

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 3

Program 1.6

Question No. 122

Senator Abetz asked the following question at the hearing on 29 May 2013:

Senator ABETZ: ... Finally, Australia currently bans Hezbollah's external security organisation, but it does not ban the entire organisation, which enables it to operate in Australia under its social and/or political wing. Other countries such as the USA, Canada and the Netherlands ban Hezbollah in its entirety. Is the Australian government considering banning the entire Hezbollah organisation in Australia and, if not, why not?

Mr Wilkins: I think it would probably be inappropriate for me to comment on that particular question. I will take it on board. This has only recently gone before the committee of the parliament that looks at these issues. The legislation under which these declarations are made may differ considerably from the legislation that is used overseas. I know, from looking at some cases that I will not go into in detail—because that would be breaching national security—it is sometimes more difficult here to get some of these declarations made than it is under legislation in comparable countries offshore, overseas. Anyway, that is a long way of saying that—

Senator ABETZ: But if a country like the Netherlands has come to that conclusion? Some people might assert that the United States is a bit more hairy-chested than others on these issues, but I would have thought one would not assert that about the Netherlands.

Mr Wilkins: I am just very careful about making any clear statements in terms of what we may be intending to do or what—

Senator ABETZ: And I accept that.

The answer to the honourable senator's question is as follows:

Hizballah's External Security Organisation (ESO) is listed as a terrorist organisation under the Criminal Code, and has been listed since 5 June 2003. ESO is a discrete branch within Lebanese Hizballah, responsible for the planning, coordination and execution of terrorist attack against Hizballah's enemies outside of Lebanon.

The most recent re-listing of Hizballah's ESO occurred on 10 May 2012, and was reviewed by the Parliamentary Joint Committee on Intelligence and Security (PJCIS). The PJCIS tabled its report on the re-listing of Hizballah's ESO on 28 June 2012 and recommended not to disallow the Criminal Code Amendment Regulation 2012 giving effect to the re-listing.

Listing an organisation under the Criminal Code is a serious matter and must meet a strict legislative test. Before listing an organisation under the Criminal Code, the Attorney-General seeks advice from ASIO.

The status of organisations listed under the Criminal Code remains under review by ASIO and the Attorney-General's Department. Consistent with longstanding practice, it would not be appropriate to comment on whether any consideration has been given to the listing of Hizballah in its entirety.