with Division 102.8 of the terrorist organisation framework, which similarly outlines a specific humanitarian exemption in relation to the association offence, but does not extend this exemption to all offences. DFAT considers this remains appropriate in relation to state sponsors of terrorism.
52. Similar to the terrorist organisation listing framework [*Part 5.3 of the Criminal Code*], the Bill does not propose a broad humanitarian exemption for all offences. There is a general defence for Division 112 and 113 offences which is applicable to persons performing official duties for the UN, agencies of the UN, or the International Committee of the Red Cross. The named entities have robust assurance and safety mechanisms to manage the risks associated with delivering assistance in areas where a state sponsor of terrorism may be operating.
53. It is appropriate that the scope of the humanitarian exemption provisions proposed by the Bill mirror the existing humanitarian exemptions available under the terrorist organisation listing framework. While DFAT acknowledges the advocacy by Australian NGOs, including through the Australian Council for International Development (ACFID), for the inclusion of a broad humanitarian exemption to terrorist-related offences under the Criminal Code, this amendment is not the appropriate vehicle to consider such a change. Broader exemptions raise complex legal and policy considerations that require careful consideration beyond the defined scope of this amendment. DFAT remains closely engaged with humanitarian and aid organisations on this matter.

GENERAL PROVISIONS RELATING TO OFFENCES

Attorney-General's Consent to Proceedings

54. Section 114.4 of the Bill outlines that the Attorney-General's written consent must be obtained prior to commencing proceedings for an offence against Divisions 111, 112, or 113. However, persons may be arrested, charged, remanded in custody or released on bail in connection with an offence prior to the Attorney-General providing the necessary written consent.
55. This provision provides an opportunity for the Attorney-General to consider various foreign policy, diplomatic, security, public interest, or human rights considerations associated with commencing proceedings for an offence against Division 111, 112 or 113. This is an effective and comprehensive safeguard proposed by the Bill, which supports the intended operation of the framework.

CONSEQUENTIAL AMENDMENTS TO LEGISLATION WITHIN THE FOREIGN AFFAIRS AND TRADE PORTFOLIO

56. Schedules 2, 3 and 4 of the Bill provide for necessary consequential amendments to be made to Commonwealth legislation, including those within the Foreign Affairs and Trade portfolio. These amendments are necessary to give effect to the state sponsors of terrorism framework, and ensure consistency with terrorism offences contained in Commonwealth statutes.
57. Within the Foreign Affairs and Trade portfolio, this includes amendments to the *Intelligence Services Act 2001* (ISA Act), and to the *Australian Passports Act 2005* (APA Act). These amendments insert references to the state sponsors of terrorism framework alongside existing references to the terrorist organisation listing framework. This ensures the legislative and policy tools available to agencies to respond to terrorist organisations are also available to respond to state sponsors of terrorism.
58. The Office of International Law within the Attorney-General's Department has been consulted in relation to the proposed consequential amendments to the *Foreign States Immunities Act 1985*. These amendments ensure listed state sponsors of terrorism are not immune from civil proceedings in Australia, which may include proceedings related to the provision of a control order under Part 5.3 of the Criminal Code. By comparison, the United States and Canada have legislated to include a similar exception for State-sponsored terrorism in their equivalent legislation.
59. Separately, DFAT is pursuing an amendment to the *Australian Passports Determination 2015* (the APD). Similar to the amendments proposed to the ISA Act and the APA Act, the necessary amendment to the APD inserts a reference to the state sponsors of terrorism framework alongside an existing reference to the Division 102 Criminal Code terrorist organisation listing. As above, this amendment will provide consistency across Commonwealth laws, and ensures state sponsors of terrorism are treated equivalently to terrorist organisations.

COMPARISON TO INTERNATIONAL FRAMEWORKS

60. The United States (US) has a 'State Sponsors of Terrorism' framework, under which Iran has been designated since 19 January 1984. Separately, the US has frameworks which enable people and groups to be listed as a 'foreign terrorist organisation' (FTO), and as a 'specially designated global terrorist' group (SDGT).
61. Although the Bill proposes a framework that would share the same name as the United States 'State Sponsors of Terrorism' framework, they are sufficiently different to make direct comparisons unhelpful. The United States' framework permits the listing of countries, whereas Australia's proposed framework would permit the listing of foreign state entities. 'Foreign state entity', per the definition outlined in section 110.1 of the Bill, is construed much more broadly than the term 'country'. This broader scope was intentional, and reflects the purpose and intent of the proposed framework which attaches criminal liability to specific foreign state entities, rather than entire states.

62. The United Kingdom (UK) maintains a list of proscribed terrorist groups or organisations under their *Terrorism Act 2000*. The UK does not have a separate ‘state sponsors of terrorism’ equivalent framework. However, on 4 September 2025, the UK Government published a policy paper entitled ‘Government Response to the Intelligence and Security Committee of Parliament Report ‘IRAN’’, in which the UK Government committed to ‘*further strengthen counter state threats legislation... including the creation of a new state threats proscription-style tool*’. This would be designed to address the unique challenges associated with proscribing state entities. The UK has not publicly indicated any anticipated timeframe in which legislation may be tabled, only that this will occur ‘*when parliamentary time allows*’.
63. Separately, the UK has introduced a new Foreign Influence Registration Scheme (FIRS), which went live on 1 July 2025. This means that any person working for or directed by an entity listed under the FIRS to conduct activities in the UK, including criminal proxies, must declare that activity or face up to five years in prison.
64. Canada has a framework to list ‘state supporters of terrorism’, and a separate, targeted framework to list ‘terrorist entities’, which can include both organisations and foreign state entities.
65. New Zealand maintains a list associated with United Nations Security Council Resolution 1373 to designate terrorist entities. This framework is more similar in its purpose and operation to Australia’s counter-terrorism financing sanctions framework, administered by DFAT.
66. The European Union (EU) maintains an ‘EU terrorist list’. In November 2022, the EU Parliament adopted Resolution 2022/2896 (RSP) on ‘Recognising the Russian Federation as a state sponsor of terrorism’. The Resolution recognised ‘*Russia as a state sponsor of terrorism and as a state which uses means of terrorism*’. However, the EU does not have a legal framework that would allow for states to be designated as ‘state sponsors of terrorism’. Resolution 2022/2896 also called on the EU and Member States to develop an EU legal framework under which states could be designated as state sponsors of terrorism, and as states which use means of terrorism. As at October 2025, the EU has not publicly indicated any anticipated timeframes for the development of such a framework.
67. Listing processes and thresholds differ between countries, and direct comparisons are not always helpful. Australia’s State Sponsors of Terrorism framework has been designed with Australia’s specific security environment in mind, and proposes a mechanism that is fit for purpose, within the context of the broader counter-terrorism laws and tools available to Australian law enforcement, intelligence and policy agencies.

CONCLUSION

68. Australia continues to confront a security environment which is characterised by increasing complexity and diversity. The national security threat landscape is evolving, and the significant threat posed by foreign state actors who seek to engage in terrorist acts targeted at Australia requires a comprehensive, tailored and robust legislative response to criminalise this behaviour.
69. The Bill reflects Australia’s commitment to a coordinated, whole-of-government approach to counter-terrorism. The proposed framework appropriately balances national security, foreign policy, human rights, legal, diplomatic, and humanitarian considerations to ensure Australia’s security measures are fit for purpose, and aligned with our broader strategic objectives and international obligations.
70. DFAT wishes to express its gratitude to the PJCS for the opportunity to provide a submission to support the review of the Bill.