



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

0 5 MAR 2007

MC07/3003 06/20146

Submission No:..... 2

Date Received:..... 6-3-06

Secretary:

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



Dear Ms Swieringa

I refer to your letter of 8 February 2007 in relation to the Committee's review off the re-listing of Tanzim Qa'idat al-Jihad al-Rafidayn (TQJBR). I apologise for the delay in responding to you.

I confirm I do not have any concerns regarding the publication of my letter dated 2 February 2007. Further, please find attached the process employed for listing TQJBR. I also consent to the publication by the Committee of this document.

The action officer for this matter in my Department is Amy Lister who can be contacted on (02) 6250 6759.

Yours sincerely

Philip Ruddock

Process for the 2007 re-listing of Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (TQJBR) as a terrorist organisation under the Criminal Code Act 1995

The following process was undertaken for the purpose of re-listing TQJBR as a terrorist organisation:

1. A separate unclassified Statement of Reasons for TQJBR 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 TQJBR.
2. Mr Henry Burmester QC, Chief General Counsel of the Australian Government Solicitor provided written confirmation on 7 December 2006 that the Statement 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 TQJBR as a terrorist organisation under the *Criminal Code Act 1995* (the Criminal Code).
3. The Director-General of Security, Mr Paul O'Sullivan wrote to the Attorney-General on 11 December 2006 outlining the background, training activities, terrorist activities, leadership and membership of TQJBR and attached a Statement of Reasons in respect of the organisation.
4. A submission was provided to the Attorney-General on 23 January 2007 attaching:
 - a. Copy of the Statement of Reasons prepared by ASIO for TQJBR
 - b. Advice from Chief General Counsel in relation to TQJBR
 - c. Regulations and Federal Executive Council documentation for TQJBR
5. Having considered the information provided in the submission, the Attorney-General signed a statement confirming that he is satisfied on reasonable grounds that TQJBR 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 also signed regulations with respect to TQJBR and approved associated Federal Executive Council documentation including Explanatory Memorandum, Executive Council Minute and Explanatory Statement.

6. A letter dated 2 February 2007 from the Attorney-General was sent to the Prime Minister advising of the Attorney-General's intention to re-list TQJBR as a terrorist organisation under the Criminal Code.
7. The Attorney-General advised the Leader of the Opposition by letter dated 2 February 2007 of the proposed listing of TQJBR as a terrorist organisation under the Criminal Code. The Leader of the Opposition was offered a briefing in relation to the re-listing of the organisation, however he has not taken up the offer of a briefing.
8. The Attorney-General wrote to the Attorneys-General of the States and Territories on 2 February 2007 advising them of the decision to re-list TQJBR as a terrorist organisation under the Criminal Code. A copy of the Statement of Reasons and regulations re-listing

TQJBR as a terrorist organisation were attached to the letters. To date, no correspondence from the States or Territories has been received in relation to the listing of TQJBR.

9. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security on 2 February 2007 advising of his decision to re-list TQJBR as a terrorist organisation under the Criminal Code.
10. The Governor-General made the regulations on 15 February 2007
11. The regulations were registered with the Federal Register of Legislative Instruments (FRLI) on 16 February 2007 (FRLI Reference Number: F2007L00284).
12. A press release was issued on 19 February 2007 and the Attorney-General's Department's National Security web site has been updated.