

Parliamentary Joint Committee on Intelligence and Security

Report by Statement

**A review of regulations listing Hizballah and The Base as
terrorist organisations under the *Criminal Code Act 1995***

March 2022

Mr President – I rise today to present a statement of the Parliamentary Joint Committee on Intelligence and Security for the review of regulations listing Hizballah and The Base as terrorist organisations under the *Criminal Code Act 1995*.

Under the Act, regulations may be made specifying an organisation as a terrorist organisation for a three-year period. Organisations can be re-listed, provided the Minister is satisfied on reasonable grounds that the organisation continues to directly or indirectly engage in terrorism or advocate the doing of a terrorist act.

This is the first time the whole organisation of Hizballah has been listed as a terrorist organisation under the Criminal Code. Previously this listing had been limited to Hizballah's External Security Organisation, a sub-organisation of Hizballah operating under the Military Wing of that organisation. Following advice from Australian Government Agencies and the recommendation of the PJCIS in its most recent report into the listing of Hizballah's External Security Organisation, tabled in June 2021, the whole organisation of Hizballah is now listed as a terrorist organisation.

On behalf of the committee, I thank the government for acting on our recommendation. It was clear to us during the inquiry that the previous practice of differentiating between the so-called military and non-military arms was a false distinction and that the entirety of Hizballah is complicit in its violent acts of terrorism. This decision sends a strong message that Australia does not tolerate any form of terrorism and will make it clear to Australians that they should not have any association with this organisation.

The Base has not been previously listed as a terrorist organisation by the Australian Government. It is the second extreme right-wing organisation to be listed in Australia, the first being Sonnenkrieg Division, listed in August 2021. The Committee is currently conducting an inquiry into extremist movements and radicalism in Australia and may make further recommendations.

The regulations to list Hizballah and The Base were tabled in Parliament on 8 February 2022.

Mr President, the Committee's review examined the Minister's decision to list these organisations. Section 102.1A of the *Criminal Code* provides that the Committee may review a regulation which re-lists or lists an organisation as a terrorist organisation and report its comments and recommendations to each House of the Parliament before the end of the applicable 15 sitting day disallowance period. This statement serves this purpose and is being presented within the required period.

In determining whether the regulations listing Hizballah and The Base should be supported, the Committee reviewed the merits in accordance with the Minister for Home Affairs' explanatory statement and statement of reasons for listing the organisations, and other publicly available information. The Committee also invited public submissions on the listings, receiving four submissions.

In its deliberations, the Committee determined that:

- Hizballah is a Lebanese based organisation representing Shia Muslims in that country. It has political, social and military components and currently holds seats in Lebanon's parliament, including Cabinet positions. Since the mid-

1990's, Hizballah has been directly and indirectly involved in numerous terrorist acts. Hizballah has also supported and continues to support various Palestinian extremist groups such as Palestinian Islamic Jihad and Hamas' Izz al-Din al-Qassam Brigades, both of which are listed as terrorist organisations in Australia. Hizballah has not made any known specific threats to Australia and its interests, however Australians or Australian interests could be harmed by attacks in the future.

- The Base is a racist and nationalist violent extremist group with an accelerationist ideology. It employs a leaderless resistance model and seeks to encourage lone-actor terror attacks and other acts of violence which its members believe will cause societal collapse and the subsequent creation of a white ethno-state. In the United States, its members have taken part in paramilitary training and have been arrested for planning attacks against individuals, amongst other things. There have been attempts to recruit Australians to this organisation. The Base is proscribed as a terrorist organisation in the United Kingdom and Canada.

Mr President, there is evidence that these groups are engaging in, preparing, assisting with or fostering terrorist activities that could potentially and profoundly impact the Australian people.

After examining the evidence provided to it, the Committee is satisfied with the listing processes and considers that they have been followed appropriately for these organisations. The Committee therefore supports the listing of Hizballah and The

Base under Division 102 of the *Criminal Code* in order to protect Australians and Australia's interests, and finds no reason to disallow the regulations.

Senator James Paterson

Chair