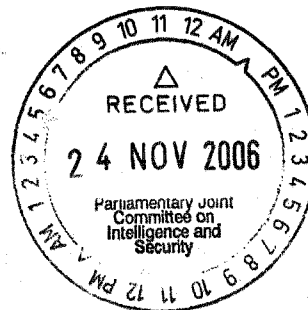


SEC LAW & JUSTICE



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP



Submission No: 2
Date Received: 24-11-06
Secretary:

06/16792

24 NOV 2006

The Hon David Jull MP
Chair
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA

Dear Mr Jull

I refer to your letter dated 23 October 2006 advising of the review to be held on 27 November 2006 by the Parliamentary Joint Committee on Intelligence and Security (the Committee), into the re-listing of four terrorist organisations, Abu Sayyaf Group (ASG), the Armed Islamic Group (GIA), Jamiat ul-Ansar (JuA) and the Salafist Group for Call and Combat (GSPC). I note your advice that the Committee's Secretary has also written to Mr Robert Cornall, Secretary of the Attorney-General's Department advising of details of the review.

These organisations were re-listed as terrorist organisations under separate Criminal Code Amendment Regulations made on 1 November 2006.

I attach a document outlining the processes for re-listing these organisations. I consent to this document being treated as a formal submission by the Committee.

The action officer for this matter in my Department is Annabel Knott who can be contacted on 6250 5423.

Yours sincerely

Philip Ruddock

Process for the 2006 re-listing of the Abu Sayyaf Group (ASG), Jamiat ul-Ansar (JuA), Armed Islamic Group (GIA) and Salafist Group for Call and Combat (GSPC) as terrorist organisations under the Criminal Code Act 1995

The following process was undertaken for the purpose of re-listing ASG, JuA, GIA and GSPC as terrorist organisations:

1. A separate unclassified Statement of Reasons for ASG, JuA, GIA and GSPC was prepared by the Australian Security Intelligence Organisation (ASIO), in consultation with the Department of Foreign Affairs and Trade, detailing the case for re-listing ASG, JuA, GIA and GSPC.
2. Mr George Witynski, Special Counsel of the Australian Government Solicitor provided written confirmation on 4 October 2006 (in respect of ASG and GSPC) and 6 October 2006 (in respect of GIA and JuA) that the Statements of Reasons prepared by ASIO were sufficient for the Attorney-General to be satisfied on reasonable grounds of the matters referred to in section 102.1(2) for the re-listing by regulation of all four organisations as terrorist organisations under the *Criminal Code Act 1995* (the Criminal Code).
3. The Director-General for Security, Mr Paul O'Sullivan wrote to the Attorney-General on 5 October 2006 (in respect of ASG and GSPC) and 9 October 2006 (in respect of JuA and GIA) outlining the background, training activities, terrorist activities, and attaching separate Statements of Reasons for ASG, JuA, GIA and GSPC.
4. A submission was provided to the Attorney-General on 10 October 2006 attaching:
 - a. copies of the Statement of Reasons prepared by ASIO for ASG, JuA, GIA and GSPC
 - b. advice from Special Counsel in relation to ASG, JuA, GIA and GSPC
 - c. separate regulations and Federal Executive Council documentation for ASG, JuA, GIA and GSPC
5. Having considered the information provided in the submission, the Attorney-General signed separate statements for ASG, JuA, GIA and GSPC confirming that he is satisfied on reasonable grounds that the organisations are directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur.

The Attorney-General also signed separate regulations with respect to ASG, JuA, GIA and GSPC, and approved associated Federal Executive Council documentation including Explanatory Memorandum, Executive Council Minutes and Explanatory Statements

6. A letter from the Attorney-General was delivered to the Prime Minister on 16 October 2006 advising of the Attorney-General's intention to re-list ASG, JuA, GIA and GSPC as terrorist organisations under the Criminal Code.
7. The Attorney-General advised the Leader of the Opposition by letter dated 16 October 2006 of the proposed re-listing of ASG, JuA, GIA and GSPC as terrorist organisations under the Criminal Code. The Leader of the Opposition was offered a briefing in relation to the re-listing of each organisation.

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8. The Attorney-General wrote to the Attorneys-General of the States and Territories on 13 October 2006 advising them of the decision to re-list ASG, JuA, GIA and GSPC as terrorist organisations under the Criminal Code. A copy of the Statements of Reasons for each organisation was attached to the letters.
9. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security on 16 October 2006 advising of his decision to re-list ASG, JuA, GIA and GSPC as terrorist organisations under the Criminal Code.
10. The Governor-General made the regulations on 1 November 2006.
11. The Regulations were lodged with the Federal Register of Legislative Instruments (FRLI) on 2 November 2006 with the following reference numbers:
 - Re-listing of Abu Sayyaf Group (ASG)
Criminal Code Amendment Regulations 2006 (No. 4)
(FRLI Reference Number: F2006L03473)
 - Re-listing of Jamiat ul-Ansar (JuA)
Criminal Code Amendment Regulations 2006 (No. 5)
(FRLI Reference Number: F2006L03474)
 - Re-listing of Armed Islamic Group (GIA)
Criminal Code Amendment Regulations 2006 (No. 6)
(FRLI Reference Number: F2006L03475)
 - Re-listing of Salafist Group for Call and Combat (GSPC)
Criminal Code Amendment Regulations 2006 (No. 7)
(FRLI Reference Number: F2006L03476)
12. A press release was issued on 3 November 2006 and the Attorney-General's Department's National Security web site was updated.