



Appendix B – process undertaken by government agencies for the declaration of Al-Raqqa province

Source: Attorney-General's Department, *Submission 2*

Process for the declaration of al-Raqqa province, Syria as an area where a listed terrorist organisation is engaging in hostile activities.

The role of key Commonwealth agencies such as the Australian Counter-Terrorism Centre (ACTC), the National Threat Assessment Centre (NTAC), the Australian Security Intelligence Organisation (ASIO), the Attorney-General's Department (AGD) and the Department for Foreign Affairs and Trade (DFAT) are set out in the Protocol for declaring an area.

The following provides an overview of key dates and processes that were undertaken for the purpose of declaring al-Raqqa province, Syria pursuant to section 119.3 of the *Criminal Code*.

- 30 October 2014 — the *Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014* passed both Houses of Parliament.
- 3 November 2014 — the *Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014* received Royal Assent.
- November 2014 — the ACTC, ASIO, DFAT and AGD developed the Protocol for declaring an area under section 119.3 of the *Criminal Code* and established internal processes relating to any possible declaration.
- 14 November — DFAT provided a submission to the Minister for Foreign Affairs regarding the draft Protocol.
- 18 November 2014 — AGD provided a submission to the Attorney-General regarding the draft Protocol.
- 19 November 2014 — the Minister for Foreign Affairs approved the Protocol for declaring an area.
- 27 November 2014 — the ACTC hosted a meeting with members (ASIO, the Australian Federal Police (AFP), the Australian Secret Intelligence Service (ASIS), the Australian Signals Directorate (ASD), the Australian Customs and Border Protection Service (ACBPS), the Department of Immigration and Border Protection (DIBP), AGD, DFAT, the Department of Defence, the Australian Geospatial-Intelligence Organisation (AGO) and the Australian Crime Commission (ACC)) to discuss declaration process, consider suitable areas for possible declaration and coordinate key agencies to collect and provide relevant information and intelligence for inclusion in a Statement of Reasons.
- 1 December 2014 — sections 119.2 and 119.3 of the *Criminal Code* (enacted by the

Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014 commence.

- 1 December 2014 — information about the declared areas offence at section 119.2 of the *Criminal Code* is made available on the Australian Government National Security website.
- 2 December 2014 — the Attorney-General approved the Protocol for declaring an area.
- 2 December 2014 — an unclassified Statement of Reasons prepared by the NTAC detailing the case for the declaration al-Raqqa provided by NTAC through ACTC to AGD.
- 2 December 2014 — AGD provided a submission to the Attorney-General containing a copy of:
 - the Statement of Reasons with respect to al-Raqqa, and
 - a draft legislative instrument for the declaration of al-Raqqa Province, Syria
- 2 December 2014 – the Attorney-General wrote to the Minister for Foreign Affairs requesting that she consider declaring the Syrian province of al-Raqqa under section 119.3 of the *Criminal Code*. The letter attached a copy of the National Threat Assessment Centre’s (NTAC) assessment of al-Raqqa province and a draft legislative instrument.
- 3 December 2014 — DFAT provided a submission to the Minister for Foreign Affairs regarding the recommendation from the Attorney-General.
- 3 December 2014 — the Minister for Foreign Affairs, having considered the information in the submission, agreed that she was satisfied that Islamic State of Iraq and the Levant was engaging in a hostile activity in Syria and agreed to take steps to declare al-Raqqa province.
- 3 December 2014 — the Minister for Foreign Affairs wrote to the Leader of the Opposition on the proposed declaration of al-Raqqa province, and offered a briefing in relation to the declaration.
- 3 December 2014 — the Protocol for declaring an area pursuant to section 119.3 of the *Criminal Code* is made available on the Australian Government National Security website.
- 4 December 2014 – DFAT provided a submission to the Minister for Foreign Affairs regarding the legislative instrument to declare al-Raqqa province.

- 4 December 2014 – the Minister for Foreign Affairs telephoned the Leader of the Opposition to brief him on the proposed declaration of al-Raqqa province.
- 4 December 2014 — officers from AGD and ASIO briefed members of the Opposition on the proposed declaration of al-Raqqa province.
- 4 December 2014 — the Minister for Foreign Affairs signed the legislative instrument — the *Criminal Code (Foreign Incursions and Recruitment — Declared Areas) Declaration 2014 — Al-Raqqa Province, Syria*.
- 4 December 2014 — the Minister for Foreign Affairs wrote to the Chair of the Parliamentary Joint Committee on Intelligence and Security advising of the declaration of al-Raqqa province.
- 4 December 2014 — the Australia-New Zealand Counter-Terrorism Committee secretariat emailed States and Territories to advise them of the declaration of al-Raqqa province.
- 4 December 2014 — the Minister for Foreign Affairs issued a media release announcing the declaration of al-Raqqa province.
- 4 December 2014 — the Australian Government National Security website was updated to reflect the declaration of al-Raqqa province.
- 4 December 2014 — the Smartraveller website was updated to reflect the declaration of al-Raqqa province, the travel advice for Syria updated and reissued to those who subscribe and an email was sent to Australians registered as being in, or going to, Syria with news of the announcement and a link to the travel advice and the National Security website.
- 4 December 2014 — DFAT emailed the Australian Council for International Development with information about the declaration, with a link to the travel advice for Syria and the National Security website.
- 4 December 2014 — the Living Safe Together team, AGD emailed community stakeholders with information about the declaration, with a link to the travel advice for Syria and the National Security website.
- 4 December 2014 — the ACTC hosted a meeting with AFP, ACBPS, AGD and the Commonwealth Director of Public Prosecutions to discuss options to provide the public with advice about the declaration of al-Raqqa province at the Australian border. AGD took the lead in producing a travel warning pamphlet for distribution by relevant agencies including ACBPS, DIBP and AFP.

- 5 December 2014 — the declaration came into effect on the day after it was registered on the Federal Register of Legislative Instruments (FRLI).
- 12 December 2014 — the English version of the travel warning pamphlet was made available electronically to members of the ACTC for distribution.
- 23 December 2014 — the Arabic version of the travel warning pamphlet was made available electronically to members of the ACTC for distribution.
- 9 February 2015 — the declaration, the *Criminal Code (Foreign Incursions and Recruitment — Declared Areas) Declaration 2014 — Al-Raqqqa Province, Syria*, was tabled in both Houses of Parliament.
- 20 March 2015 — the disallowance period in the House of Representatives will have expired.
- 27 March 2015 — the disallowance period in the Senate will have expired.

