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ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP



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20 SEP 2007

Mr Stephen Boyd
Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Mr Boyd

Thank you for your letter dated 13 September 2007 in response to my letter dated 31 August 2007 which attached a copy of the Statement of Reasons with respect to the re-listing of the Palestinian Islamic Jihad (PIJ), Lashkar-e-Tayyiba (LeT) and Hamas' Izz al-Din al-Qassam Brigades (Hamas Brigades) as terrorist organisations under the *Criminal Code Act 1995*.

I now attach a copy of the Process for Listing with respect to these three terrorist organisations.

I consent to the Statement of Reasons for each organisation and the attached Process for Listing being considered and published as a submission as part of the Committee's review of the re-listing of these organisations.

The action officer for this matter in my Department is Annabel Knott who can be contacted on 6250 5423 or by e-mail at www.annabel.knott@ag.gov.au

Yours sincerely

Philip Ruddock

Process for the 2007 re-listing of Palestinian Islamic Jihad (PIJ), Lashkar-e-Tayyiba (LeT) and the Hamas Izz al-Din al-Qassam Brigades (Hamas Brigades) as terrorist organisations under the Criminal Code Act 1995

The following process was undertaken for the purpose of re-listing the PIJ, LeT and the Hamas Brigades as terrorist organisations under the *Criminal Code Act 1995* (Criminal Code):

1. Separate unclassified Statement of Reasons for the PIJ, LeT and the Hamas Brigades were prepared by the Australian Security Intelligence Organisation (ASIO), in consultation with the Department of Foreign Affairs and Trade, detailing the case for re-listing the PIJ, LeT and the Hamas Brigades.
2. On 20 July 2007 Mr Henry Burmester QC, Chief General Counsel of the Australian Government Solicitor, provided written confirmation that the Statement of Reasons prepared by ASIO with respect to the PIJ and the Hamas Brigades provided an adequate basis for the Attorney-General to be satisfied on reasonable grounds that the PIJ and the Hamas Brigades met the requirements under subsection 102.1(2) for the re-listing by regulations as terrorist organisations under the Criminal Code.
3. On 17 August 2007 Mr Henry Burmester QC, Chief General Counsel of the Australian Government Solicitor provided written confirmation that the Statement of Reasons prepared by ASIO with respect to LeT provided an adequate basis for the Attorney-General to be satisfied on reasonable grounds that LeT met the requirements under subsection 102.1(2) for the re-listing by regulations of LeT as a terrorist organisation under the Criminal Code.
4. The Director-General of Security, Mr Paul O'Sullivan wrote to the Attorney-General on 9 August 2007 outlining the background, training activities, terrorist activities, leadership and membership of the PIJ and the Hamas Brigades and attached Statement of Reasons in respect of each of the organisations.
5. The Director-General of Security, Mr Paul O'Sullivan wrote to the Attorney-General on 27 August 2007 outlining the background, training activities, terrorist activities, leadership and membership of LeT and attached Statement of Reasons in respect of the organisation.
6. A submission was provided to the Attorney-General on 29 August 2007 attaching:
 - a. copies of the Statement of Reasons prepared by ASIO for the PIJ, LeT and the Hamas Brigades;
 - b. advice from the Chief General Counsel in relation to the PIJ, LeT and the Hamas Brigades; and
 - c. regulations and Federal Executive Council documentation for the re-listing of the PIJ, LeT and the Hamas Brigades.
7. Having considered the information provided in the submission, the Attorney-General signed separate statements confirming that he is satisfied on reasonable grounds that the PIJ, LeT and the Hamas Brigades 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.

8. The Attorney-General also signed regulations with respect to the PIJ, LeT and the Hamas Brigades and approved associated Federal Executive Council documentation including Explanatory Memoranda, an Executive Council Minute and Explanatory Statements.
9. On 31 August 2007 the Attorney-General wrote to the Prime Minister advising of the Attorney-General's intention to re-list the PIJ, LeT and the Hamas Brigades as terrorist organisations under the Criminal Code.
10. On 31 August 2007 the Attorney-General wrote to the Leader of the Opposition advising of the proposed listing of the PIJ, LeT and the Hamas Brigades as terrorist organisations under the Criminal Code. The Leader of the Opposition was offered a briefing in relation to the re-listing of the organisations. The Leader of the Opposition has not yet arranged for a briefing.
11. On 31 August 2007 the Attorney-General wrote to the Premiers and Chief Ministers of the States and Territories advising them of the decision to re-list the PIJ, LeT and the Hamas Brigades as terrorist organisations under the Criminal Code. A copy of the Statement of Reasons with respect to each organisation was attached to the letters.

On 7 September 2007 the Chief Minister of the Northern Territory wrote to the Attorney-General advising that the Northern Territory Government supported the proposed re-listing of the PIJ, LeT and the Hamas Brigades as terrorist organisations under the Criminal Code.

On 6 September 2007 the NSW Premier's office advised by telephone that the NSW Premier had no objection to the re-listings, and that a confirmatory letter would be sent to this effect.

12. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security on 31 August 2007 advising of his decision to re-list the PIJ, LeT and the Hamas Brigades as terrorist organisations under the Criminal Code.
13. The Attorney-General wrote to the Chairman of the Senate Standing Committee on Regulations and Ordinances on 31 August 2007 advising of his decision to re-list the PIJ, LeT and the Hamas Brigades as terrorist organisations under the Criminal Code.
14. The Governor-General made the *Criminal Code Amendment Regulations 2007 (No.10)* listing the PIJ as a terrorist organisation under the Criminal Code on 6 September 2007.

The regulations were registered with the Federal Register of Legislative Instruments (FRLI) on 7 September 2007 (FRLI Reference Number: F2007L03535).

The regulations came into effect on 8 September 2007.

15. The Governor-General made the *Criminal Code Amendment Regulations 2007 (No.11)* listing the Hamas Brigades as a terrorist organisation under the Criminal Code on 6 September 2007.

The regulations were registered with the Federal Register of Legislative Instruments (FRLI) on 7 September 2007 (FRLI Reference Number: F2007L03537).

The regulations came into effect on 8 September 2007.

16. The Governor-General made the *Criminal Code Amendment Regulations 2007 (No.12)* listing the LeT as a terrorist organisation under the Criminal Code on 6 September 2007.

The regulations were registered with the Federal Register of Legislative Instruments (FRLI) on 7 September 2007 (FRLI Reference Number: F2007L03536).

The regulations came into effect on 8 September 2007.

17. A press release was issued on 10 September 2007 and the Attorney-General's Department's National Security web site has been updated.