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ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

07/17001

12 OCT 2007

The Hon David Jull MP
Chair
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Mr Jull

I refer to my letter to you dated 18 September 2007 concerning proposed regulations re-listing the Kurdistan Workers Party (PKK) as a terrorist organisation.

I confirm that *Criminal Code Amendment Regulations 2007 (No. 13)* were made on 26 September 2007 re-listing the PKK as a terrorist organisation under the *Criminal Code Act 1995*. These regulations took effect on 27 September 2007.

I attach a document outlining the process for re-listing the PKK as a terrorist organisation. I understand that this document will be considered as a submission to the Committee's review into the re-listing of the PKK, and I consent to the publication of the document.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Ruddock', written over a large, faint, stylized signature.

Philip Ruddock

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Process for the 2007 re-listing of the Kurdistan Workers Party (PKK) as a terrorist organisation under the Criminal Code Act 1995

The following process was undertaken for the purpose of re-listing the PKK as a terrorist organisation under the *Criminal Code Act 1995* (Criminal Code):

1. Separate unclassified Statement of Reasons for the PKK 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 the PKK.
2. On 20 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 the PKK provided an adequate basis for the Attorney-General to be satisfied on reasonable grounds that the PKK met the requirements under subsection 102.1(2) for the re-listing by regulations as a terrorist organisation under the Criminal Code.
3. The Director-General of Security, Mr Paul O'Sullivan wrote to the Attorney-General on 29 August 2007 outlining the background, training activities, terrorist activities, leadership and membership of the PKK and attached Statement of Reasons in respect of the organisation.
4. A submission was provided to the Attorney-General on 14 September 2007 attaching:
 - a. a copy of the Statement of Reasons prepared by ASIO for the PKK;
 - b. advice from the Chief General Counsel in relation to the PKK; and
 - c. regulations and Federal Executive Council documentation for the re-listing of the PKK.
5. Having considered the information provided in the submission, the Attorney-General signed a statement on 17 September 2007 confirming that he is satisfied on reasonable grounds that the PKK 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.
6. The Attorney-General also signed regulations with respect to the PKK and approved associated Federal Executive Council documentation including Explanatory Memoranda, an Executive Council Minute and Explanatory Statements
7. On 18 September 2007 the Attorney-General wrote to the Prime Minister advising of the Attorney-General's intention to re-list the PKK as a terrorist organisation under the Criminal Code.
8. On 18 September 2007 the Attorney-General wrote to the Leader of the Opposition advising of the proposed listing of the PKK 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 organisations.
9. On 18 September 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 PKK as a terrorist organisation under the Criminal Code. A copy of the Statement of Reasons with respect to the PKK was attached to the letters.

10. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security on 18 September 2007 advising of his decision to re-list the PKK as a terrorist organisation under the Criminal Code.
11. The Attorney-General wrote to the Chairman of the Senate Standing Committee on Regulations and Ordinances on 18 September 2007 advising of his decision to re-list the PKK as a terrorist organisation under the Criminal Code.
12. The Governor-General made the *Criminal Code Amendment Regulations 2007 (No.13)* listing the PKK as a terrorist organisation under the Criminal Code on 26 September 2007.

The regulations were registered with the Federal Register of Legislative Instruments (FRLI) on 26 September 2007 (FRLI Reference Number: F2007L03752).

The regulations came into effect on 27 September 2007.

13. A press release was issued on 27 September 2007 and the Attorney-General's Department's National Security web site has been updated.