



THE HON PETER DUTTON MP
MINISTER FOR HOME AFFAIRS
MINISTER FOR IMMIGRATION AND BORDER PROTECTION

Ref No: MS18-001773

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

25 JUN 2018

Andrew,

Dear Mr Hastie

I write to advise that, as the rule-maker for the purpose of regulations made under Part 5.3 of the *Criminal Code Act 1995* (the Criminal Code), I have decided to list Jemaah Anshorut Daulah and Jama'at Mujahideen Bangladesh as terrorist organisations under Division 102.

The proposed listings reflect the threat of emerging terrorist organisations in our region. Jemaah Anshorut Daulah is responsible for a number of attacks in Indonesia in May 2018 and Momena Shoma, a 24-year-old Bangladeshi national facing terrorism-related charges in relation to the stabbing of a Melbourne man, was reportedly a member of Jama'at Mujahideen Bangladesh.

The listing of these organisations will ensure that the offence provisions under Division 102 of the Criminal Code will apply to conduct in relation to Jemaah Anshorut Daulah and Jama'at Mujahideen Bangladesh.

Under subsection 102.1(2) of the Criminal Code, before listing an organisation as a terrorist organisation, I must be satisfied on reasonable grounds that the organisation is directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates the doing of terrorist act. Following careful consideration of information provided by the Australian Security Intelligence Organisation (ASIO) in consultation with the Department of Foreign Affairs and Trade, and after receiving legal advice from the Australian Government Solicitor, I am satisfied Jemaah Anshorut Daulah and Jama'at Mujahideen Bangladesh satisfy that legal threshold.

Before the Criminal Code Regulations were made, I wrote on behalf of the Commonwealth to all state and territory First Ministers, advising them of the proposed listings, and provided them with copies of the Statements of Reasons with respect to Jemaah Anshorut Daulah and Jama'at Mujahideen Bangladesh. The states and territories did not object to the listing of this organisation.

As required under subsection 102.1(2A) of the Criminal Code, I also wrote to the Leader of the Opposition advising of my decision to list Jemaah Anshorut Daulah and Jama'at Mujahideen Bangladesh. I provided the Leader of the Opposition with copies 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.

The regulations listing these organisations have been drafted to commence the day after registration. In 2007, the Committee's *Inquiry into the proscription of 'terrorist organisations' under the Australian Criminal Code* recommended that the Government give consideration to postponing commencement of regulations listing terrorist organisations until after the disallowance period had expired unless there are reasons the listing should occur immediately (Recommendation 4).

Due to the emerging threat within our region and to ensure law enforcement and intelligence agencies are able to act swiftly against perpetrators of terrorism, including Jemaah Anshorut Daulah and Jama'at Mujahideen Bangladesh, I have decided that the regulations not be delayed until after the disallowance period. If regulations were delayed, commencement would not occur until August 2018.

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 attach copies of the Criminal Code Regulations and Explanatory Statements. Attached to 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 Jemaah Anshorut Daulah and Jama'at Mujahideen Bangladesh, and are the basis upon which I made my decision to list these organisations under Division 102 of the Criminal Code.

I also attach a document outlining the process of listing Jemaah Anshorut Daulah and Jama'at Mujahideen Bangladesh. I understand that this document may be considered as a separate submission should the Committee decide to conduct a review into the listings, and I consent to its publication for that purpose.

Yours sincerely

PETER DUTTON