



ATTORNEY-GENERAL

CANBERRA

MS17-001243

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

03 JUL 2017

Dear Chair

A handwritten signature in blue ink that reads 'Andrew'.

I am writing to advise of new regulations giving effect to the re-listing of Boko Haram and Islamic State as terrorist organisations under Division 102 of the *Criminal Code*.

Boko Haram was listed as a terrorist organisation for the first time with effect from 1 July 2014. Islamic State was last re-listed as a terrorist organisation with effect from 11 July 2014. Subsection 102.1(3) of the *Criminal Code* provides that a regulation listing a terrorist organisation ceases to have effect on the third anniversary of the day on which it takes effect. Each of the Regulations has been drafted to commence on the day after registration.

I decided to re-list Boko Haram and Islamic State as I am satisfied on reasonable grounds that each of the organisations is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates the doing of a terrorist act. The listing of these organisations will ensure that the offence provisions under Division 102 of the *Criminal Code* will continue to apply to conduct in relation to these organisations.

My decisions to re-list Boko Haram and Islamic State were made following careful consideration of information provided by the Australian Security Intelligence Organisation (ASIO) in consultation with the Department of Foreign Affairs and Trade (DFAT), and after receiving legal advice from the Australian Government Solicitor (AGS).

Before the Regulations were made, I wrote on behalf of the Prime Minister to all state and territory First Ministers, advising them of the proposed re-listings and provided 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 subsection 102.1(2A) of the *Criminal Code*, I also wrote to the Leader of the Opposition advising of my decisions to re-list these organisations. 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 a further briefing.

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.

Please note that to ensure there is no gap in the coverage of the offences in relation to these terrorist organisations, the regulations commenced immediately and were not delayed until after the disallowance period.

To assist the Committee, I enclose a copy of each of the *Criminal Code* Regulations and Explanatory Statements. Attached to each of 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 each organisation, and are the basis upon which I made my decision to re-list each organisation under Division 102 of the *Criminal Code*.

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-listings and I consent to its publication for that purpose.

Yours faithfully

(George Brandis)

Encl: *Criminal Code* Regulations for Boko Haram and Islamic State
Explanatory Statements including Statements of Reasons
Process of listing