

s 22(1)(a)(ii)

Document 1

From: s 22(1)(a)(ii) @dfat.gov.au>
Sent: Monday, December 12, 2022 2:46 PM
To: Muffett, Luke <Luke.Muffett@ag.gov.au>; s 22(1)(a)(ii) @ag.gov.au>
Cc: s 22(1)(a)(ii) @ag.gov.au>; s 22(1)(a)(ii) @ag.gov.au>;
 Lindsay Buckingham <Lindsay.Buckingham@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Gemma Huggins <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Subject: RE: s 33(a)(iii), s 42(1) entities under the Australian Criminal Code.

Hi Luke s 22(1)(a)(ii)

Thank you both for reaching out on this and apologies for the delay in getting back to you, we thought a consolidated response would be useful for both of you.

Please see the **attached** background brief on the Islamic Revolutionary Guard Corps (IRGC), prepared by our Iran desk, along with a summary description below

The IRGC operates as the ideological military-security arm of the Iranian regime, with a constitutional remit to uphold and preserve Iran's Islamic Republic system. The constitution provides that any duties and responsibilities surplus to this remit are to be determined by law. The IRGC is situated within the ideological wing of Iran's regime, and Iran's Supreme Leader has the power to appoint and dismiss the IRGC's leadership. The elected wing of Iran's regime, led by President Ebrahim Raisi, has no constitutionally derived oversight of the IRGC. The IRGC operates with complete independence from Iran's regular Armed Forces. In addition to its military role, the IRGC is involved in a number of non-government economic and political ventures, including considerable involvement in Iran's official and black market economies.

s 42(1)

As always, your support is much appreciated and please feel free to contact us if you have any questions.

Regards,

s 22(1)(a)(ii)

Director | Australian Sanctions Office

Australian Sanctions Office and Transnational Crime Branch (AST) | Regulatory Legal and Policy Division (RLD)

Phone: s 22(1)(a)(ii)

From: Muffett, Luke <Luke.Muffett@ag.gov.au>

Sent: Wednesday, 30 November 2022 8:38 PM

To: Lindsay Buckingham <Lindsay.Buckingham@dfat.gov.au>

Cc: s 22(1)(a)(ii) <dfat.gov.au>; s 22(1)(a)(ii)

<dfat.gov.au>; s 22(1)(a)(ii)

<dfat.gov.au>; s 22(1)(a)(ii)

<dfat.gov.au>; Gemma Huggins <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii)

<dfat.gov.au>; s 22(1)(a)(ii)

<ag.gov.au>

Subject: RE: s 33(a)(iii), s 42(1) entities under the Australian Criminal Code.

Thanks Lindsay.

Unfortunately, my advice at this stage is that the situation is not clear. It will ultimately turn on the facts, being dependent on the particular nature of the entity and whether they can be correctly regarded as an organisation.

Noting the value of resolving the question, with IRGC as a case study, we will obtain some legal advice and let you know the outcome. s 42(1)

Kind regards

Luke

Luke Muffett

Assistant Secretary | Security Law and Policy Branch

Security and Counter Terrorism Division

Attorney-General's Department | 3-5 National Circuit Barton ACT 2600

E: luke.muffett@ag.gov.au P: s 22(1)(a)(ii) M: s 22(1)(a)
 s 22(1)(a)(ii) , Executive Assistant at s 22(1)(a)(ii) @ag.gov.au; s 22(1)(a)(ii)

From: Lindsay Buckingham <Lindsay.Buckingham@dfat.gov.au>
Sent: Wednesday, 30 November 2022 12:11 PM
To: Muffett, Luke <Luke.Muffett@ag.gov.au>
Cc: s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; Gemma Huggins <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @ag.gov.au
Subject: RE: s 33(a)(iii), s 42(1) entities under the Australian Criminal Code.

Sorry Luke, I should've added that a response today would be appreciated. s 47E(d)

thanks so much
 LB

From: Lindsay Buckingham
Sent: Wednesday, 30 November 2022 12:10 PM
To: 'luke.muffett@ag.gov.au' <luke.muffett@ag.gov.au>
Cc: s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; Gemma Huggins <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @ag.gov.au
Subject: FW: s 33(a)(iii), s 42(1) entities under the Australian Criminal Code.

Hi Luke

Thanks for the chat today.

s 33(a)(iii), s 42(1)

s 33(a)(iii), s 42(1)

Document 1

I have copied in my colleagues from OCT and Middle East Branch for visibility.

Lindsay

Lindsay Buckingham

Assistant Secretary

Australian Sanctions Office and Transnational Crime Branch | Regulatory Legal Division

Department of Foreign Affairs and Trade

T s 22(1)(a)(ii) | M s 22(1)(a)(ii)

EA -s 22(1)(a)(ii) | T s 22(1)(a)(ii)

From: s 22(1)(a)(ii) @ag.gov.au>

Sent: Tuesday, 29 November 2022 5:08 PM

To: s 22(1)(a)(ii) @dfat.gov.au>

Cc: s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii)

@ag.gov.au>; s 22(1)(a)(ii)

@ag.gov.au>

Subject: RE: s 33(a)(iii), s 42(1) entities under the Australian Criminal Code.

Hi s 22(1)(a)(ii)

We can provide the following points:

- For an entity to be listed as a **terrorist organisation**, the AFP Minister (the Attorney-General) must be satisfied on reasonable grounds that the organisation (a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a **terrorist act**; or (b) advocates the doing of a terrorist act.
- **terrorist organisation** means (a) an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a **terrorist act**; or (b) an organisation that is specified by the regulations.

organisation means (relevantly to this part) (a) a body corporate; or (b) an unincorporated body; whether or not the body is based outside Australia, consists of persons who are not Australian citizens, or is part of a larger organisation

- **terrorist act** means an action or threat of action done or made with the intention of **advancing a political, religious or ideological cause** and with the intention of either (i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or (ii) **intimidating the public or a section of the public.**

s 33(a)(iii), s 42(1)

We note that in listing an organisation, the Attorney considers a range of legislative and non-legislative factors, which are outlined in the [Protocol for listing terrorist organisations \(nationalsecurity.gov.au\)](https://www.nationalsecurity.gov.au/protocol-for-listing-terrorist-organisations), so the meeting of the legislative threshold would not be the only consideration.

Thanks

s 22(1)(a)(ii)

Attorney-General's Department
T: s 22(1)(a)(ii) M. s 22(1)(a)(ii)

From: s 22(1)(a)(ii) @dfat.gov.au
Sent: Tuesday, 29 November 2022 2:17 PM
To: s 22(1)(a)(ii) @ag.gov.au
Cc: s 22(1)(a)(ii) @dfat.gov.au
Subject: FW: s 33(a)(iii), s 42(1) entities under the Australian Criminal Code.

Hi s 22(1)(a)(ii)

s 33(a)(iii), s 42(1)

s 33(a)(iii), s 42(1)

Regards,
s 22(1)(a)(ii)

Assistant Director | Australian Sanctions Office
Australian Sanctions Office and Transnational Crime Branch (AST) | Regulatory Legal Division (RLD)
Phone: s 22(1)(a)(ii) | Ext: s 22(1)(a)(ii)
Email: s 22(1)(a)(ii) [@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)

From: s 22(1)(a)(ii) [@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>
Sent: Tuesday, 29 November 2022 9:34 AM
To: s 22(1)(a)(ii) [@ag.gov.au](mailto:s 22(1)(a)(ii)@ag.gov.au)>
Cc: s 22(1)(a)(ii) [@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>
Subject: FW: s 33(a)(iii), s 42(1) entities under the Australian Criminal Code.

Hi s 22(1)(a)(ii)

Did you have any luck finding someone who can assist us?

Regards,
s 22(1)(a)(ii)

Assistant Director | Australian Sanctions Office
Australian Sanctions Office and Transnational Crime Branch (AST) | Regulatory Legal Division (RLD)
Phone: s 22(1)(a)(ii) | Ext: s 22(1)(a)(ii)
Email: s 22(1)(a)(ii) [@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)

From: s 22(1)(a)(ii)
Sent: Monday, 28 November 2022 3:18 PM
To: s 22(1)(a)(ii) [@ag.gov.au](mailto:s 22(1)(a)(ii)@ag.gov.au)
Cc: s 22(1)(a)(ii) [@dfat.gov.au](mailto:s 22(1)(a)(ii)@dfat.gov.au)>
Subject: s 33(a)(iii), s 42(1) entities under the Australian Criminal Code.

Hi s 22(1)(a)(ii)

Thank you for your time just now.

s 33(a)(iii), s 42(1)

Document 1

Please see the full article [Iran protests. Australia urged to do more to punish Tehran \(smh.com.au\)](https://www.smh.com.au)

s 33(a)(iii), s 42(1)

Grateful for your comments on the above as soon as possible.

Regards,
s 22(1)(a)(ii)

Assistant Director | Australian Sanctions Office
Australian Sanctions Office and Transnational Crime Branch (AST) | Regulatory Legal Division (RLD)
Phone: s 22(1)(a)(ii) | Ext: s 22(1)(a)(ii)
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Islamic Revolutionary Guard Corps

Iran's **Islamic Revolutionary Guard Corps** (IRGC) is a branch of Iran's Armed Forces (along with the Iranian Army and the Law Enforcement Force), established by decree in 1979 after the Iranian Revolution. This hybrid military-security institution operates independently of Iran's conventional army, with its leadership reporting directly to the Supreme Leader, Ayatollah Khamenei. Its primary objective is to defend Iran's Islamic Republic system. The IRGC is involved in both internal security operations and overseas activities, with its military structure paralleling the Iranian Army. The Commander-in-Chief is currently **Major General Hossein Salami**, assuming the leadership role in 2019.

With over 190,000 active personnel, the IRGC is comprised of the following elements:

- **Qods Force:** the expeditionary arm of the IRGC, responsible for military campaigns abroad and managing proxy forces located in countries Iraq, Lebanon, and Syria. It collects military intelligence, and conducts foreign military operations against Iran's enemies
- **Basij Militia:** a paramilitary volunteer militia deployed for internal security. They have been instrumental in suppressing internal dissent, gaining notoriety during Green Movement protests
- **Ground Forces:** while capable of being deployed abroad, in recent years the Ground Forces have focussed on internal dissent, and have been deployed to suppress ongoing protests.
- **Aerospace Force:** this important force develops and produces ballistic missiles, anti-aircraft warfare, fighter jets and helicopters, and UAVs (including drones)
- **Naval Force:** charged with protecting Iranian shores, the naval force is composed of smaller, faster vessels than the traditional navy. It uses a combination of conventional and unconventional, symmetric and asymmetric, methods and capabilities
- **Intelligence Organisation:** operating alongside the Ministry of Intelligence, it is primarily domestic-focussed with separate intelligence and security divisions. It houses the Cyber Defence Command which monitors online activity of political opponents
- **Intelligence Protection Organisation:** this unit operates to prevent spying within the IRGC and is also tasked with securing and protecting sensitive sites, assets, senior officials, diplomats, flights, and airports



IRGC

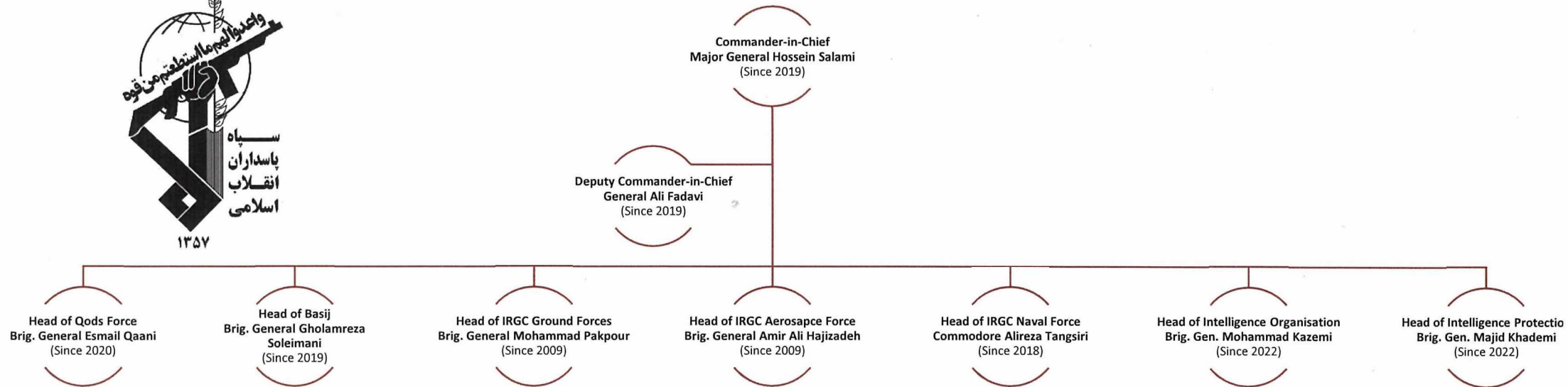


The IRGC has been increasingly represented in the Iranian Government, with members currently present in Iran's executive, legislature, and judiciary. Many former and current IRGC officers occupy ministerial positions in President Raisi's administration. The IRGC has evolved into an **active player in the Iranian economy**, although the extent of its influence is opaque. IRGC-owned firms operate with significant advantages such as exemptions from paying tax, easier access to loans, and ability to secure government contracts. The IRGC's main construction arm, Khatam al-Anbia Construction Base, is reportedly managing oil and petrochemical projects worth over US\$22bn.

The purported entrenchment of the IRGC in the rent-seeking Iranian economy is consistent with the Iranian regime's championed concept of a 'resistance economy' – one that is self-sufficient and able to withstand sanctions. Its presence in strategic sectors such as oil and gas, construction and telecommunications has strengthened its political influence in Iran.

Current Leadership

(December 2022)



From: s 22(1)(a)(ii)
To:
Subject: FW: IRGC listing
Date: Wednesday, 15 February 2023 4:04:06 PM

From: Lindsay Buckingham <Lindsay.Buckingham@dfat.gov.au>
Sent: Friday, 23 December 2022 12:19 PM
To: s 22(1)(a)(ii) @dfat.gov.au; Gemma Huggins
 <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; Ben Milton
 <Ben.Milton@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii)
 @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii)
 @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii)
 @dfat.gov.au
Cc: Marc Innes-Brown <marc.innes@dfat.gov.au>; Andrew Walter
 <Andrew.Walter@dfat.gov.au>
Subject: FW: IRGC listing
 DFAT colleagues
 FYI, email exchange between AGD and Home Affairs below.
 s 47E(d)

LB

From: s 22(1)(a)(ii) @homeaffairs.gov.au>
Sent: Friday, 23 December 2022 11:15 AM
To: Muffett, Luke <Luke.Muffett@ag.gov.au>; Lindsay Buckingham
 <Lindsay.Buckingham@dfat.gov.au>
Cc: s 22(1)(a)(ii) @ag.gov.au>; s 22(1)(a)(ii) @ag.gov.au>; zz
 s 22(1)(a)(ii) @ag.gov.au s 22(1)(a)(ii) @ag.gov.au>; s 22(1)(a)(ii)
 @homeaffairs.gov.au>; s 22(1)(a)(ii) @homeaffairs.gov.au>
Subject: RE: IRGC listing

Hi Luke
 Thanks for your update.
 s 33(a)(iii), s 47C(1), s 47E(d)

s 47C(1), s47E(d)

Wishing you and yours a Merry Christmas and we all look forward to working with you in the New Year.

Thanks,

Justin

Justin Skelly

Assistant Secretary Strategic Policy Branch

Counter-Terrorism Coordination Centre

Department of Home Affairs

t: s 22(1)(a)(ii) work mobile: s 22(1)(a)(ii)

personal m: s 22(1)(a)(ii)

E: Justin.skelly@homeaffairs.gov.au

EA: s 22(1)(a)(ii)

P: s 22(1)(a)(ii)

E: s 22(1)(a)(ii) @homeaffairs.gov.au

From: s 22(1)(a)(ii) @ag.gov.au>

Sent: Thursday, 22 December 2022 6:09 PM

To: s 22(1)(a)(ii) @homeaffairs.gov.au; Lindsay Buckingham (DFAT)

<Lindsay.Buckingham@dfat.gov.au>

Cc: s 22(1)(a)(ii) @ag.gov.au; s 22(1)(a)(ii) @ag.gov.au;

s 22(1)(a)(ii) @ag.gov.au

Subject: IRGC listing

Hi: s 22(1)(a)(ii)

s 42(1)

Following the recent hearings of the Foreign Affairs, Defence and Trade References Committee into Human rights implications of recent violence in Iran, there is significant interest in this matter s 47E(d)

Kind regards

Luke

Luke Muffett

Assistant Secretary | Security Law and Policy Branch

Security and Counter Terrorism Division

Attorney-General's Department | 3-5 National Circuit Barton ACT 2600

E: luke.muffett@ag.gov.au P: s 22(1)(a)(ii) M s 22(1)(a)(ii)

s 22(1)(a)(ii) , Executive Assistant at s 22(1)(a)(ii) @ag.gov.au; s 22(1)(a)(ii)

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s 22(1)(a)(ii)

Document 4

From: s 22(1)(a)(ii) @dfat.gov.au>
Sent: Friday, December 23, 2022 10:10 AM
To: Lindsay Buckingham <Lindsay.Buckingham@dfat.gov.au>; luke.muffett@ag.gov.au
Cc: s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>;
s 22(1)(a)(ii) @dfat.gov.au>; Gemma Huggins <Gemma.Huggins@dfat.gov.au>;
s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @ag.gov.au
s 22(1)(a)(ii) @ag.gov.au>; s 22(1)(a)(ii) @ag.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Subject: RE: Criminal Code listings - Next steps and contacts

Many thanks Lindsay.

Luke – for visibility, s 42(1), s33(a)(iii), s47E(d)

Steven – looping you in.

Best,
Jen.

Department of Foreign Affairs and Trade
P s 22(1)(a)(ii) | M: s 22(1)(a)(ii)

From: Lindsay Buckingham <Lindsay.Buckingham@dfat.gov.au>
Sent: Thursday, 22 December 2022 6:53 PM
To: luke.muffett@ag.gov.au
Cc: s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>

s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>;
 Gemma Huggins <Gemma.Huggins@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; zz
 s 22(1)(a)(ii) @ag.gov.au s 22(1)(a)(ii) @ag.gov.au>; s 22(1)(a)(ii)
 @ag.gov.au>; s 22(1)(a)(ii) @ag.gov.au>

Subject: Criminal Code listings - Next steps and contacts

Hi Luke

Thanks very much for the chat earlier today.

For the benefit of my DFAT colleagues, a quick summary of our discussion:

s 42(1)

s 47E(d)

Luke, I have copied in the following key DFAT contacts:

- **Gemma Huggins:** Assistant Secretary, Middle East Branch s 22(1)(a)(ii)
- s 22(1)(a)(ii) : Director, Iran desk
- s 22(1)(a)(ii) : Director, Office for Counter Terrorism
- s 22(1)(a)(ii) : Director, Diplomatic Consular and Security Law Section

My colleagues in the Australian Sanctions Office & Transnational Crime Branch are also copied in for visibility:

- s 22(1)(a)(ii) : Director, Sanctions Policy
- s 22(1)(a)(ii) : Acting Director, Sanctions Policy s 22(1)(a)(ii)
- s 22(1)(a)(ii) : Director, Transnational Crime Section s 22(1)(a)(ii)

thanks very much
Lindsay

Lindsay Buckingham

A/g First Assistant Secretary
Regulatory and Legal Policy Division

Department of Foreign Affairs and Trade

T s 22(1)(a)(ii) | M s 22(1)(a)(ii)

EA s 22(1)(a)(ii) | T s 22(1)(a)(ii)

s 42(1), s 47C(1), s 47E(d) - this page, together with the following pages (17 to 20) are exempt and have been removed.