



Criminal Code Amendment (Hizballah) Act 2003

No. 44, 2003

**An Act to amend the *Criminal Code Act 1995* in
relation to the Hizballah External Security
Organisation, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

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**An Act to amend the *Criminal Code Act 1995* in
relation to the Hizballah External Security
Organisation, and for related purposes**

[Assented to 24 June 2003]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Criminal Code Amendment
(Hizballah) Act 2003*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	24 June 2003
2. Schedule 1	On 29 May 2003, immediately after the commencement of Schedule 1 to the <i>Criminal Code Amendment (Terrorism) Act 2003</i>	29 May 2003

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Regulations relating to Hizballah External Security Organisation

Criminal Code Act 1995

1 The Schedule (subsection 102.1(1) of the *Criminal Code*)

Insert:

Hizballah organisation means:

- (a) the Hizballah External Security Organisation (by whatever name that organisation is known from time to time); or
- (b) an organisation derived from that organisation.

2 The Schedule (subsection 102.1(1) of the *Criminal Code*, at the end of the definition of *terrorist organisation***)**

Add:

- ; or (c) a Hizballah organisation, if that organisation is specified by the regulations for the purposes of this paragraph (see subsections (7), (8) and (9)).

3 The Schedule (at the end of section 102.1 of the *Criminal Code*)

Add:

- (7) Before the Governor-General makes a regulation specifying a Hizballah organisation for the purposes of paragraph (c) of the definition of ***terrorist organisation*** in this section, the Minister must be satisfied on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act has occurred or will occur).
- (8) Regulations for the purposes of paragraph (c) of the definition of ***terrorist organisation*** in this section cease to have effect on the second anniversary of the day on which they take effect. To avoid doubt, this subsection does not prevent:
 - (a) the repeal of those regulations; or

- (b) the cessation of effect of those regulations under subsection (9); or
 - (c) the making of new regulations the same in substance as those regulations (whether the new regulations are made or take effect before or after those regulations cease to have effect because of this subsection).
- (9) If:
- (a) a Hizballah organisation is specified by regulations made for the purposes of paragraph (c) of the definition of **terrorist organisation** in this section; and
 - (b) the Minister ceases to be satisfied that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act has occurred or will occur);
- the Minister must, by written notice published in the *Gazette*, make a declaration to the effect that the Minister has ceased to be so satisfied. The regulations, to the extent to which they specify the organisation, cease to have effect when the declaration is made.
- (10) To avoid doubt, subsection (9) does not prevent a Hizballah organisation from being subsequently specified by regulations made for the purposes of paragraph (c) of the definition of **terrorist organisation** in this section if the Minister again becomes satisfied as mentioned in subsection (7).
- (11) If:
- (a) at a particular time on a particular day, the Minister is satisfied on reasonable grounds that a particular Hizballah organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act has occurred or will occur); and
 - (b) at a later time on that day, the Minister, or another Minister, makes a public announcement to the effect that:
 - (i) a regulation will be made specifying the organisation for the purposes of paragraph (c) of the definition of **terrorist organisation** in this section; and

- (ii) the regulation will take effect at the time of the announcement; and
 - (c) the regulation is made within 60 days after the day on which the *Criminal Code Amendment (Hizballah) Act 2003* receives the Royal Assent;the regulation takes effect at the time of the announcement.
- (12) A copy of the announcement referred to in paragraph (11)(b) must be published:
 - (a) on the Internet; and
 - (b) in a newspaper circulating in each State and the Northern Territory.
- (13) If, under subsection (8) or (9), a regulation ceases to have effect, section 50 of the *Acts Interpretation Act 1901* applies as if the regulation had been repealed.
- (14) The power to make regulations for the purposes of paragraph (c) of the definition of **terrorist organisation** in this section does not limit the power to make regulations specifying a Hizballah organisation for the purposes of paragraph (b) of that definition.

4 The Schedule (paragraph 102.3(1)(b) of the Criminal Code)

After “paragraph (b)”, insert “or (c)”.

*[Minister’s second reading speech made in—
House of Representatives on 29 May 2003
Senate on 16 June 2003]*