



ATTORNEY-GENERAL

CANBERRA

16/6916

6 DEC 2016

Mr Michael Sukkar MP
Chair of the Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Chair

Michael

I am writing to advise of new regulations giving effect to the re-listing of al-Qa'ida in the Arabian Peninsula (AQAP), and the listing of al-Qa'ida in the Indian Subcontinent (AQIS), Islamic State in Libya (IS Libya) and Islamic State Sinai Province (IS Sinai), as terrorist organisations under Division 102 of the *Criminal Code*.

AQAP was last re-listed as a terrorist organisation with effect from 26 November 2013. AQIS, IS Libya and IS Sinai have not previously been listed. 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 have been drafted to commence on the day after registration.

I decided to re-list AQAP, and to list AQIS, IS Libya and IS Sinai, as I am satisfied on reasonable grounds that each of the organisations is 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 listing of these organisations will ensure that the offence provisions under Division 102 of the *Criminal Code* will apply, or will continue to apply, to conduct in relation to these organisations.

My decisions to re-list AQAP, and to list AQIS, IS Libya and IS Sinai, were made following careful consideration of information 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).

Before the Regulations were made, I wrote on behalf of the Prime Minister to all state and territory First Ministers, advising them of the proposed listings and re-listing, and provided 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 or listing of these organisations.

As required under subsection 102.1(2A) of the *Criminal Code*, I also wrote to the Leader of the Opposition advising of my decisions to list or 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 a further briefing.

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 period for each House.

To assist the Committee, I enclose a copy of each of the *Criminal Code* Regulations and Explanatory Statements. Attached to each of the Explanatory Statements are the Statements of Reasons prepared by ASIO with respect to each organisation. The Statements of Reasons provide information on the history, ideology, leadership and terrorist activities of each organisation, and are the basis upon which I made my decision to list or re-list each organisation under Division 102 of the *Criminal Code*.

I also attach a document outlining the process of listing or 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 listings and re-listing, and I consent to its publication for that purpose.

Yours faithfully

(George Brandis)

Encl: ~~Criminal Code~~ Regulations for AQAP, AQIS, IS Libya and IS Sinai
Explanatory Statements including Statements of Reasons
Process of listing