

Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

Phone: +61 2 6277 2360

Fax: +61 2 6277 4424

pjcis@aph.gov.au

Dear Committee

Sovereignty of First Nations Peoples includes unceded Custodial Responsibilities to Protect Country and the Peoples thereon.

This Submission comments on the Criminal Code (Terrorist Organisation—Islamic State Sinai Province) Regulations 2019, Section 5 (2) “(u) Supporters of Jerusalem” and “(v) Supporters of the Holy Place”, and the Criminal Code (Terrorist Organisation—Al-Qa’ida in the Arabian Peninsula) Regulations 2019, Section 5(2) “(f) Supporters of Sharia”, where the semantics of the nomenclature used to describe names by which Al-Qa’ida is also known is general enough to generate a request for further cautious intelligence that may be necessary to distinguish forms of Al-Qa’ida from legitimate nonterrorist religious organisations agitating political viewpoints that subscribe to the semantics of the generally worded descriptions without a direct, or indirect, link to Al-Qa’ida.

The Committee is requested to assist Parliament, the Executive Council and the Governor General by recommending such further intelligence be gathered and assessed to ensure that nonterrorist politically, religiously, Faith-based stanced organisations coming within the general wording used as referred to above are not unintentionally targeted, and/or affected by, terrorist organization

listing under the Criminal Code when those entities are actually nonAl-Qa'ida aligned 'legitimate' nonterrorist expressions through similarly named organizations, or interests, under the general language referred to above.

Further comment is made seeking the Committee to recommend the implementation and oversight of a more robust expression of the term "to be briefed" as it applies to the reported context of this Inquiry's proffered information [Criminal Code (Terrorist Organisation—Islamic State Sinai Province) Regulations 2019, Explanatory Statement, Consultation, page 2) of satisfying the term "to be briefed" as the Minister for Home Affairs writing to the Leader of the Opposition with enclosed information, without more. The Submission notes that in the Unclassified information of Submission 1 to this Inquiry at Paragraph 11, page 2, the phrase "offering a briefing in relation to these organisations.", is used.

The Committee is also asked to recommend that a process that is more inclusive of Parliamentary political diversity be overseen to ensure that, on this and other such matters of National Security associated issues, a more robust form of 'briefing' and 'consultation' occurs which properly informs that Parliamentary multipartisan political diversity with as much information on these matters as can be accomplished within an unclassified setting.

The Committee is asked to recommend that in matters of National Security the unceded Custodial Responsibilities of First Nation Peoples be a relevant consideration as Custodians are also obligated to Protect People on Our Country.