



Australian Government
Attorney-General's Department
Counter Terrorism Unit

17/7448

8 November 2017

Inquiry Secretary
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear

Review of the listing of Islamic State East Asia as a terrorist organisation

I refer to the hearing in relation to the above matter on 19 October 2017 and to your letter dated 31 October 2017 providing a proof transcript of evidence at the private hearing.

I do not propose to make any amendments to the proof transcript.

During the hearing, a question was taken on notice from Senator Fawcett about the statement of compatibility with human rights and the absence of a reference to Article 18 of the International Covenant on Civil and Political Rights (ICCPR).

The department's answer to the Senator's question is as follows:

The statement of compatibility with human rights notes that the statutory definition of a 'terrorist organisation' requires that organisations directly or indirectly engage in, prepare, plan, assist in or foster the doing of a terrorist act, which includes the causing of serious harm to persons or death and serious damage to property.

As the Explanatory Statement notes, the Attorney-General is satisfied Islamic State East Asia is engaged in preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates the doing of a terrorist act.

In preparing the statement of compatibility with human rights, the department considered article 18 of the ICCPR but determined that article 18 was not engaged as the relevant conduct relates to the potential criminal activity of Islamic State East Asia, rather than any religious belief the organisation may espouse.

The action officer for this matter is

who can be contacted on

Yours sincerely

Anthony Coles
A/g First Assistant Secretary
Counter Terrorism Division