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Process for the 2018 listings of Jemaah Anshorut Daulah and Jama'at Mujahideen Bangladesh as 'terrorist organisations' under the Criminal Code

The Home Affairs Counter-Terrorism Policy Branch in the Department of Home Affairs (the department) facilitates the process by which the Minister for Home Affairs 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 assesses the organisation, and seeking the advice of the Australian Government Solicitor (AGS) in relation to ASIO's assessment. This information and advice is included in a submission to the Minister for Home Affairs to assist 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 listing Jemaah Anshorut Daulah (JAD) and Jama'at Mujahideen Bangladesh (JMB) as terrorist organisations:

1. Unclassified Statements of Reasons outlining the case for the listings of JAD and JMB were provided to the department by ASIO.
2. On 3 May 2018, the Statement of Reasons for JMB was considered by the department and then provided to AGS.
3. On 17 May 2018, the Statement of Reasons for JAD was considered by the department and then provided to AGS.
4. On 22 and 23 May 2018, AGS provided written advice to the department in relation to JAD and JMB and the Criminal Code requirements.
5. On 24 May 2018, the Director-General of Security wrote to the Minister for Home Affairs providing the Statements of Reasons for JAD and JMB.
6. On 24 May 2018, the department provided a submission to the Minister for Home Affairs advising him that he could be satisfied on reasonable grounds that the legislative criteria for listing JAD and JMB as terrorist organisations under the Criminal Code was satisfied.
7. On 24 May 2018, having considered the information provided in the submission, including grounds to list JAD and JMB, the Minister for Home Affairs agreed to list these organisations.
8. On 24 May 2018 the Minister for Home Affairs wrote to the Prime Minister advising of the decision to list JAD and JMB as terrorist organisations. The Minister for Home Affairs notified the Prime Minister that he had written, on the Prime Minister's behalf, to the First Ministers of each state and territory regarding the proposed listings.
9. On 24 May 2018, the Minister for Home Affairs wrote to the Leader of the Opposition advising of his decision to list JAD and JMB, attaching the Statements of Reasons and offering a briefing in relation to these organisations.
10. On 24 May 2018, the Minister for Home Affairs wrote to First Ministers on behalf of the Prime Minister, advising of his decision to list JAD and JMB as terrorist organisations, and attached copies of the Statements of Reasons. The letters requested that a response be provided by 5 June 2018, advising whether the First Minister approved of, or objected to the listings.

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11. On 25 May 2018, the department emailed State and Territory officials and members of the Australia-New Zealand Counter-Terrorism Committee (ANZCTC) advising them of the proposal to list JAD and JMB and provided copies of the Statements of Reasons.
12. The following responses to the Minister for Home Affairs' letters to First Ministers were received by the department:
 - Tasmania – response received 4 June 2018
 - Victoria – response received 4 June 2018
 - Queensland – response received 5 June 2018
 - South Australia – response received 5 June 2018
 - Western Australia – response received 5 June 2018
 - New South Wales – response received 7 June 2018
 - Australian Capital Territory – response received 8 June 2018
 - Northern Territory – response received 15 June 2018

No objections were made to the listing of JAD and JMB.

13. On 30 May 2018, the department sought approval from the Minister for Home Affairs of the Regulations and associated Federal Executive Council (ExCo) documentation, including an ExCo Minute, and Explanatory Memorandum for consideration by the Governor-General at a meeting of ExCo.
14. On 1 June 2018, the Minister approved the Regulations and associated Federal Executive Council (ExCo) documentation.
15. On 7 June 2018, the Governor-General made the Regulations.
16. On 8 June 2018, the *Criminal Code (Terrorist Organisation—Jemaah Anshorut Daulah) Regulations 2018* and *Criminal Code (Terrorist Organisation—Jama'at Mujahideen Bangladesh) Regulations 2018* were registered on the Federal Register of Legislation (FRL) [references: F2018L00740 and F2018L00744]. The Regulations came into effect on 9 June 2018.
17. On 9 June 2018, the Minister for Home Affairs issued a media release announcing the listing of JAD and JMB under the Criminal Code.
18. On 9 June 2018, the Australian Government's National Security website was updated to reflect the making of the Regulations listing JAD and JMB as terrorist organisations.
19. On 18 June 2018, copies of the *Criminal Code (Terrorist Organisation—Jemaah Anshorut Daulah) Regulations 2018* and *Criminal Code (Terrorist Organisation—Jama'at Mujahideen Bangladesh) Regulations 2018* were laid before the House of Representatives and the Senate.
20. On 25 June 2018, the Minister for Home Affairs wrote to the Chair of the Parliamentary Joint Committee on Intelligence and Security advising of the listings of JAD and JMB, and attaching the Statements of Reasons, Regulations and Explanatory Statement.

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