



**THE HON PETER DUTTON MP  
MINISTER FOR HOME AFFAIRS  
MINISTER FOR IMMIGRATION AND BORDER PROTECTION**

Ref No: MS18-000382

Mr Andrew Hastie MP  
Chair  
Parliamentary Joint Committee on Intelligence and Security  
Parliament House  
CANBERRA ACT 2600

02 MAY 2018

*Andrew*  
Dear Chair

I write to advise that I have decided to re-list Hizballah's External Security Organisation as a terrorist organisation under the *Criminal Code*.

The Attorney-General, the Hon Christian Porter MP, who has administrative responsibility for Division 102 of the Criminal Code, has authorised me to exercise his powers and functions in respect of this Division.

Under subsection 102.1(2) of the Criminal Code, before listing an organisation as a terrorist organisation, I must be satisfied on reasonable grounds that the organisation is directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates the doing of terrorist act.

Following careful consideration of information provided by the Australian Security Intelligence Organisation (ASIO) in consultation with the Department of Foreign Affairs and Trade, and after receiving legal advice from the Australian Government Solicitor, I am satisfied Hizballah's External Security Organisation satisfies that legal threshold.

The re-listing of this organisation will ensure that the offence provisions under Division 102 of the Criminal Code will continue to apply to conduct in relation to Hizballah's External Security Organisation.

Subsection 102.1(3) of the Criminal Code provides that a regulation listing a terrorist organisation ceases to have effect on the third anniversary of the day on which it takes effect. Hizballah's External Security Organisation was previously re-listed as a terrorist organisation with effect from 2 May 2015. To ensure there is no gap in the coverage of the offences in relation to this organisation, the Regulations will commence immediately and will not be delayed until after the disallowance period. As such, the Regulations will commence the day after registration on the Federal Register of Legislative Instruments.

Before the Regulations were made, I wrote on behalf of the Commonwealth to all state and territory First Ministers, advising them of the proposed re-listing, and provided them with a copy of the Statement of Reasons with respect to Hizballah's External Security Organisation. The states and territories did not object to the re-listing of this organisation.

As required under subsection 102.1(2A) of the Criminal Code, I also wrote to the Leader of the Opposition advising of my decision to re-list Hizballah's External Security Organisation. I provided the Leader of the Opposition with a copy of the Statement of Reasons with respect to the organisation and invited him to contact my office if he wished to receive a further briefing.

Section 102.1A of the Criminal Code provides that the Parliamentary Joint Committee on Intelligence and Security may review regulations listing an organisation as a terrorist organisation as soon as possible after they are made, and report the Committee's comments and recommendations to each House of Parliament before the end of the applicable disallowance period for each House.

To assist the Committee, I attach a copy of the Criminal Code Regulations and Explanatory Statement. Attached to the Explanatory Statement is the Statement of Reasons prepared by ASIO with respect to Hizballah's External Security Organisation. The Statement of Reasons provides information on the history, ideology, leadership and terrorist activities of Hizballah's External Security Organisation, and is the basis upon which I made my decision to re-list the organisation under Division 102 of the Criminal Code.

I also attach a document outlining the process of re-listing Hizballah's External Security Organisation. I understand that 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 sincerely

PETER DUTTON