



Australian Government
Attorney-General's Department

**National Security Law
& Policy Division**

12/2949

25 May 2012

Mr Robert Little
Committee Secretary
Parliamentary Joint Committee
on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Mr Little

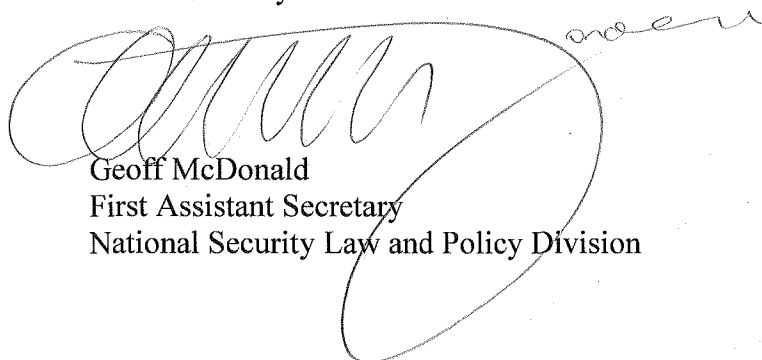
I refer to the Attorney-General's letter of 25 April 2012, to the Chair of the Parliamentary Joint Committee on Intelligence and Security concerning the regulation re-listing Hizballah's External Security Organisation (Hizballah's ESO) as a terrorist organisation under the Criminal Code.

I confirm that the *Criminal Code Amendment Regulation 2012 (No. 6)* was made on 10 May 2012 giving effect to the re-listing of Hizballah's ESO as a terrorist organisation under the Criminal Code.

The regulations relating to the re-listing of Hizballah's ESO came into effect on 12 May 2012, the day after they were registered on the Federal Register of Legislative Instruments.

I now attach a document outlining the process for re-listing Hizballah's ESO as a terrorist organisation. I understand that this document will be considered as a submission to the Committee's review into the re-listing of this organisation, and I consent to its publication.

Yours sincerely



Geoff McDonald
First Assistant Secretary
National Security Law and Policy Division

Process for the 2012 proscription of Hizballah's External Security Organisation (Hizballah ESO) under the Criminal Code

The Security Law Branch of the Attorney-General's Department facilitates the process by which the Attorney-General makes a decision to list, re-list or de-list a terrorist organisation under the Criminal Code. This includes obtaining products from ASIO that assess organisations and seeking the advice of the Chief General Counsel of the Australian Government Solicitor in relation to the assessments. These are included in a package of information that is submitted to the Attorney-General to assist her to make a decision as to whether or not a particular organisation will be listed under the Criminal Code.

The following processes were undertaken for the purpose of listing Hizballah's External Security Organisation (Hizballah ESO):

Unclassified Statements of Reasons were prepared by ASIO, and endorsed by DFAT, detailing the case for re-listing Hizballah ESO. The Statement of Reasons was received by the Attorney-General's Department on 14 February 2012.

On 14 March and 20 March 2012 Mr Robert Orr QC, Chief General Counsel, provided written advice with respect to the Statement of Reasons for Hizballah ESO.

The Director-General of Security wrote to the Attorney-General on 20 March 2012, outlining the background, training activities, terrorist activities and statements of Hizballah's ESO.

A submission was provided to the Attorney-General on 21 March 2012, providing the following documents:

- a. copies of the Statement of Reasons received from ASIO with respect to the organisations; and
- b. advice from the Chief General Counsel.

Having considered the information provided in the submission, the Attorney-General signed statements on 27 March 2012 with respect to Hizballah ESO confirming that she is satisfied on reasonable grounds that the organisation is an organisation directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or advocate the doing of a terrorist act, whether or not the act has occurred or will occur.

On 27 March 2012, the Attorney-General wrote to the Prime Minister advising of her intention to re-list Hizballah ESO as a terrorist organisation.

On 27 March 2012, the Attorney-General wrote to the Director-General of Security, in response to the Director-General's letter dated 20 March 2012.

On 14 April 2012, the Prime Minister wrote to the Premiers of the States and Chief Ministers of the Territories advising them of the Attorney-General's decision to re-list Hizballah ESO as a terrorist organisation and requesting their comments on the proposed re-listing. The

States and Territories were also advised of the proposed re-listings by e-mail dated 20 April 2012.

The following responses were received from the Premiers and Chief Ministers of the States and Territories:

New South Wales – response dated 7 May 2012

Victoria – response dated 7 May 2012

Western Australia – response dated 7 May 2012

South Australia – response dated 1 May 2012

Tasmania – response dated 4 May 2012

Queensland – response dated 2 May 2012

Australian Capital Territory – response dated 4 May 2012

Northern Territory – response dated 30 April 2012

None of the States and Territories objected to the re-listing.

A submission was provided to the Attorney-General on 18 April 2012, providing the regulation and Federal Executive Council documentation with respect of the re-listing of Hizballah ESO.

On 25 April 2012, the Attorney-General signed Criminal Code Amendment Regulation 2012 in relation to the organisation, and approved associated Federal Executive Council documentation including an explanatory memorandum, executive council minute and explanatory statement, for the Federal Executive Council meeting that occurred on 10 May 2012.

On 25 April 2012, the Attorney-General advised the Leader of the Opposition of the proposed re-listing of Hizballah ESO as a terrorist organisation by letter, and offered a briefing in relation to the re-listing.

On 25 April 2012, the Attorney-General wrote to the Chair of the Parliamentary Joint Committee on Intelligence and Security advising of her decision to re-list Hizballah ESO as a terrorist organisation.

On 10 May 2012 the Governor-General made Criminal Code Amendment Regulation 2012 (No. 6) re-listing Hizballah ESO as a terrorist organisation.

The Regulation was registered with the Federal Register of Legislative Instruments (FRLI) on 11 May 2012 with the FRLI Reference Number F2012L01016 – Criminal Code Amendment Regulation 2012.

The re-listing Regulation came into effect on 12 May 2012, the day after it was registered on FRLI.

The Attorney-General issued a Media Release on 11 May 2012 announcing the re-listing of the terrorist organisation and attaching a copy of the Statement of Reasons.

The Australian Government's National Security website was also updated.