

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Parliamentary Joint Committee on Intelligence and Security on the inquiry into the Review of the re-listing of Hizballah's ESO as a terrorist organisation under the Criminal Code

QoN Number: 01

Subject: Engagement with Lebanese Australian diaspora community

Asked by: Jenny McAllister

Question:

Senator McAllister: Has the Department of Home Affairs had any engagement with the Lebanese Australian diaspora about the broader implications for that community given the range of activities that it appears that Hezbollah is involved ranging from social welfare to terrorism?

Mr Feakes: Difficult to hear whole question, will need to take that question on notice.

Answer:

The Department of Home Affairs regularly engages with all communities in Australia, including members of Australian-Lebanese communities. These engagements have not included a discussion of the implications for Australian-Lebanese communities of the listing of Hizballah's ESO as a terrorist organisation under the Criminal Code, or any potential expansion of that listing.

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Parliamentary Joint Committee on Intelligence and Security on the inquiry into the Review of the re-listing of Hizballah's ESO as a terrorist organisations under the Criminal Code

QoN Number: 02

Subject: Processes for providing the Committee advice when an organisation is not re-listed

Asked by: The Committee

Question:

We note that two organisations were not re-listed in March 2021: the Islamic Movement of Uzbekistan and Lashkar-e Jhangvi. The Committee did not receive advice of this. Has the Department of Home Affairs considered a process for advising the Committee when the Government does not re-list an organisation and providing reasons for this decision?

Answer:

To assist the Committee to exercise its review function under section 102.1A of the *Criminal Code*, the Department advises the Committee when regulations are made by the Governor-General listing (including re-listing) an organisation as a terrorist organisation under the *Criminal Code* as a matter of course.

The Committee's function under section 102.1A under the *Criminal Code* provides members of the public with the opportunity to make submissions to the Parliament regarding any issues or concerns they may have in relation to a terrorist organisation listing, in light of the fact that listing enlivens the section 102.8 *Criminal Code* offence of associating with a terrorist organisation and thus restricts individuals' freedom of expression and association.

The *Criminal Code* does not provide for review by the Committee of the de-listing or discontinued listing of an organisation as a terrorist organisation. With the exception of the section 102.8 association offence, the terrorist organisation offences under Division 102 of the *Criminal Code* continue to apply to organisations which fall within paragraph 102.1(b) of the definition of 'terrorist organisation', regardless of whether or not they are listed as a terrorist organisation.

Given that any listing of a group as a terrorist organisation automatically ceases to have effect three years from commencement of the listing the Committee will be already aware of the lapsing of that listing, in circumstances where no re-listing has been sought.

The legislative criteria and non-legislative factors that are considered in relation to a possible listing, re-listing or de-listing, as well as the process for considering de-listing applications, are outlined in the *Protocol for listing terrorist organisations under the Criminal Code*, which is publicly available on the Australian National Security website.