



ATTORNEY-GENERAL

CANBERRA

15/2046

Mr Dan Tehan MP
Chair
Parliamentary Joint Committee
on Intelligence and Security
Parliament House
CANBERRA ACT 2600

12 AUG 2015

Dear Chair

I am writing to advise of the recent making of regulations giving effect to the re-listing of al-Shabaab, Hamas' Izz al-Din al-Qassam Brigades (Hamas Brigades), the Kurdistan Workers Party (PKK), Lashkar-e-Tayyiba (LeT) and Palestinian Islamic Jihad (PIJ) as terrorist organisations under subsection 102.1 of the *Criminal Code Act 1995* (Criminal Code).

Al-Shabaab, Hamas Brigades, PKK, LeT and PIJ were last re-listed under the *Criminal Code Regulations 2002* with effect on 18 August 2012. The Regulations will cease to have effect on 18 August 2015, on the third anniversary of their making.

I have decided to re-list Al-Shabaab, Hamas Brigades, PKK, LeT and PIJ as I am satisfied on reasonable grounds that the organisations are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts. The re-listing of these organisations will ensure that all offence provisions under Division 102 of the Criminal Code continue to apply in relation to al-Shabaab, Hamas Brigades, the PKK, LeT and PIJ.

My decision to re-list the organisations was made following careful consideration of information provided by the Australian Security Intelligence Organisation in consultation with the Department of Foreign Affairs and Trade, and after receiving legal advice from the Australian Government Solicitor.

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

As required under the Criminal Code, I also wrote to the Leader of the Opposition advising of my decision to re-list al-Shabaab, Hamas Brigades, the PKK, LeT and PIJ as terrorist organisations for the purposes of section 102.1 of the Criminal Code. 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 an oral briefing in relation to these organisations.

Section 102.1A of the Criminal Code provides that the Parliamentary Joint Committee on Intelligence and Security may review the regulations re-listing these organisations 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 that House.

To assist the Committee, I enclose a copy of each of the Criminal Code Regulations and Explanatory Statements (with attached Statement of Reasons) upon which my decision to re-list these organisations was based. The Regulations have been drafted to commence on the day after registration on the Federal Register of Legislative Instruments – to avoid a lapse in coverage of the Division 102 terrorist organisation offences in relation to each organisation.

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

Yours faithfully

(George Brandis)

Encl: Criminal Code Regulations for al-Shabaab, PKK, LeT, Hamas Brigades and PIJ
Explanatory Statements with attached Statements of Reasons
Process of re-listing