

SEC LAW & JUSTICE



ATTORNEY-GENERAL  
THE HON PHILIP RUDDOCK MP

File No. 06/11100  
MC06/15378



05 SEP 2006

Ms Margaret Swieringa  
Committee Secretary  
Parliamentary Joint Committee on Intelligence and Security  
Parliament House  
CANBERRA ACT 2600

Submission No:.....	2
Date Received:.....	5-9-06
Secretary:.....	

Dear Ms Swieringa

Thank you for your letter of 10 August 2006 in response to my letter of the same date advising of the proposed re-listing of Al-Qa'ida and Jemaah Islamiyah as terrorist organisations under the *Criminal Code Act 1995* (the Criminal Code).

I note that the Committee has accepted my letter of 10 August 2006 as a submission to the Committee. I confirm that I do not have concerns as to the publication of the whole or parts of the submission.

I attach for your information an outline of the processes undertaken in the re-listing of Al-Qa'ida and Jemaah Islamiyah.

If you have any queries please contact Annabel Knott on 6250 5433 who is the action officer with respect to this matter in my Department.

Yours sincerely

Philip Ruddock

Process for the re-listing of the Al-Qa'ida and Jemaah Islamiyah as  
terrorist organisations under the *Criminal Code Act 1995*

The following process was undertaken for the purpose of re-listing Al-Qa'ida and Jemaah Islamiyah as terrorist organisations:

1. A separate unclassified Statement of Reasons for Al-Qa'ida and Jemaah Islamiyah 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 Al-Qa'ida and Jemaah Islamiyah.
2. Chief General Counsel, Mr Henry Burmester QC provided written confirmation on 27 July 2006 that the Statement of Reasons for both organisations was sufficient for the Attorney-General to be satisfied on reasonable grounds of the matters required under s 102.1(2) for the re-listing by regulation of both organisations a 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 31 July 2006 outlining the background, training activities, terrorist activities, and attaching separate Statements or Reasons for Al-Qa'ida and Jemaah Islamiyah.
4. A submission was provided to the Attorney-General on 8 August 2006 attaching:
  - a. copies of the Statement of Reasons from ASIO for Al-Qa'ida and Jemaah Islamiyah
  - b. advice from the Chief General Counsel in relation to Al-Qa'ida and Jemaah Islamiyah; and
  - c. separate regulations and Federal Executive Council documentation for Al-Qa'ida and Jemaah Islamiyah.
5. Having considered the information provided in the submission, the Attorney-General signed separate statements for both Al-Qa'ida and Jemaah Islamiyah 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 Al-Qa'ida and Jemaah Islamiyah, and approved associated Federal Executive Council documentation including Explanatory Memoranda, and Executive Council Minutes and Explanatory Statements.
6. The Attorney-General wrote to the Prime Minister on 10 August 2006 advising of his intention to re-list Al-Qa'ida and Jemaah Islamiyah as terrorist organisations under the Criminal Code.

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7. The Attorney-General advised the Leader of the Opposition by letter dated 10 August 2006 of the proposed re-listing of Al-Qa'ida and Jemaah Islamiyah 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.
8. The Attorney-General wrote to the Attorneys-General of the States and Territories on 10 August 2006 advising them of the decision to re-list Al-Qa'ida and Jemaah Islamiyah 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 10 August 2006 advising of his decision to re-list Al-Qa'ida and Jemaah Islamiyah as terrorist organisations under the Criminal Code.
10. The Governor-General made the regulations on 24 August 2006.
11. The Regulations were lodged with the Federal Register of Legislative Instruments (FRLI) on 24 August 2006 with the following reference numbers:  
  
Re-listing of Al-Qa'ida:  
*Criminal Code Amendment Regulations 2006 (No. 2)*  
(FRIL Reference Number: F2006L02639).  
  
Re-listing of Jemaah Islamiyah:  
*Criminal Code Amendment Regulations 2006 (No. 3)*  
(FRIL Reference Number: F2006L02640).
12. A press release was issued on 24 August 2006 and the Attorney-General's Department's National Security website will be updated.