



ATTORNEY-GENERAL

CANBERRA

14/6061

07 JUL 2014

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

Dear Chair

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

This is the first time that a Criminal Code Regulation has been made with respect to Boko Haram listing it as a terrorist organisation under the Criminal Code.

I have made the regulation listing Boko Haram 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 Boko Haram.

My decision to list Boko Haram 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, 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 Boko Haram and providing them with a copy of the Statement of Reasons with respect to this organisation.

As required by the Criminal Code, I also wrote to the Leader of the Opposition advising of my decision to list Boko Haram 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 Boko Haram and invited the Leader of the Opposition 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 Boko Haram 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.

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 Boko Haram was based). The Regulation commenced the day after its registration on the Federal Register of Legislative Instruments.

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

Yours faithfully

(~~George~~ Brandis)

Encl:
Regulation and Explanatory Statement including Statement of Reasons for Boko Haram
Process of listing for Boko Haram