



ATTORNEY-GENERAL

CANBERRA

MS17-001802

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

13 NOV 2017

Dear Chair

A handwritten signature in blue ink, appearing to read 'Andrew'.

I am writing to advise of new regulations giving effect to the re-listing of al-Murabitun, and the listing of Islamic State Khorasan Province, as terrorist organisations under Division 102 of the *Criminal Code*.

I decided to re-list al-Murabitun, and to list Islamic State Khorasan Province, 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 al-Murabitun, and to list Islamic State Khorasan Province, 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).

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. Al-Murabitun was listed as a terrorist organisation for the first time with effect from 5 November 2014. To ensure there is no gap in the coverage of the offences in relation to al-Murabitun, this regulation will commence immediately and will not be delayed until after the disallowance period. In addition, given the heightened level of terrorist activity around the world, including the importance of sending a strong message that the activities of terrorist organisations are unacceptable, I have decided that the commencement of regulations listing Islamic State Khorasan Province should also not be delayed. As such, these regulations will commence the day after registration on the Federal Register of Legislative Instruments.

Before the Regulations were made, I wrote on behalf of the Commonwealth to all state and territory First Ministers, advising them of the proposed listing 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 listing or re-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 the listing and re-listing, and I consent to its publication for that purpose.

Yours faithfully✓

(George Brandis)

Encl: *Criminal Code* Regulations for al-Murabitun and Islamic State Khorasan Province
Explanatory Statements including Statements of Reasons
Listing Process