



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

Submission No: 2
Date Received: 30-5-07
Secretary:

29 MAY 2007

MC07/11999 07/6108



Ms Margaret Swieringa
Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Ms Swieringa

I refer to your letter of 9 May 2007 in relation to the Committee's review of the re-listing of Hizballah's External Security Organisation (ESO).

I confirm I do not have any concerns regarding the publication of my letter dated 7 May 2007. Further, I attach the process employed for listing the ESO. I also consent to the publication by the Committee of this document.

The action officer for this matter in my Department is Jackie Sudore-Flood who can be contacted on (02) 6250 5422.

Yours sincerely

Philip Ruddock

Process for the 2007 re-listing of Hizballah's External Security Organisation (ESO) as a terrorist organisation under the Criminal Code Act 1995

The following process was undertaken for the purpose of re-listing the ESO as a terrorist organisation:

1. Separate unclassified Statement of Reasons for the ESO was prepared by the Australian Security Intelligence Organisation (ASIO), in consultation with the Department of Foreign Affairs and Trade, detailing the case for re-listing the ESO.
2. Mr George Witynski, Deputy Chief General Counsel of the Australian Government Solicitor provided written confirmation for the ESO on 20 April 2007, that the Statement of Reasons prepared by ASIO provided a sufficient basis for the Attorney-General to be satisfied on reasonable grounds that the ESO meets the requirements referred to in section 102.1(2) for the re-listing by regulations of the ESO as a terrorist organisation under the *Criminal Code Act 1995* (the Criminal Code).
3. The Director-General of Security, Mr Paul O'Sullivan wrote to the Attorney-General on 23 April 2007 outlining the background, training activities, terrorist activities, leadership and membership of the ESO and attached Statement of Reasons in respect of the organisation.
4. A submission was provided to the Attorney-General on 3 May 2007 attaching:
 - a. Copies of the Statement of Reasons prepared by ASIO for the ESO
 - b. Advice from the Deputy Chief General Counsel in relation to the ESO, and
 - c. Regulations and Federal Executive Council documentation for the ESO
5. Having considered the information provided in the submission, the Attorney-General signed statements confirming that he is satisfied on reasonable grounds that the ESO is directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of a terrorist act, whether or not the act has occurred or will occur.

The Attorney-General also signed regulations with respect to the ESO and approved associated Federal Executive Council documentation including Explanatory Memorandum, Executive Council Minutes and Explanatory Statements.
6. A letter dated 7 May 2007 from the Attorney-General was sent to the Prime Minister advising of the Attorney-General's intention to re-list the ESO as a terrorist organisation under the Criminal Code.
7. The Attorney-General advised the Leader of the Opposition by letter dated 7 May 2007 of the proposed listing of the ESO as a terrorist organisation under the Criminal Code. The Leader of the Opposition was offered a briefing in relation to the re-listing of the organisation. However he has not taken up the offer of a briefing.
8. The Attorney-General wrote to the Attorneys-General of the States and Territories on 7 May 2007 advising them of the decision to re-list the ESO as a terrorist organisation under the Criminal Code. A copy of the Statement of Reasons and regulations re-listing the ESO as

a terrorist organisation was attached to the letters. To date, no correspondence from the States or Territories has been received in relation to the listing of the ESO.

9. The Attorney-General wrote to the Chairman of the Parliamentary Joint Committee on Intelligence and Security on 7 May 2007 advising of his decision to re-list the ESO as a terrorist organisation under the Criminal Code.
10. The Governor-General made the regulations on 23 May 2007.
11. The regulations for the ESO were registered with the Federal Register of Legislative Instruments (FRLI) on 24 May 2007 (FRLI Ref Number for the ESO: F2007L01465) and come into effect on 25 May 2007.
12. A press release was issued on 24 May 2007 and the Attorney-General's Department's National Security web site has been updated.