



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

23 APR 2007



MC07/7334 07/2227

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

Submission No:.....	6
Date Received:.....	3-5-07
Secretary:.....	

Dear Ms Swieringa

I refer to your letter of 21 March 2007 in relation to the Committee's review off the re-listing of Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ).

I confirm I do not have any concerns regarding the publication of my letter dated 15 March 2007. Further, I attach the process employed for listing JeM and LeJ. I also consent to the publication by the Committee of this document.

The action officer for this matter in my Department is Jackie Sudore-Flood who can be contacted on (02) 6250 5422.

Yours sincerely

Philip Ruddock

Process for the 2007 re-listing of Jaish-e-Mohammad (JeM) and Lashkar-e Jhangvi (LeJ) as terrorist organisations under the Criminal Code Act 1995

The following process was undertaken for the purpose of re-listing JeM and LeJ as terrorist organisations:

1. Separate unclassified Statement of Reasons for JeM and LeJ 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 both JeM and LeJ.
2. Mr Henry Burmester QC, Chief General Counsel of the Australian Government Solicitor provided written confirmation for JeM and LeJ on 16 February 2007 and 13 February 2007 respectively, 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 regulations of JeM and LeJ as terrorist organisations 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 20 February 2007 outlining the background, training activities, terrorist activities, leadership and membership of JeM and LeJ and attached Statement of Reasons in respect of both organisations.
4. A submission was provided to the Attorney-General on 1 March 2007 attaching:
 - a. Copies of the Statement of Reasons prepared by ASIO for JeM and LeJ
 - b. Advice from Chief General Counsel in relation to JeM and LeJ
 - c. Regulations and Federal Executive Council documentation for JeM and LeJ
5. Having considered the information provided in the submission, the Attorney-General signed statements confirming that he is satisfied on reasonable grounds that JeM and LeJ 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.

The Attorney-General also signed regulations with respect to JeM and LeJ and approved associated Federal Executive Council documentation including Explanatory Memorandum, Executive Council Minutes and Explanatory Statements.

6. A letter dated 15 March 2007 from the Attorney-General was sent to the Prime Minister advising of the Attorney-General's intention to re-list JeM and LeJ as terrorist organisations under the Criminal Code.
7. The Attorney-General advised the Leader of the Opposition by letter dated 15 March 2007 of the proposed listing of JeM and LeJ as terrorist organisations 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 15 March 2007 advising them of the decision to re-list JeM and LeJ as terrorist organisations

under the Criminal Code. A copy of the Statement of Reasons and regulations re-listing JeM and LeJ as terrorist organisations were attached to the letters. To date, no correspondence from the States or Territories has been received in relation to the listing of JeM and LeJ.

9. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security on 15 March 2007 advising of his decision to re-list JeM and LeJ as terrorist organisations under the Criminal Code.
10. The Governor-General made the regulations on 29 March 2007.
11. The regulations for JeM and LeJ were registered with the Federal Register of Legislative Instruments (FRLI) on 30 March 2007 (FRLI Ref Number for JeM: F2007L00712 and FRLI Reference Number for LeJ: F2007L00713).
12. A press release was issued on 2 April 2007 and the Attorney-General's Department's National Security web site has been updated.