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Process for the 2016 proscription of 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 'terrorist organisations' under the Criminal Code

The Counter Terrorism & Intelligence Unit of the Attorney-General's Department (the department) facilitates the process by which the Attorney-General makes a decision to list, re-list or de-list an organisation as a terrorist organisation under the *Criminal Code Act 1995* (the Criminal Code). This includes obtaining a written Statement of Reasons from the Australian Security Intelligence Organisation (ASIO) that assess organisations, and seeking the advice of the Australian Government Solicitor (AGS) in relation to ASIO's assessments. This information is included in a package of information submitted to the Attorney-General to assist him in deciding whether or not to list, re-list or de-list an organisation as a terrorist organisation under the Criminal Code.

The following processes were undertaken for the purpose of re-listing 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 terrorist organisations.

1. Unclassified Statements of Reasons were prepared by ASIO, and endorsed by the Department of Foreign Affairs and Trade (DFAT), outlining the case for re-listing each of the six organisations.
2. A classified briefing was prepared by ASIO to supplement the case for re-listing Jemaah Islamiyah.
3. On 6 April 2016, AGS provided written advice that the Attorney-General could, on the basis of each of the unclassified Statements of Reasons, be satisfied on reasonable grounds that the matters specified in section 102.1(2) of the Criminal Code have been met in relation to Abu Sayyaf Group, al-Qa'ida, al-Qa'ida in the Lands of the Islamic Maghreb, Jabhat al-Nusra and Jamiat ul-Ansar.
4. On 7 April 2016, AGS provided written advice that the Attorney-General could, on the basis of the unclassified Statement of Reasons, as well as a separate classified material, be satisfied on reasonable grounds that the matters specified in section 102.1(2) of the Criminal Code have been met in relation to Jemaah Islamiyah.
5. On 8 April 2016, the Director-General of Security wrote to the Attorney-General outlining the background, training activities, terrorist activities and relevant statements of each of the six organisations, and attaching a classified briefing in relation to Jemaah Islamiyah.
6. On 12 April 2016, the department provided a submission to the Attorney-General containing a copy of the following documents:
 - the unclassified Statements of Reasons, and
 - legal advice from AGS.
7. On 14 April 2016, having considered the information provided in the submission, including grounds to list each of the six organisations, as well as the classified material provided by ASIO, the Attorney-General approved and signed six Statements that he is satisfied on reasonable grounds that each of the six organisations are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts, or advocate the doing of a terrorist act. The Attorney-General also signed the regulations and approved associated Federal Executive Council (ExCo) documentation, including an

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ExCo Minute, Explanatory Memorandum and Explanatory Statements for consideration by the Governor-General at a meeting of ExCo on 5 May 2016.

8. On 14 April 2016, the Attorney-General wrote to:
 - the Prime Minister advising of his decision to re-list the six organisations
 - the Leader of the Opposition advising of his decision to re-list the six organisation, and offering a briefing in relation to the re-listings, and
 - the Premiers of the States and Chief Ministers of the Territories, advising them of his decision to re-list the six organisations.
9. On 15 April 2016, State and Territory officials and members of the Australia-New Zealand Counter-Terrorism Committee (ANZCTC) were advised by email of the proposed re-listing of the six organisations and issued copies of the Statements of Reasons.
10. The Premiers of the States and Chief Ministers of the Territories responded on the dates recorded below:
 - New South Wales – response dated 29 April 2016
 - Victoria - response dated 3 May 2016
 - Queensland – response dated 4 May 2016
 - Western Australia – response dated 25 April 2016
 - South Australia – response dated 26 April 2016
 - Tasmania – response dated 26 April 2016
 - Australian Capital Territory – response dated 3 May 2016, and
 - Northern Territory – response dated 3 May 2016.
11. None of the State and Territory responses objected to the proposed re-listings.
12. Written responses from States and Territories are not required.
13. On 5 May 2016, the Governor-General made the regulations at ExCo.
14. Between 6 and 9 May 2016, the regulations were registered on the Federal Register of Legislative Instruments (FRLI) (references [F2016L00688](#), [F2016L00680](#), [F2016L00684](#), [F2016L00702](#), [F2016L00677](#) and [F2016L00681](#)).
15. On 5 May 2016, the Attorney-General issued a media release announcing the re-listing of the six organisations as terrorist organisations.
16. On 28 June 2016, the regulations will come into effect.

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