

Process for the 2014 proscription of Al-Murabitun as a terrorist organisation under the Criminal Code

The National Security Law and Policy 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 a terrorist organisation under the *Criminal Code Act 1995* (the Criminal Code). This includes obtaining products from the Australian Security Intelligence Organisation (ASIO) that assess organisations and seeking the advice of the Australian Government Solicitor in relation to the assessments. These are included in a package of information that is submitted to the Attorney-General to assist him in deciding whether or not to list an organisation as a terrorist organisation under the Criminal Code.

The following processes were undertaken for the purpose of listing Al-Murabitun:

1. An unclassified Statement of Reasons was prepared by ASIO, and endorsed by the Department of Foreign Affairs and Trade, detailing the case for listing Al-Murabitun.
2. On 17 July 2014, the Australian Government Solicitor provided written advice with respect to the Statement of Reasons for Al-Murabitun, stating that the Attorney-General could, on the basis of the statement, be satisfied on reasonable grounds that the matters specified in section 102.1(2) of the Criminal Code have been met.
3. On 14 August 2014, the Director-General of Security wrote to the Attorney-General outlining the background, training activities, terrorist activities, and relevant statements of Al-Murabitun.
4. On 27 August 2014, the Department provided a submission to the Attorney-General containing a copy of the following documents:
 - the Statement of Reasons with respect to Al-Murabitun and
 - legal advice from the Australian Government Solicitor.
5. On 4 September 2014, having considered the information provided in the submission, the Attorney-General approved and signed a Statement that he is satisfied on reasonable grounds that Al-Murabitun is directly or indirectly engaged in, preparing, planning, assisting in, fostering or advocates the doing of a terrorist act (whether or not the act has occurred or will occur).
6. On 4 September 2014, the Attorney-General wrote to the Prime Minister advising of his decision to list Al-Murabitun as a terrorist organisation.
7. On 4 September 2014, the Attorney-General wrote to the Leader of the Opposition on the proposed listing of Al-Murabitun as a terrorist organisation, and offered a briefing in relation to the listing.
8. On 4 September 2014, the Attorney-General wrote, on behalf of the Prime Minister, to the Premiers of the States and Chief Ministers of the Territories, advising them of his decision to list Al-Murabitun as a terrorist organisation and requested their comments on the proposed listing by 30 September 2014.
9. On 5 September 2014, State and Territory officials were also advised of the proposed listing by email.

10. The Premiers of the States and Chief Ministers of the Territories responded on the dates recorded below:
 - New South Wales – response dated 29 September 2014
 - Victoria – response dated 22 September 2014
 - Queensland – response dated 29 September 2014
 - Western Australia – response dated 26 September 2014
 - South Australia – response dated 1 October 2014
 - Tasmania – response dated 22 September 2014
 - Northern Territory – response dated 24 September 2014 and
 - ACT – response dated 25 September 2014.
11. State and Territory responses did not object to the proposed listing of Al-Murabitun.
12. On 21 October 2014, the Attorney-General signed the [Criminal Code \(Terrorist Organisation—Al-Murabitun\) Regulation 2014](#) and approved associated Federal Executive Council (ExCo) documentation, including an ExCo Minute, Explanatory Memorandum and Explanatory Statement in preparation for the ExCo meeting on 30 October 2014.
13. On 29 October 2014, the Leader of the Opposition was briefed in relation to the listing in accordance with subsection 102.1(2A) of the Criminal Code.
14. On 30 October 2014, ExCo made the Regulation.
15. On 2 November 2014, the Attorney-General issued a Media Release announcing the listing of Al-Murabitun and attaching a copy of the Statement of Reasons.
16. On 4 November 2014, the Regulation was registered on the Federal Register of Legislative Instruments (FRLI) (reference: [F2014L01476](#)).
17. The Regulation came into effect on 5 November 2014, the day after it was registered on FRLI.
18. On 5 November 2014, the Australian Government's [National Security website](#) was updated to reflect the listing of Al-Murabitun.