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**Parliamentary Joint Committee on Intelligence and Security**

**Government's Response to Committee's Recommendations**

*Review of the re-listing of ASG, JuA, GIA and GSPC*

**Tabled 26 February 2007**

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**Recommendation 1:**

- The Committee renews its request that the Attorney-General and ASIO incorporate the criteria ASIO has provided for determining which organisations should be listed in future statements of reason.
- The Committee requests that the Attorney-General and ASIO provide the Committee with a set of criteria outlining under what circumstances an organisation will not be relisted.

**Response:**

The six criteria are among a range of factors ASIO considers when making its preliminary evaluation of whether to put an organisation forward for possible listing as a terrorist organisation

Section 102.1(2) of the *Criminal Code Act 1995* (the Criminal Code) requires that the Attorney-General must be satisfied 'on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act has occurred or will occur) or advocates the doing of a terrorist act (whether or not the terrorist act has occurred or will occur)'. The Statement of Reasons is designed to specifically address the legislative requirement for listing a terrorist organisation.

The re-listing of an organisation is considered to be an entirely new listing. Therefore, whenever an organisation is considered for re-listing, the Attorney-General must be satisfied of the legislative requirements set out in section 102.1(2) of the Criminal Code. If the Attorney-General is not reasonably satisfied that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act has occurred or will occur), or advocates the doing of a terrorist act (whether or not the terrorist act has occurred or will occur)', the organisation will not be listed as a terrorist organisation.

**Recommendation 2:**

The Committee does not recommend the disallowance of the regulations on the four terrorist organisations:

- Abu Sayyaf;
- Jamiat ul-Ansar;
- The Armed Islamic Group; and

- The Salafist Group for Call and Combat.

**Response:**

The Government agrees with the recommendation.