



Australian Government
Attorney-General's Department

**Security and Critical
Infrastructure Division**

05/18052

25 January 2006

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

Dear Ms Swieringa

Listing of Kurdistan Workers Party (PKK)

I refer to the letter from the Attorney-General to the Chair of the Parliamentary Committee on Intelligence and Security of 2 December 2005 notifying him of the proposed listing of the Kurdistan Workers Party (PKK).

As foreshadowed in that letter, please find attached additional information detailing the procedure followed for the purposes of listing the PKK.

The action officer for this matter is Kirsten Kobus who can be contacted on 6250 5433.

Yours sincerely

Geoff McDonald
Assistant Secretary
Security Law and Justice Branch

Telephone: 6250 5431
Facsimile: 6250 5985
E-mail: geoff.a.mcdonald@ag.gov.au

Process for the listing of the Kurdistan Workers Party (PKK) as a terrorist organisation

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

1. An unclassified Statement of Reasons was prepared by ASIO, and endorsed by DFAT, detailing the case for listing the organisation.
2. Chief General Counsel, Mr Henry Burmester QC provided written confirmation on 14 November 2005 that the Statement of Reasons was sufficient for the Attorney-General to be satisfied on reasonable grounds of the matters required under s 102.1(2) for the listing by regulation of an organisation as a terrorist organisation.
3. The Director-General for Security, Mr Paul O'Sullivan, wrote to the Attorney-General on 23 November 2005 outlining the background, training activities, terrorist activities, and relevant statements of the organisation.
4. A submission was provided to the Attorney-General on 30 November 2005 including:
 - a. copies of the Statement of Reasons from ASIO for the organisation
 - b. advice from the Chief General Counsel in relation to the organisation; and
 - c. regulations and Federal Executive Council documentation.
5. 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 memorandum, and executive council minute.
6. The Attorney-General wrote to the Prime Minister on 2 December 2005 advising of his intention to list the PKK as a terrorist organisation.
7. The Attorney-General advised the Leader of the Opposition of the proposed listing of the PKK as a terrorist organisation by letter on 2 December 2005 and was offered a briefing in relating to the listing.

8. On 9 December 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 PKK as a terrorist organisation. All States and Territories agreed to the listing of the PKK on the following dates:

SA – 13 December 2005
NT – 13 December 2005
NSW – 14 December 2005
QLD – 14 December 2005
ACT – 14 December 2005
VIC – 14 December 2005
TAS – 15 December 2005
WA – 15 December 2005
9. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on ASIO, ASIS and DSD on 2 December 2005 advising of his decision to list the PKK as a terrorist organisation.
10. The Governor-General made the regulation on 15 December 2005.
11. The Regulation was lodged with the Federal Register of Legislative Instruments (FRLI) on 16 December 2005 (FRIL Reference Number: F2005L04036).
12. A press release was issued on 15 December 2005 and the Attorney-General's Department's National Security website was updated.