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**Process for the 2017 proscription of Islamic State East Asia as a
‘terrorist organisation’ under the Criminal Code**

The Counter Terrorism 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 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 is 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 listing Islamic State East Asia as a terrorist organisation.

1. An unclassified Statement of Reasons outlining the case for the listing of Islamic State East Asia as a terrorist organisation was prepared by ASIO.
2. On 14 July 2017, the Statement of Reasons was considered by the Department of Foreign Affairs and Trade and the department and then provided to AGS.
3. On 17 July 2017, AGS provided written advice in relation to Islamic State East Asia.
4. On 14 August 2017, the Director-General of Security wrote to the Attorney-General providing the Statement of Reasons.
5. On 15 August 2017, the department provided a submission to the Attorney-General advising him that he could be satisfied on reasonable grounds that the legislative criteria for listing Islamic State East Asia has been satisfied. The submission also sought the Attorney-General’s approval of the draft regulations and supporting documentation for the Federal Executive Council.
6. On 16 August 2017, having considered the information provided in the submission, including grounds to list Islamic State East Asia, the Attorney-General approved the regulations and associated Federal Executive Council (ExCo) documentation, including an ExCo Minute, a regulation and an Explanatory Memorandum for consideration by the Governor-General at a meeting of ExCo.
7. On 16 August 2017, the Attorney-General wrote to the Prime Minister advising of his decision to list Islamic State East Asia as a terrorist organisation. The Attorney-General 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 listing.
8. On 16 August 2017, the Attorney-General wrote to the Leader of the Opposition advising of his decision to list Islamic State East Asia attaching the Statement of Reasons, and offering a briefing in relation to the organisation.
9. On 16 August 2017, the Attorney-General wrote to First Ministers on behalf of the Prime Minister, advising of his decision to list the Islamic State East Asia as a terrorist organisation, and attaching a copy of the Statement of Reasons. The letters requested that a response be provided by 30 August 2017, advising whether the First Minister approved of, or objected to, the listing.

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10. On 16 August 2017, 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 Islamic State East Asia, and providing a copy of the Statement of Reasons.
11. The following responses to the Attorney-General's letters to First Ministers were received:
 - Tasmanian Premier – response received 25 August 2017
 - Victorian Premier – response received 29 August 2017
 - Queensland Premier – response received 29 August 2017
 - New South Wales Premier – response received 30 August 2017
 - South Australian Premier – response received 30 August 2017
 - Western Australian Premier – response received 31 August 2017
 - Northern Territory Premier – response received 8 September 2017
 - Australian Capital Territory – response received 11 September 2017
12. No objections were made to the listing of Islamic State East Asia.
13. On 7 September 2017, the Governor-General made the regulations.
14. On 8 September 2017, the Australian Government's National Security website was updated to reflect the making of the regulations listing Islamic State East Asia as a terrorist organisation.
15. On 8 September 2017, the Attorney-General issued a media release announcing the listing of the organisation under the Criminal Code.
16. On 11 September 2017, the Criminal Code (Terrorist Organisation—Islamic State East Asia) Regulations 2017 were registered on the Federal Register of Legislative Instruments (FRLI) [reference: F2017L01152]. The Regulations came into effect on 12 September 2017.
17. On 12 September 2017 the Attorney-General wrote to the Chair of the Parliamentary Joint Committee on Intelligence and Security advising of the listing and attaching the Regulations, Explanatory Statement and Statement of Reasons.

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