



ATTORNEY-GENERAL

CANBERRA

14/6061

Mr Dan Tehan MP
Chair
Parliamentary Joint Committee
on Intelligence and Security
Parliament House
CANBERRA ACT 2600

06 NOV 2014

Dear Chair

I am writing to advise of the recent making of the *Criminal Code (Terrorist Organisation – Al-Murabitun) Regulation 2014* (the Regulation) giving effect to the proscription of Al-Murabitun as a terrorist organisation under subsection 102.1 of the *Criminal Code Act 1995* (Criminal Code).

This is the first time that a Criminal Code regulation has been made with respect to Al-Murabitun, listing it as a terrorist organisation under the Criminal Code.

I have made the Regulation as I am satisfied on reasonable grounds that it is an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts or advocating the doing of terrorist acts (whether or not a terrorist act has occurred or will occur). The listing of this organisation will ensure that all offence provisions under Division 102 of the Criminal Code will apply in relation to Al-Murabitun.

My decision to list Al-Murabitun was made following careful consideration of information provided by the Australian Security Intelligence Organisation, in consultation with the Department of Foreign Affairs and Trade, and after receiving legal advice from the Australian Government Solicitor.

Before the Regulation was made, I wrote to all State and Territory Premiers and Chief Ministers, on behalf of the Prime Minister, advising them of the proposed listing of Al-Murabitun and providing them with a copy of the Statement of Reasons. All the First Ministers have responded in writing in support of the proposed listing.

As required by the Criminal Code, I also wrote to the Leader of the Opposition advising of my decision to list Al-Murabitun as a terrorist organisation for the purposes of section 102.1 of the Criminal Code. I provided the Leader of the Opposition with a copy of the Statement of Reasons for Al-Murabitun and invited him to contact my office if he wished to receive an oral briefing in relation to this listing.

Section 102.1 of the Criminal Code provides that the Parliamentary Joint Committee on Intelligence and Security may review the regulation listing Al-Murabitun as soon as possible after it is made, and report the Committee's comments and recommendations to each House of Parliament before the end of the applicable disallowance period for that House.

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To assist the Committee, I enclose a copy of the Regulation and Explanatory Statement, with attached Statement of Reasons upon which my decision to list Al-Murabitun was based. The Regulation has been drafted to commence the day after it is registered on Federal Register of Legislative Instruments. This was done in light of the few remaining Parliamentary sitting days in 2014, the listing of this group by key allies, and in the current climate of heightened terrorist activity in various hot spots around the world.

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

Yours faithfully

(George Brandis)

Encl:
Regulation and Explanatory Statement including Statement of Reasons for Al-Murabitun
Process of listing for Al-Murabitun