



Appendix A – Process of listing

Source: Attorney-General, *Submission 1*

Process for the 2015 proscription of Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi as terrorist organisations under the Criminal Code

The National Security Law and Policy Division of the Attorney-General's Department (the department) facilitates the process by which the Attorney-General makes a decision to list, re-list or de-list a terrorist organisation under the *Criminal Code Act 1995* (the Criminal Code). This includes obtaining products from the Australian Security Intelligence Organisation (ASIO) that assess organisations and seeking the advice of the Australian Government Solicitor in relation to the assessments. These are included in a package of information submitted to the Attorney-General to assist him 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 re-listing Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi:

1. Unclassified Statements of Reasons were prepared by ASIO, and endorsed by the Department of Foreign Affairs and Trade, outlining the case for re-listing Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi.
2. On 23 December 2014, the Australian Government Solicitor provided written advice with respect to the Statements of Reasons for Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi – stating that the Attorney-General could, on the basis of the statements, be satisfied on reasonable grounds that the matters specified in section 102.1(2) of the Criminal Code have been met.
3. On 16 January 2015, the Director-General of Security wrote to the Attorney-General outlining the background, training activities, terrorist activities, and relevant statements of Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi.
4. On 21 January 2015, the department provided a submission to the Attorney-General containing a copy of the following documents:
 - the Statements of Reasons with respect to Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi and
 - legal advice from the Australian Government Solicitor.
5. On 22 January 2015, having considered the information provided in the submission, the Attorney-General approved and signed separate Statements that he is satisfied on reasonable grounds that Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi are directly or indirectly engaged in, preparing, planning, assisting in, fostering or advocating the doing of a terrorist act.
6. On 22 January 2015, the Attorney-General wrote to the Prime Minister advising of his decision to re-list Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi as a terrorist organisation.
7. On 22 January 2015, the Attorney-General wrote to the Leader of the Opposition on the proposed re-listing of Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi as terrorist organisations, offering a briefing in relation to the re-listings.
8. On 22 January 2015, the Attorney-General wrote, on behalf of the Prime Minister, to the Premiers of the States and Chief Ministers of the Territories, advising them of his decision to re-list Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi

as terrorist organisations, requesting their comments on the proposed re-listing by 6 February 2015.

9. On 27 January 2015, State and Territory officials were advised by email of the proposed re-listing of Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi.
10. The Premiers of the States and Chief Ministers of the Territories responded on the dates recorded below in relation to Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi:
 - New South Wales – response dated 9 February 2015
 - Victoria – response dated 4 February 2015
 - Queensland – response not received in time
 - Western Australia – response dated 4 February 2015
 - South Australia – response dated 11 February 2015
 - Tasmania – response dated 10 February 2015
 - Australian Capital Territory – response not received in time, and
 - Northern Territory – response dated 2 February 2015.
11. None of the State and Territory responses objected to the proposed re-listings.
12. State and Territory responses did not object to the proposed re-listing of Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi.
13. On 16 February 2015, the Attorney-General signed the following:
 - *Criminal Code (Terrorist Organisation—Ansar al-Islam) Regulation 2015;*
 - *Criminal Code (Terrorist Organisation—Islamic Movement of Uzbekistan) Regulation 2015 and*
 - *Criminal Code (Terrorist Organisation—Lashkar-e Jhangvi) Regulation 2015 and*approved associated Federal Executive Council (ExCo) documentation, including ExCo Minutes, Explanatory Memorandums and Explanatory Statements in preparation for the meeting of ExCo on Thursday 26 February 2015.
14. On 20 February 2015, the Leader of the Opposition (represented by the Hon Mark Dreyfus QC MP and the Hon Tanya Pliibersek MP) was briefed in relation to the re-listings in accordance with subsection 102.1(2A) of the Criminal Code.
15. On Thursday 26 February 2015, ExCo made the four Regulations.
16. On 2 March 2015, the Regulations were registered on the Federal Register of Legislative Instruments (FRLI) (see references: [F2015L00234](#), [F2015L00235](#) and [F2015L00236](#)).
17. On 3 March 2015, the Regulations came into effect, the day after they were registered on FRLI.
18. On 4 March 2015, the Attorney-General issued a Media Release announcing the re-listing of Ansar al-Islam, Islamic Movement of Uzbekistan and Lashkar-e Jhangvi.
19. On 4 March 2015, the Australian Government's [National Security website](#) was updated to reflect the re-listings.

Process for the 2015 proscription of Jaish-e-Mohammad as a terrorist organisation under the Criminal Code

The National Security Law and Policy Division of the Attorney-General's Department (the department) facilitates the process by which the Attorney-General makes a decision to list, re-list or de-list a terrorist organisation under the *Criminal Code Act 1995* (the Criminal Code). This includes obtaining products from the Australian Security Intelligence Organisation (ASIO) that assess organisations and seeking the advice of the Australian Government Solicitor in relation to the assessments. These are included in a package of information submitted to the Attorney-General to assist him 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 re-listing Jaish-e-Mohammad:

1. Unclassified Statements of Reasons were prepared by ASIO, and endorsed by the Department of Foreign Affairs and Trade, outlining the case for re-listing Jaish-e-Mohammad.
2. On 24 December 2014, 19 January 2015 and 11 February 2015 the Australian Government Solicitor provided written advice with respect to the Statement of Reasons for Jaish-e-Mohammad – concluding on 11 February 2015 that the Attorney-General could, on the basis of the statement, be satisfied on reasonable grounds that the matters specified in section 102.1(2) of the Criminal Code have been met.
3. On 13 February 2015, the Director-General of Security wrote to the Attorney-General outlining the background, training activities, terrorist activities, and relevant statements of Jaish-e-Mohammad.
4. On 16 February 2015, the department provided a submission to the Attorney-General containing a copy of the following documents:
 - the Statements of Reasons with respect to Jaish-e-Mohammad and
 - legal advice from the Australian Government Solicitor
5. On 16 February 2015, having considered the information provided in the submission, the Attorney-General approved and signed a Statement that he is satisfied on reasonable grounds that Jaish-e-Mohammad advocates the doing of a terrorist act.
6. On 17 February 2015, the Attorney-General wrote to the Prime Minister advising of his decision to re-list Jaish-e-Mohammad as a terrorist organisation.
7. On 17 February 2015, the Attorney-General wrote to the Leader of the Opposition on the proposed re-listing of Jaish-e-Mohammad as terrorist organisation, offering a briefing in relation to the re-listing.
8. On 17 February 2015, the Attorney-General wrote, on behalf of the Prime Minister, to the Premiers of the States and Chief Ministers of the Territories, advising them of his decision to re-list Jaish-e-Mohammad, requesting their comments on the proposed re-listing by 24 February 2015.
9. On 17 February 2015, State and Territory officials were advised by email of the proposed re-listing of Jaish-e-Mohammad.

10. The Premiers of the States and Chief Ministers of the Territories responded on the dates recorded below in relation to Jaish-e-Mohammad:
 - New South Wales – response dated 26 February 2015
 - Victoria – response dated 24 February 2015
 - Queensland – response not received in time
 - Western Australia – response dated 26 February 2015
 - South Australia – response dated 24 February 2015
 - Tasmania – response dated 24 February 2015
 - Australian Capital Territory – response not received in time, and
 - Northern Territory – response dated 23 February 2015.
11. None of the State and Territory responses objected to the proposed re-listing of Jaish-e-Mohammad.
12. On 16 February, the Attorney-General signed the *Criminal Code (Terrorist Organisation—Jaish-e-Mohammad) Regulation 2015* and approved associated Federal Executive Council (ExCo) documentation, including an ExCo Minute, Explanatory Memorandum and Explanatory Statement in preparation for the meeting of ExCo on Thursday 26 February 2015.
13. On 20 February 2015, the Leader of the Opposition (represented by the Hon Mark Dreyfus QC MP and the Hon Tanya Plibersek MP) was briefed in relation to the re-listing in accordance with subsection 102.1(2A) of the Criminal Code.
14. On Thursday 26 February 2015, ExCo made the Regulation.
15. On 2 March 2015, the Regulation was registered on the Federal Register of Legislative Instruments (FRLI) (reference: [F2015L00233](#)).
16. On 3 March 2015, the Regulation came into effect, the day after it was registered on FRLI.
17. On 4 March 2015, the Attorney-General issued a Media Release announcing the re-listing of Jaish-e-Mohammad.
18. On 4 March 2015, the Australian Government's [National Security website](#) was updated to reflect the re-listing.