

Parliamentary Joint Committee on Intelligence and Security

Report by Statement

**A review of the regulation relisting Islamic State Somalia as a
terrorist organisation under the *Criminal Code Act 1995***

November 2022

Mr Speaker – I rise today to present a report by statement from the Parliamentary Joint Committee on Intelligence and Security, for the review of a regulation re-listing Islamic State Somalia as a terrorist organisation under the *Criminal Code Act 1995*.

Under the Criminal Code, regulations may be made specifying an organisation as a terrorist organisation for a three-year period. Organisations can be re-listed, provided the Minister is satisfied on reasonable grounds that the organisation continues to directly or indirectly engage in terrorism or advocate the doing of a terrorist act.

Islamic State Somalia was first listed as a terrorist organisation by the Australian Government in 2019. The regulation to re-list Islamic State Somalia was tabled in the House of Representatives on 23 September 2022 and in the Senate on 26 September 2022.

Mr Speaker, the Committee's review examined the Attorney-General's decision to re-list this organisation. Section 102.1A of the *Criminal Code* provides that the Committee may review a regulation which lists or re-lists an organisation as a terrorist organisation and report its comments and recommendations to each House of the Parliament before the end of the 15 sitting day disallowance period. This report serves this purpose and is being presented within the required period.

In determining whether the regulation relisting Islamic State Somalia should be supported, the Committee reviewed the merits in accordance with the Attorney-General's explanatory statement and statement of reasons for listing the

organisation, and other publicly available information. The Committee also invited public submissions on the listings. No submissions were received.

In its deliberations, the Committee noted that Islamic State Somalia was formed by a group of disenfranchised al-Shabaab members in 2014. It follows the tenets of Islamic State and was formally recognised by Islamic State as an affiliate in 2017. The group's primary objective is to establish an Islamic Caliphate in the horn of Africa, and to that end it has performed terrorist attacks against Somali government officials and civilians. It has also promoted terrorist attacks against Australia's allies. Mr Speaker, there is evidence that this group is engaging in, preparing, assisting with or fostering terrorist activities. The Australian Government's assessment is that a successful terrorist attack directed or inspired by Islamic State Somalia could harm Australians; and also that the group's activities and propaganda have the potential to inspire Australian violent extremists.

After examining the evidence provided to it, the Committee is satisfied with the re-listing process and considers that it has been followed appropriately for this organisation. The Committee therefore supports the relisting of Islamic State Somalia under Division 102 of the *Criminal Code* in order to protect Australians and Australia's interests, and finds no reason to disallow this regulation.

I commend this report to the Parliament.

Mr Peter Khalil MP

Chair