




ATTORNEY-GENERAL

15/3414

CANBERRA

Mr Dan Tehan MP
Chair
Parliamentary Joint Committee
on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Chair

I am writing to advise of the recent making of the *Criminal Code (Terrorist Organisation—Hizballah's External Security Organisation) Regulation 2015*, giving effect to the proscription of Hizballah's External Security Organisation (ESO) as a terrorist organisation under subsection 102.1 of the *Criminal Code Act 1995* (Criminal Code).

This organisation has previously been listed (and re-listed) as a terrorist organisation under the Criminal Code. ESO was first listed in June 2003, re-listed from June 2005, May 2007, May 2009 and most recently from 12 May 2012. The current Regulation listing ESO will cease to have effect on the third anniversary of the day on which it took effect, 12 May 2015.

Hizballah, in its entirety, was listed by the Minister for Foreign Affairs on the Consolidated List from 21 December 2001 under section 15(1) of the *Charter of the United Nations Act 1945*, pursuant to Australia's obligations under United Nations Security Council Resolution 1373 of 2001. The Consolidated List, maintained by the Department of Foreign Affairs and Trade, is a list of all entities (and persons) who are subject to targeted financial sanctions or travel bans under Australian sanctions law.

I have made the Regulation as I am satisfied on reasonable grounds that ESO is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist act. The listing of this organisation will ensure that all offence provisions under Division 102 of the Criminal Code will apply in relation to ESO.

My decision to re-list ESO was made following careful consideration of information provided by the Australian Security Intelligence Organisation, in consultation with DFAT, and after receiving legal advice from the Australian Government Solicitor.

Before the Regulation was made, I wrote to all State and Territory Premiers and Chief Ministers, on behalf of the Prime Minister, advising them of the proposed re-listing and providing them with a copy of the Statement of Reasons. The States and Territories did not object to the re-listing.

As required by the Criminal Code, I also wrote to the Leader of the Opposition advising of my decision to re-list ESO as a terrorist organisation for the purposes of section 102.1 of the Criminal Code. I provided the Leader of the Opposition with a copy of the Statement of Reasons and invited him to contact my office if he wished to receive an oral briefing in relation to the re-listing.

Section 102.1 of the Criminal Code provides that the Parliamentary Joint Committee on Intelligence and Security may review the regulation re-listing ESO as soon as possible after it is made, and report the Committee's comments and recommendations to each House of Parliament before the end of the applicable disallowance period for that House.

To assist the Committee, I enclose a copy of the Regulation, Explanatory Statement and Statement of Reasons upon which my decision to re-list ESO was based. The Regulation has been drafted to commence the day after its registration on the Federal Register of Legislative Instruments – to avoid a lapse in coverage of the Division 102 terrorist organisation offences in relation to ESO.

I also attach a document outlining the process undertaken in re-listing ESO. I understand this document may be considered as a separate submission should the Committee decide to conduct a review into the re-listing, and I consent to its publication for that purpose.

Yours faithfully

~~(George Brandis)~~

Encl: ~~Regulation~~
Explanatory Statement
Statement of Reasons
Process of re-listing ESO

5 MAY 2015