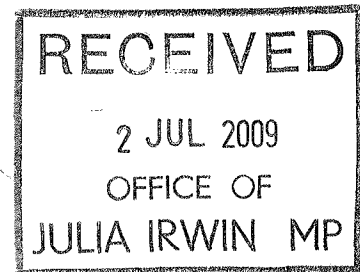


ATTORNEY-GENERAL
THE HON ROBERT McCLELLAND MP



09/4153, MC09/7177

24 JUN 2009

Mrs Julia Irwin MP
Chair
Standing Committee on Petitions
Parliament House
CANBERRA ACT 2600

Julia
Dear Chair

Thank you for your letter of 8 May 2009 on behalf of the Standing Committee on Petitions concerning a petition on the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka.

The petition requests the proscription of the LTTE as a terrorist organisation under Australia's *Criminal Code Act 1995* (the Criminal Code).

Under section 102.1 of the Criminal Code, a 'terrorist organisation' is defined as an organisation that is:

- (a) directly or indirectly engaged in preparing, planning, assisting in, or fostering the doing of a terrorist act (whether or not a terrorist act has occurred or will occur); or
- (b) an organisation specified as a terrorist organisation in the *Criminal Code Regulations 2002*.

In situations where an organisation has not been listed by regulations, a court may still find an organisation to be a terrorist organisation if the prosecution can prove beyond reasonable doubt that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not a terrorist act occurs).

Where there is a basis for believing the activities of organisations are of security concern and where those organisations are within Australia's jurisdiction they are investigated by the relevant law enforcement and security authorities. Australian law enforcement and intelligence agencies work closely with the corresponding overseas agencies and share intelligence information and resources. These are matters which are constantly reviewed by Australia's security and intelligence services.

It would be inappropriate for me to comment on which organisations are being considered by the Australian Government for listing as a terrorist organisation under the Criminal Code.

You may be interested to know that the LTTE is listed under the *Charter of the United Nations Act 1945* as a terrorist organisation for asset freezing purposes. Consequently it is a criminal offence in Australia to use or deal in assets owned or controlled by the LTTE, or to provide assets to the LTTE, whether directly or indirectly. This listing is in accordance with Australia's obligations under United Nations Security Council Resolution 1373 of 28 September 2001. This list is administered by the Minister for Foreign Affairs, the Hon Stephen Smith MP.

I note that the other three terms of the petition are covered by the portfolio responsibilities of the Minister for Foreign Affairs and thank you for also referring the petition to him.

I trust this information is of assistance to you.

Yours sincerely

Robert McClelland