



Australian Iranian
Community Organisation
سازمان همیاری ایرانیان استرالیا

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Submission on the Review of the Criminal Code Amendment (State Sponsors of Terrorism) Bill 2025

For the past 46 years, the crimes against humanity and acts of terror committed by the Islamic Revolutionary Guard Corps (IRGC) against democratic societies, groups, and individuals have been extensively documented by numerous human rights organisations.

The IRGC has openly praised and acknowledged its relationships with recognised terrorist groups and, since the early 1980s, has been a major source of funding, weapons, and training for organisations such as Hamas and Hezbollah, both of which are designated terrorist organisations in Australia.

In November 2022, the Australian Senate held an inquiry chaired by Senator Chandler into the situation of women and girls in Iran in the aftermath of the women-led and nationwide movement sparked by the murder of Mahsa Jina Amini.

The Senate Report, released in February 2023¹, noted that the overwhelming majority of submissions called for the designation of the IRGC as a terrorist organisation under the *Criminal Code Act 1995*.

As noted in the Report, United Action for Iran, a coalition of approximately 700 Iranian-Australian community members and 19 organisations—including our organisation—stated that “the Islamic Republic of Iran (IRI) is widely acknowledged as one of the world’s foremost sponsors of terrorism, and the IRGC is its primary arm in carrying out such activities both inside and outside Iran.”

The Report further noted that a late submission from the Attorney-General’s Department expressed the view that the IRGC is an “organ of a nation-state” and therefore “not the kind of entity covered by the terrorist organisation provisions in the Criminal Code.”²

¹https://www.agps.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/HumanRightsinIran/Report

² Many Iranian-Australians hold the view, as articulated in [the report prepared by Reza Parsaee and Arash Behgool, “Is IRGC an Organ of a Nation-State?”](#), that the IRGC is not an organ of the Iranian nation-state, but rather an arm of the Islamic Revolution itself. Its purpose and operations are rooted in enforcing revolutionary ideology—not in serving a recognised state apparatus. This means that the designation of the IRGC as a terrorist organisation could, in principle, occur under existing legislation without the need for the current proposed amendments. A copy of this report was previously provided to the then Attorney-General, The Hon Mark Dreyfus KC.

Notwithstanding, the Iranian-Australian community have consistently echoed the findings of the Senate Report and maintained that the Government bears the obligation to “bring forward legislative amendments to ensure that the IRGC—clearly a facilitator and promoter of terrorism—does not escape listing as a terrorist organisation based on a technicality”³.

We therefore welcome and strongly support the *Criminal Code Amendment (State Sponsors of Terrorism) Bill 2025* (the Bill), as it effectively opens the pathway to listing the IRGC as a terrorist organisation under the Criminal Code.

Recommendations

While we fully support the Bill, we respectfully submit the following recommendations to ensure its practical effectiveness and integrity:

1. Real and Practical Impact

The listing of the IRGC must have real and enforceable consequences, not merely symbolic effect. It should trigger tangible operational outcomes—such as legal restrictions, financial sanctions, and immigration measures—to ensure the designation meaningfully disrupts the IRGC's capacity to operate, fund, or influence activities within Australia.

2. Operational Consequences

The Bill's enforcement mechanisms—including relevant criminal offences, material support provisions, and financial restrictions—should be emphasised and rigorously applied to ensure that the designation is not merely symbolic.

3. Implementation and Urgency

Given the evolving regional and global threats, it is critical that implementation not be delayed. The operational framework should take immediate effect upon passage to prevent potential gaps in enforcement.

4. Enforcement and Preventive Measures

To ensure the listing is effective in both law and practice, the following measures should accompany the designation of the IRGC as a terrorist organisation:

- **Prohibition on Entry:** Any individual known to be a current or former IRGC member, affiliate, or high-ranking associate should be prohibited from entering Australia. This includes individuals who have served in, represented, or materially supported the IRGC or its subsidiaries.

³ [Human rights implications of recent violence in Iraq.pdf](#) paragraph 6.88

- **Visa Cancellations and Immigration Controls:** Any existing visa held by such individuals should be immediately revoked, and immigration controls strengthened to prevent IRGC-linked individuals from obtaining residency or citizenship through indirect channels.
- **Asset Freezing and Financial Sanctions:** All assets, bank accounts, property, and financial instruments belonging to identified IRGC members, affiliates, and front organisations operating within Australia should be frozen without delay. Transactions linked to IRGC-controlled entities should be investigated and reported under anti-money laundering and counter-terrorism financing frameworks.
- **Information Sharing and Coordination:** The Government should mandate enhanced intelligence and information-sharing between national security agencies, financial institutions, and border authorities to ensure that IRGC-affiliated individuals and entities are promptly identified and acted upon.
- **Secondary Sanctions:** Consideration should also be given to secondary sanctions targeting individuals, companies, or intermediaries who knowingly provide material support, services, or facilitation to the IRGC or its affiliates.

5. Timing

The legislation should provide urgent and clear commencement timelines and ensure continuity and certainty in designation.

Legislative Gaps and Recommendations for Implementation

While the Bill represents a critical step toward recognising and penalising state sponsors of terrorism, it does not currently include key enforcement mechanisms necessary to ensure practical effectiveness.

Specifically, the Bill does not provide for visa cancellations, entry prohibitions, or immigration controls for individuals affiliated with designated entities such as the IRGC.

Further, while the Bill criminalises the transfer or collection of funds linked to a state sponsor of terrorism, it does not empower authorities to identify or freeze pre-existing assets held in Australia by current or former IRGC members or affiliates prior to enactment of the legislation. To ensure meaningful enforcement, the legislation should include retrospective asset-freezing powers enabling agencies to trace, seize, and immobilise such assets regardless of when they were acquired.

In addition, the Bill does not establish a framework for automatic asset freezes or financial sanctions comparable to those under the *Autonomous Sanctions Act 2011*. Similarly, while the Bill introduces criminal offences for providing funds or support to a listed entity, there is no explicit requirement for inter-agency coordination or intelligence-sharing to ensure timely identification and enforcement.

Finally, the absence of secondary administrative or economic sanctions (such as trade, procurement, or financial prohibitions) limits the deterrent effect and practical reach of the legislation.

It is therefore recommended that complementary amendments be considered to extend these powers across relevant Acts, including the *Migration Act 1958*, *Australian Citizenship Act 2007*, and *Autonomous Sanctions Act 2011*, to create a comprehensive and enforceable regime.

Appendix A to this report provides a summary of alignments and gaps between recommendations in this submission as summarised above and the Bill.

Conclusion

After decades of documented evidence and repeated calls from the Iranian-Australian community and security experts, this proposed amendment represents a long-overdue and necessary step in protecting Australia's national security interests and the integrity of our democratic systems.

We commend the Government and the Committee for advancing this vital reform and urge its swift passage and strong enforcement to ensure that the IRGC—and all those associated with it—are denied access, assets, and legitimacy within Australia.

This measure will help safeguard Australia from foreign interference, espionage, and the financial networks that enable terrorism and transnational repression.

We also trust that the recommendations outlined in this submission will be carefully considered and incorporated, to strengthen the Bill's enforcement mechanisms and ensure its effectiveness in both law and practice, in full alignment with Australia's national security priorities.

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Appendix A — Summary of Alignment and Gaps Between Recommendations in this submission and the Criminal Code Amendment (State Sponsors of Terrorism) Bill 2025

Recommendation	Covered by Bill?	Relevant Section(s)	Legislative Context
1. Prohibition on Entry	Not covered	No corresponding provision.	The Bill contains no clause prohibiting entry, residency, or re-entry of individuals linked to designated state sponsors of terrorism. No amendments are made to the <i>Migration Act 1958</i> or <i>Australian Citizenship Act 2007</i> to refuse or exclude such persons.
2. Visa Cancellations and Immigration Controls	Not covered	No corresponding provision.	The Bill does not authorise visa cancellation, refusal, or naturalisation restrictions for individuals affiliated with listed entities. Complementary amendments to the <i>Migration Act 1958</i> and <i>Australian Citizenship Act 2007</i> would be required to achieve this outcome.
3. Asset Freezing and Financial Sanctions	Partially covered	Sections 112.5 and 113.1	While the Bill criminalises the collection, transfer, or receipt of funds linked to a state sponsor of terrorism, it does not empower authorities to identify or freeze pre-existing assets held in Australia by current or former IRGC members or affiliates. To ensure meaningful enforcement, the legislation should include retrospective asset-freezing powers enabling agencies to trace, seize, and immobilise such assets regardless of when they were acquired.

4. Information Sharing and Coordination	Partially covered	Section 110.7 and Schedule 3	The Bill allows parliamentary oversight and links to existing intelligence frameworks but does not establish mandatory information-sharing or coordination mechanisms between security, financial, and border agencies such as ASIO, AFP, AUSTRAC, and Border Force. A formal inter-agency framework is recommended.
5. Secondary Sanctions	Partially covered	Sections 112.5–112.7	The Bill creates criminal offences for providing support, association, or funding to state sponsors of terrorism. However, it lacks corresponding administrative or economic sanctions—such as trade, procurement, or financial prohibitions—that would extend deterrence beyond criminal liability. Complementary measures under the <i>Autonomous Sanctions Act 2011</i> are recommended.