



ATTORNEY-GENERAL

CANBERRA

MS17-001827

12 SEP 2017

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

Dear Chair

A handwritten signature in cursive script, appearing to read 'Andrew'.

I am writing to advise of new regulations giving effect to the listing of Islamic State East Asia as a terrorist organisation under Division 102 of the *Criminal Code*.

The proposed listing reflects the worsening security situation in the Southern Philippines, and the activities and influence of Islamic State (IS) in that region. The reference to 'Islamic State East Asia' reflects the fact that the organisation formed within the Southern Philippines has publicly referred to themselves by this name.

Islamic State East Asia has not previously been listed. I decided to list Islamic State East Asia as I am satisfied on reasonable grounds that the organisation 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 this organisation will ensure that the offence provisions under Division 102 of the *Criminal Code* will apply to conduct in relation to these organisations.

My decision to list Islamic State East Asia was 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 listing and provided them with a copy of the Statement of Reasons with respect to the organisation. The states and territories did not object to the listing of Islamic State East Asia.

As required under subsection 102.1(2A) of the *Criminal Code*, I also wrote to the Leader of the Opposition advising of my decision to list the organisation. I provided the Leader of the Opposition with a copy of the Statement of Reasons with respect to the 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.

The regulations listing Islamic State East Asia have been drafted to commence the day after registration. In 2007, the Committee's *Inquiry into the proscription of 'terrorist organisations' under the Australian Criminal Code*, recommended that the Government give consideration to postponing commencement of regulations listing terrorist organisations until after the disallowance period had expired unless there are reasons the listing should occur immediately (Recommendation 4). In 2008, the former Labor Government tabled a response supporting this recommendation.

In my view, the rapidly evolving IS threat in the Southern Philippines, and the need to ensure that law enforcement and intelligence agencies have options to respond to it, means that the regulations should commence immediately after registration. If commencement of the regulations was delayed until after the disallowance period, commencement would not occur until March 2018.

To assist the Committee, I enclose a copy of the *Criminal Code* Regulations and Explanatory Statement. Attached to the Explanatory Statement is the Statement of Reasons prepared by ASIO with respect to the organisation. The Statement of Reasons provides information on the history, ideology, leadership and terrorist activities of the organisation, and is the basis upon which I made my decision to list the organisation under Division 102 of the *Criminal Code*.

I also attach a document outlining the process of listing the organisation. I understand that this document may be considered as a separate submission should the Committee decide to conduct a review into the listing and I consent to its publication for that purpose.

Yours faithfully

(George Brandis)

Encl: ~~Criminal Code~~ Regulations for Islamic State East Asia  
~~Explanatory Statement~~ including Statement of Reasons  
Process of listing