



Australian Government

Attorney-General's Department

Security and Critical  
Infrastructure Division

05/2079

22 March 2005

Ms Margaret Swieringa  
Secretary  
Parliamentary Joint Committee on ASIO, ASIS and DSD  
Parliament House  
CANBERRA ACT 2600

Dear Ms Swieringa

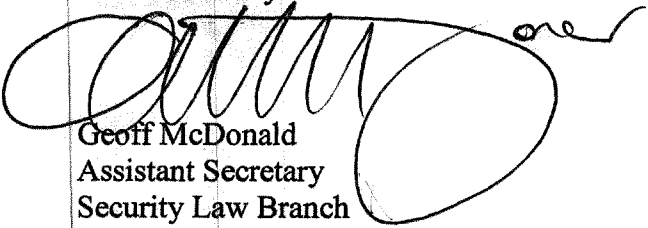
**Listing of al-Zarqawi**

On 24 February 2005 the Governor-General signed regulations specifying al-Zarqawi for the purposes of paragraph (b) of the definition of *terrorist organisation* under section 102.1 of the *Criminal Code Act 1995* (the Criminal Code).

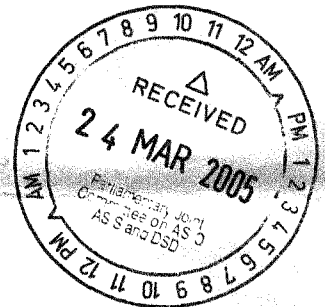
On 9 February 2005, the Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on ASIO, ASIS and DSD (the Committee) advising the Committee of his decision to list the organisation as a terrorist organisation, on the basis that he was satisfied on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the act has occurred or will occur). The Attorney-General provided to the Committee, a Statement of Reasons provided by the Australian Security Intelligence Organisation in relation to the organisation upon the basis of which his decision to list was made.

To assist the Committee, should it choose to review the listing regulations pursuant to section 102.1A of the Criminal Code, I enclose additional information to that provided by the Attorney-General detailing the procedure followed for the purpose of listing the abovementioned organisation.

I hope this additional information is of assistance to the Committee.  
Yours sincerely

  
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Assistant Secretary  
Security Law Branch

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## **Process for listing of the al-Zarqawi network as terrorist organisation.**

The following process was undertaken for the purpose of listing the organisation:

1. An unclassified Statement of Reasons was prepared by ASIO detailing the case for listing the organisation.
2. Chief General Counsel, Mr Henry Burmester QC provided written confirmation on 21 January 2005 that the Statement of Reasons was sufficient for the Attorney-General to be satisfied on reasonable grounds that the organisation is an organisation 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.
3. The Director-General for Security, Mr Dennis Richardson, wrote to the Attorney-General on 21 January 2005 outlining the background, training activities, terrorist activities, and relevant statements of the organisation.
4. AGD consulted with DFAT in order to identify issues of relevance with respect to that portfolio. In this instance, DFAT expressed support for the continued listing of both organisations by email on 25 January 2005. No further detail was provided.
5. A submission was provided to the Attorney-General on 7 February 2005 including:
  - a. copies of the Statements of Reasons from ASIO for the organisation
  - b. advice from the Chief General Counsel in relation to the organisation
  - c. letter from the Director-General of Security
  - d. responses from DFAT in relation to the proposed listing, and
  - e. regulations and Federal Executive Council documentation.
6. Having considered the information provided in the submission, the Attorney-General signed a statement confirming that he is satisfied on reasonable grounds that the organisation is an organisation 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 a regulation in relation to the organisation, and approved associated Federal Executive Council documentation including an explanatory statement, explanatory memoranda, and an executive council minute.
7. The Attorney-General wrote to the Prime Minister 9 February 2005 advising of his intention to list the organisation.
8. The Leader of the Opposition was advised of the proposed listing by letter on 9 February 2005 and was offered a briefing in relation to the listing.

9. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on ASIO, ASIS and DSD on 9 February 2005 advising of his decision to list the organisation.
10. On 14 February 2005 the Prime Minister wrote to the Premiers of the States and Chief Ministers of the Territories advising them of the decision to list the organisation. The following responses were received:
  - a. 18 February 2005 from the Premier of SA advising that the SA Government supported the listing. The Premier also requested a briefing from the Director-General of Security. This briefing was arranged by the Department of Prime Minister and Cabinet. The briefing was provided by the Deputy-Director General of Security, Mr Ian Cousins, on Wednesday, 23 February 2005
  - b. 23 February 2005 from the Premier of Victoria advising that Victoria supported the regulation. The Premier advised that Victoria did not currently intend to seek a briefing from the Director-General of Security, but would reconsider its position if there is reason to believe that Al-Zarqawi poses a specific threat to Victoria
  - c. 24 February 2005 from the Chief Minister of the ACT advising that the ACT Government concurred with the proposed listing.
  - d. 24 February 2005 from the Premier of WA advising that WA had no objections to the listing and that it did not consider it necessary to receive a briefing from ASIO
  - e. 24 February 2005 from the Premier of Qld advising that the Premier did not object to the proposed listing
  - f. 28 February 2005 from the Chief Minister of the NT advising of the Chief Minister's support for the listing
  - g. 2 March 2005 from the Premier of NSW advising that the Premier had no objection to the listing
11. The Governor-General made the regulation on 24 February 2005.
12. A press release was issued 26 February 2005 and the Attorney-General's Department National Security website was updated.
13. The Regulation was lodged with the Federal Register of Legislative Instruments (FRLI) on 1 March 2005 [FRLI Reference Number: F2005L00384].