



ATTORNEY-GENERAL

CANBERRA

16/2830

Mr Andrew Nikolic AM CSC MP
Chair
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Chair

A handwritten signature in cursive script, appearing to read 'Andrew'.

I am writing to advise of the recent making of regulations giving effect to the re-listing of six terrorist organisations under subsection 102.1 of the *Criminal Code*, namely Abu Sayyaf Group, al-Qa'ida, al-Qa'ida in the Lands of the Islamic Maghreb, Jabhat al-Nusra, Jamiat ul-Ansar, and Jemaah Islamiyah.

Jabhat al-Nusra was last re-listed as a terrorist organisation with effect from 29 June 2013. Abu Sayyaf Group, al-Qa'ida, al-Qa'ida in the Lands of the Islamic Maghreb, Jamiat ul-Ansar, and Jemaah Islamiyah were last re-listed with effect from 12 July 2013. Subsection 102.1(3) of the *Criminal Code* provides that a regulation listing a terrorist organisation ceases to have effect on the third anniversary of the day on which it takes effect. Each of the Regulations has been drafted to commence on 28 June 2016.

I have decided to re-list Abu Sayyaf Group, al-Qa'ida, al-Qa'ida in the Lands of the Islamic Maghreb, Jabhat al-Nusra, Jamiat ul-Ansar, and Jemaah Islamiyah as I am satisfied on reasonable grounds that the organisations are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates the doing of a terrorist act. The re-listing of these organisations will ensure that all offence provisions under Division 102 of the *Criminal Code* continue to apply to persons in relation to these groups.

My decision to re-list these six organisations was made following careful consideration of advice provided by the Australian Security Intelligence Organisation (ASIO), in consultation with the Department of Foreign Affairs and Trade (DFAT), and after receiving legal advice from the Australian Government Solicitor (AGS). I attach a copy of the Statements of Reasons prepared by ASIO with respect to the re-listing of each of the six terrorist organisations.

Before the Regulations were made, I wrote to all state and territory First Ministers, on behalf of the Prime Minister, advising them of the proposed re-listings and providing them with a copy of the Statements of Reasons with respect to each organisation. The states and territories did not object to the re-listing of these organisations.

As required under the *Criminal Code*, I also wrote to the Leader of the Opposition advising of my decision to re-list these organisations. I provided the Leader of the Opposition with a copy of the Statements of Reasons with respect to each organisation and invited him to contact my office if he wished to receive an oral briefing in relation to these organisations.

Section 102.1A of the *Criminal Code* provides that the Parliamentary Joint Committee on Intelligence and Security may review regulations listing an organisation as a terrorist organisation as soon as possible after they are made, and report the Committee's comments and recommendations to each House of Parliament before the end of the applicable disallowance periods.

To assist the Committee, I enclose a copy of each of the *Criminal Code* Regulations and Explanatory Statements (with attached Statements of Reasons) upon which my decision to re-list these organisations was based. In deciding to re-list one of the organisations, in addition to the unclassified Statement of Reasons, I considered classified material prepared by ASIO. If you require a briefing in relation to that organisation or any of the other organisations, I invite you to contact my office.

I also attach a document outlining the process of re-listing each of these organisations. I understand that this document may be considered as a separate submission should the Committee decide to conduct a review into these re-listings, and I consent to its publication for that purpose.

Yours faithfully

(George Brandis)

Encl: ~~Criminal Code~~ Regulations for Abu Sayyaf Group, al-Qa'ida, al-Qa'ida in the Lands
of the Islamic Maghreb, Jabhat al-Nusra, Jamiat ul-Ansar, and Jemaah Islamiyah
Explanatory Statements with attached Statements of Reasons
Process of re-listing