
The Parliament of the Commonwealth of Australia

Review of the declaration of al-Raqqa province, Syria

Parliamentary Joint Committee on Intelligence and Security

March 2015
Canberra

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Membership of the Committee

Chair Mr Dan Tehan MP

Deputy Chair Hon Anthony Byrne MP

Members Hon Jason Clare MP

Senator David Bushby

Hon Mark Dreyfus QC MP

Senator the Hon Stephen Conroy

Mr Andrew Nikolic AM, CSC, MP

Senator the Hon John Faulkner
(until 06/02/2015)

Hon Philip Ruddock MP

Senator David Fawcett

Senator John Williams



Terms of reference

This inquiry and report is conducted under the following powers:

Criminal Code Act 1995

Section 119.3 Declaration of areas for the purpose of section 119.2

(1) The Foreign Affairs Minister may, by legislative instrument, declare an area in a foreign country for the purposes of section 119.2 if he or she is satisfied that a listed terrorist organisation is engaging in a hostile activity in that area of the foreign country.

...

Review of declaration

(7) The Parliamentary Joint Committee on Intelligence and Security may review a declaration before the end of the period during which the declaration may be disallowed under section 42 of the Legislative Instruments Act 2003.

and

Criminal Code (Foreign Incursions and Recruitment - Declared Areas) Declaration 2014 – Al-Raqqa Province, Syria, registered 4 December 2014 (FRLI: F2014L01634)



List of abbreviations

- ASIO Australian Security Intelligence Organisation
- Criminal Code *Criminal Code Act 1995*
- ISIL Islamic State of Iraq and the Levant



List of recommendations

1 Al-Raqqa province, Syria

Recommendation 1

The Committee recommends that, at the time a declaration is made, the Minister for Foreign Affairs provide to the Committee a document outlining the process underpinning the declaration of the area for the purposes of 119.2 of the *Criminal Code Act 1995*.

Recommendation 2

The Committee recommends that the legislative instrument declaring al-Raqqa province, Syria for the purposes of section 119.2 of the *Criminal Code Act 1995* not be disallowed.

Al-Raqqa province, Syria

Introduction

- 1.1 This review is conducted under section 119.3 of the *Criminal Code Act 1995* (the Criminal Code).
- 1.2 Section 119.2 of the Criminal Code provides that it is an offence for a person to enter, or remain in, a 'declared area'. There are exceptions to this offence for persons entering, or remaining in, declared areas solely for: one or more of the 'legitimate purposes' listed in the Act; or for service with a foreign government armed force, other than a 'prescribed organisation'.
- 1.3 Section 119.3 of the Criminal Code provides that the Foreign Affairs Minister may, by legislative instrument, declare an area in a foreign country for the purposes of section 119.2 if he or she is 'satisfied that a listed terrorist organisation is engaging in a hostile activity in that area of the foreign country'. Unless disallowed by the Parliament, or revoked earlier by the Foreign Affairs Minister, a declaration ceases to have effect on the third anniversary of the day on which it takes effect.
- 1.4 Subsection 119.3(7) provides that the Parliamentary Joint Committee on Intelligence and Security (the Committee) may review a declaration before the end of the period in which the declaration may be disallowed by the Parliament – 15 sitting days after tabling.
- 1.5 The declared area provisions were introduced into the Criminal Code following passage of the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014, which was reviewed and reported on by the Committee in October 2014.

- 1.6 The review power in section 119.3(7) of the Criminal Code was introduced as a result of a recommendation by the Committee in its review of that Bill, which was subsequently agreed to by the Government. In making this recommendation, the Committee indicated that, through its reviews, it would 'examine the evidence as to why the particular area was declared' and seek to:
- ensure declarations were made only in the most pressing circumstances; that a sufficiently high level of specificity was included in regard to the areas declared; and that any overextension of the boundaries was minimised.¹
- 1.7 On 4 December 2014, the Minister for Foreign Affairs, the Hon Julie Bishop MP, wrote to the Committee to advise of the making of *Criminal Code (Foreign Incursions and Recruitment - Declared Areas) Declaration 2014 - Al-Raqqa Province, Syria*, which declared al-Raqqa province in Syria as an area in a foreign country for the purposes of section 119.2 of the Criminal Code. The letter indicated that the Minister was satisfied that a listed terrorist organisation under the Criminal Code, the Islamic State of Iraq and the Levant (ISIL), was engaging in a hostile activity in the province.
- 1.8 The declaration came into effect on 5 December 2014, the day after it was registered on the Federal Register of Legislative Instruments, and was tabled in the House of Representatives and the Senate on 9 February 2015.
- 1.9 This is the first time that an area has been declared for these purposes under the Criminal Code. The Committee considers that its power to review declarations represents a significant additional safeguard for the declared area offence. The Committee's reviews will help ensure that declarations are reserved for areas in foreign countries where restricting travel is a necessary and proportionate response to the hostilities taking place.

The Committee's review

- 1.10 The Foreign Affairs Minister's letter, which included a copy of the declaration, its explanatory statement and a statement of reasons for the declaration, was accepted as a submission to the review and published on

1 Parliamentary Joint Committee on Intelligence and Security (PJCIS), *Advisory report on the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014*, October 2014, Canberra, pp. 107-108.

the Committee's website: www.aph.gov.au/pjcis. The statement of reasons is also included at Appendix A to this report.

- 1.11 Notice of the review was placed on the Committee's website and public submissions were invited. No public submissions were received.
- 1.12 Consistent with the Committee's practice when reviewing the listing of terrorist organisations, the Committee resolved to conduct a classified hearing with agencies so that evidence presented could be interrogated in more detail, as required.
- 1.13 A private hearing with representatives of the Attorney-General's Department, the Australian Federal Police, the Australian Security Intelligence Organisation and the Department of Foreign Affairs and Trade was held in Canberra on Thursday, 12 February 2015. Some unclassified statements from the hearing have been included in this report to support the Committee's findings.
- 1.14 A list of submissions received and witnesses appearing at the private hearing is included at Appendix C.
- 1.15 The Committee sought to put in place a formal structure for reviewing declarations. This included an examination of:
 - the Government's procedures underpinning the declaration,
 - the declared area's boundaries,
 - communication of the declaration with stakeholders, and
 - international engagement on 'declared area' laws.

The Government's procedures

- 1.16 During its review, the Committee received a document outlining the process undertaken by government agencies for the declaration of al-Raqqa province. The document was taken as a submission to the inquiry, and is included at Appendix B to this report. The Committee also sought information from agencies about the Government's processes during the private hearing.

Committee comment

- 1.17 The Committee reviewed the process for the declaration of al-Raqqa province and was satisfied with the appropriateness of the procedures undertaken by the Government.
- 1.18 The Committee considers it would assist with transparency and scrutiny of new declarations if a document outlining these procedures was made available to the Committee at the outset of each review. Such documents are already provided to the Committee at the commencement of its reviews of listings of terrorist organisations under the Criminal Code. The Committee considers that a similar practice should also be adopted for the declared area provisions.

Recommendation 1

The Committee recommends that, at the time a declaration is made, the Minister for Foreign Affairs provide to the Committee a document outlining the process underpinning the declaration of the area for the purposes of 119.2 of the *Criminal Code Act 1995*.

The declaration of al-Raqqa province

- 1.19 Al-Raqqa province is situated east of the Syrian province of Aleppo and shares its northern border with Turkey.
- 1.20 ISIL, which is also known as the Islamic State or Da'esh, is a listed terrorist organisation that has been active in Syria since late 2011. In June 2014, the group proclaimed an Islamic caliphate in areas it controlled in Iraq and Syria.²
- 1.21 According to the statement of reasons produced by the Australian Security Intelligence Organisation (ASIO) and upon which the declaration was based, al-Raqqa is the 'de facto capital of ISIL and provides a base from which much of its operations are directed'.³
- 1.22 As noted above, to declare an area in a foreign country for the purposes of section 119.2 of the Criminal Code, the Foreign Affairs Minister must be satisfied that a listed terrorist organisation is engaging in a hostile activity
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2 Statement of reasons, p. [1].

3 Statement of reasons, p. [3].

in that area of the foreign country. Section 117.1 of the Criminal Code defines ‘engages in a hostile activity’ as engaging in conduct with the intention of achieving one of the following objectives:

- (a) the overthrow by force or violence of the government of that or any other foreign country (or of a part of that or any other foreign country);
- (b) the engagement, by that or any other person, in action that:
 - (i) falls within subsection 100.1(2) but does not fall within subsection 100.1(3); and
 - (ii) if engaged in in Australia, would constitute a serious offence;
- (c) intimidating the public or a section of the public of that or any other foreign country;
- (d) causing the death of, or bodily injury to, a person who is the head of state of that or any other foreign country, or holds, or performs any of the duties of, a public office of that or any other foreign country (or of a part of that or any other foreign country);
- (e) unlawfully destroying or damaging any real or personal property belonging to the government of that or any other foreign country (or of a part of that or any other foreign country).

1.23 The statement of reasons (included at Appendix A) outlines the reasons for al-Raqqa’s declaration by assessing ISIL’s activity in the area against each of these criteria. The statement concludes that ISIL is engaging in hostile activities in al-Raqqa province.⁴

The declared area’s boundaries

1.24 At the private hearing, the Committee sought further information about the boundary chosen for the declaration.

1.25 The Committee was informed that the declaration of the area along the boundaries of al-Raqqa province allowed the area to be described in sufficient detail to ensure clarity for members of the public considering travel to the region, consistent with the Government’s protocol. Further, there is a high level of confidence that ISIL controls the entire province:

There is absolutely no means of entering or exiting Al Raqqa without needing to transit some form of ISIL control. So it was a

4 Statement of reasons, p. [4].

fairly clear-cut example where ISIL is controlling the entire province and is active and is using it as a base from which to control and organise its operations elsewhere.⁵

- 1.26 The Committee understands that surrounding areas are also likely to meet the threshold for declaration, at least at certain times.⁶

Communication of the declaration with stakeholders

- 1.27 At the private hearing, witnesses outlined the work that has been undertaken to inform community stakeholders about the declaration. This included:

- distribution of a travel warning pamphlet, in both English and Arabic, to community groups and at airports through the Australian Customs and Border Protection Service,
- including information on the declaration on the Government's Smartraveller website,⁷ the Australian National Security website,⁸ and the Living Safe Together website,⁹ and
- distribution of information through community leaders and organisations,¹⁰ and the Living Safe Together (Countering Violent Extremism) programme.¹¹

International engagement on 'declared area' laws

- 1.28 Noting that laws similar to Australia's 'declared area' offence do not exist in other comparable jurisdictions, the Committee was interested in the reaction of other countries to the new laws, and whether any were looking at enacting similar provisions.

- 1.29 The Attorney-General's Department advised that Australia had been working bilaterally with a number of countries to discuss 'international best practice approaches to countering the foreign fighters threat, including counter-terrorism legislative reforms'. This included
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5 *Classified transcript*, 12 February 2015, p. 3.

6 *Classified transcript*, 12 February 2015, p. 4.

7 <http://www.smartraveller.gov.au>

8 <http://www.nationalsecurity.gov.au>

9 <http://www.livingsafetogether.gov.au>

10 *Classified transcript*, 12 February 2015, pp. 8, 12.

11 Attorney-General's Department, *Submission 2.1*, p. 1.

Departmental representatives meeting with embassy officials from New Zealand, Canada, the United Kingdom and France to discuss legislative reforms.¹²

- 1.30 The Attorney-General's Department also advised that, with the Department of Foreign Affairs and Trade, it had:
- engaged on foreign fighters issues via multilateral fora, including during Australia's recent term on the United Nations Security Council, through the Global Counter Terrorism Forum and various five-country fora.¹³
- 1.31 The Committee received additional classified evidence about the responses of other countries to these laws.¹⁴
- 1.32 The Committee was also interested in Australia's engagement on this issue through the United Nations and noted Australia's advocacy for action against foreign fighters, which has included, among other things, briefing by the Foreign Affairs Minister to the United Nations Security Council on Australia's introduction of the declared area offence.¹⁵

Committee comment

- 1.33 The Committee considers the declaration of al-Raqqa province to be well within the scope of what the declared area offence was intended to target. The atrocities being committed by ISIL (referred to by the Committee as Da'esh) in Syria are well known to the Committee and broader community. The organisation has control of al-Raqqa province, which is the centre of its sphere of influence.
- 1.34 ASIO's statement of reasons provides examples of where Da'esh has committed actions in al-Raqqa that meet the threshold of 'engaging in hostilities' against all of the criteria listed in the Criminal Code.
- 1.35 The Committee notes that there are other parts of both Syria and Iraq that will meet the threshold for declaration, at least temporarily, due to hostilities committed by Da'esh. To be effective, however, the Committee accepts that it is necessary for declared areas to be relatively stable, with highly specific boundaries that are easily communicated to the public.

12 Attorney-General's Department, *Submission 2.1*, p. 2.

13 Attorney-General's Department, *Submission 2.1*, p. 2.

14 Department of Foreign Affairs and Trade, *Submission 3*, pp. 1-2.

15 Department of Foreign Affairs and Trade, *Submission 3*, p. 3.

- 1.36 The Committee notes that a second area, the Mosul district of Ninewa province, Iraq, was declared by the Foreign Affairs Minister on 2 March 2015.¹⁶
- 1.37 The Committee notes the activities that have been undertaken by the Australian Government to inform the community about both the declared area offence more generally and the declaration of al-Raqqa province. The Committee will be interested to monitor the effect of this, and other, declarations, on the actions of individuals over time. The Committee considers that a sustained effort will be required to inform the community about the risks associated with travel to conflict zones.
- 1.38 The Committee considers that the Government should continue its advocacy both bilaterally and multilaterally for action against the threat posed by foreign fighters.
- 1.39 The Committee is satisfied that the declaration of al-Raqqa province is appropriate, and therefore supports the declaration under section 119.2 of the Criminal Code.

Recommendation 2

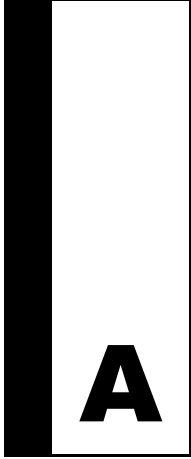
The Committee recommends that the legislative instrument declaring al-Raqqa province, Syria for the purposes of section 119.2 of the *Criminal Code Act 1995* not be disallowed.

Dan Tehan MP

Chair

March 2015

16 Hon Julie Bishop MP, Minister for Foreign Affairs, 'Declaration of Mosul District, Ninewa Province, Iraq', *Media Release*, 2 March 2015, viewed 3 March 2015, <http://foreignminister.gov.au/releases/Pages/2015/jb_mr_150302a.asp>.



Appendix A – Statement of reasons

Source: Minister for Foreign Affairs, *Submission 1*

Declaration of an area where the Islamic State of Iraq and the Levant is engaged in hostile activity under the Criminal Code

Al-Raqqa Province, Syria

This statement is based on publicly available information about the areas where the proscribed terrorists group—the Islamic State of Iraq and the Levant (ISIL)—is engaged in hostile activity. To the Australian Government’s knowledge, this information is accurate, reliable and has been corroborated by classified information.

Basis for declaring an area in a foreign country where a listed terrorist organisation is engaging in hostile activity

Under section 119.3 of the *Criminal Code*, the Foreign Affairs Minister may, by legislative instrument, declare an area in a foreign country for the purposes of section 119.2. Before declaring an area in a foreign country for the purposes of section 119.2, the Foreign Affairs Minister must be satisfied that a listed terrorist organisation is engaging in a hostile activity in that area of the foreign country.

Section 119.2 makes it an offence for a person to enter, or remain in, an area in a foreign country if the area is an area declared by the Foreign Affairs Minister under section 119.3.

Background to this declaration

Proscription of the group engaged in hostile activity

The group currently referred to as the Islamic State of Iraq and the Levant (ISIL) has been operating in Iraq under various names since 2003. It was first listed as a proscribed terrorist organisation under the Arabic name *Tanzim Qa’idat al-Jihad fi Bilad al-Rafidayn* in 2005. It was then re-listed under the names al-Qa’ida in Iraq and ISIL.

ISIL has been active in the Syria conflict since late 2011, when it established operations in Syria through its former subordinate organisation, Jabhat al-Nusra. On 29 June 2014, the group proclaimed an Islamic caliphate in areas it controls in Iraq and Syria and changed its name to *Dawla al-Islamiya*, or the Islamic State. The most recent re-listing of the group was under the name Islamic State on 12 July 2014.

Geographic basis of the group’s activities

Since January 2014, ISIL has focussed on capturing and consolidating control over large areas of Iraq and Syria. It operates across much of Iraq and Syria, but is based in the Iraqi provinces of Ninewa and al-Anbar and the Syrian province of al-Raqqa, which serves as its de facto capital. Al-Raqqa Province is east of the Syrian province of Aleppo and shares its northern border with Turkey.

ISIL's activities in these areas of Iraq and Syria, and calls by ISIL's leadership, have attracted thousands of foreign fighters, including Australians, who have travelled to Iraq and Syria to join ISIL and engage in hostile activity.

Group's engagement in hostile activities within or from the declared area

The overthrow by force or violence of the government of that or any other foreign country, or of a part of that or any other foreign country

ISIL has sought to replace the Iraqi and Syrian governments through the conquest of territory and the declaration of a caliphate spanning the established Iraq/Syria border. It governs territory by applying its rule over the population by force. It also uses this territory to launch attacks on other areas of Iraq and Syria through bombings, indirect fire and ground assaults, including with military equipment captured from the Iraqi and Syrian militaries.

- 24 August 2014: ISIL captured Tabqa air base in al-Raqqa Province, Syria, after several days of fighting in which over 500 militants and Syrian soldiers were reportedly killed.
- 6 March 2013: ISIL and other Syrian rebel groups, including al-Qa'ida affiliate Jabhat al-Nusra, took control of Raqqa city.

In areas under its control, ISIL seeks to supplant government control over all official functions. This includes setting up courts and applying punishments for infractions against its own rules and controlling access to cities using checkpoints. ISIL has also announced that it will begin minting its own currency.

The engagement, by that or any other group, in action that:

- Falls within subsection 100.1(2) but does not fall within subsection 100.1(3); and
- If engaged in Australia, would constitute a serious offence

ISIL has proven resilient, having survived its earlier near-extinction at the hands of an international coalition that fought it for eight years. Despite recent military operations against it in both Iraq and Syria, it remains an ongoing threat and conducts daily attacks throughout its areas of operation in Iraq and Syria.

- 17 November 2014: ISIL publicly executed 18 Syrian soldiers in Raqqa, Syria.
- 29 August 2014: a video posted online shows ISIL forces executing hundreds of Syrian soldiers in al-Raqqa province following their capture of Tabqa Air Force Base.

Intimidating the public or a section of the public of that or any other foreign country

ISIL uses terrorist attacks extensively against civilians in Iraq and Syria. This includes frequent mass casualty attacks in public places including marketplaces and cafes. It also conducts mass executions, including beheadings, and publicises these activities, including through the dissemination of videos and magazines depicting these violent acts.

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ISIL has made multiple statements threatening civilians in Iraq and Syria. It focuses its campaign of intimidation against Shia Muslims and religious and ethnic minorities, including Yazidis and Shabaks in Iraq. ISIL has carried out mass executions and enslavement of these and other minorities.

ISIL has also produced numerous videos of beheadings featuring threatening statements. Five have featured American or British citizens, and have included statements intended to threaten or intimidate Western audiences.

- 16 November 2014: ISIL released a video claiming responsibility for the beheading of United States (US) aid worker Peter Kassig. The video also featured threatening statements against Western governments.
- 3 November 2014: Over a ten-day period in late November, ISIL executed over 200 members of the Albu Nimr tribe in al Anbar Province, Iraq, including women and children. ISIL targeted the tribe for fighting against ISIL.
- 3 October 2014: ISIL released a video claiming responsibility for the beheading of British citizen Alan Henning.
- 13 September 2014: ISIL released a video claiming responsibility for the beheading of British aid worker David Haines.
- 9 September 2014: ISIL released a video claiming responsibility for the beheading of US journalist Steven Sotloff.
- 19 August 2014: ISIL released a video claiming responsibility for the beheading of US journalist James Foley.

While the location of these incidents cannot be identified, al-Raqqa is the de facto capital of ISIL and provides a base from which much of its operations are directed.

Causing the death of, or bodily injury to, a person who:

- *Is the head of state of that or any other foreign country; or*
- *Holds, or performs any of the duties of, a public office of that or any other foreign country (or of a part of that or any other foreign country)*

ISIL regularly conducts assassinations, executions and attacks targeting Iraqi and Syrian government officials, politicians, soldiers and police.

- 29 August 2014: ISIL released a video depicting the mass execution of 300 Syrian soldiers, followed hours later by a video of the group beheading a Kurdish soldier in Mosul, Ninewa Province, Iraq.
- 30 June 2014: ISIL published photos of the group beheading a group of Syrian soldiers at a government base near Raqqa, al-Raqqa Province, Syria.

Unlawfully destroying or damaging any real or personal property belonging to the government of that or any other foreign country (or of a part of that or any other foreign country)

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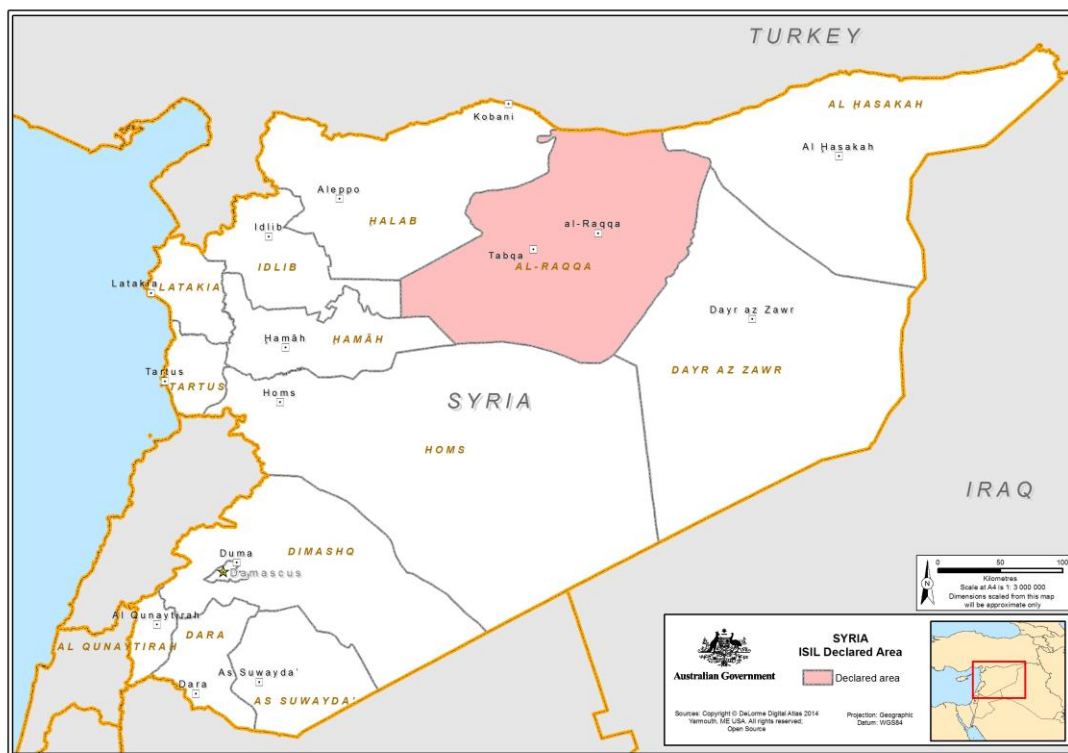
ISIL regularly destroys government property, both through its military campaign and the imposition of its religious and ideological beliefs on the populations that fall under its control.

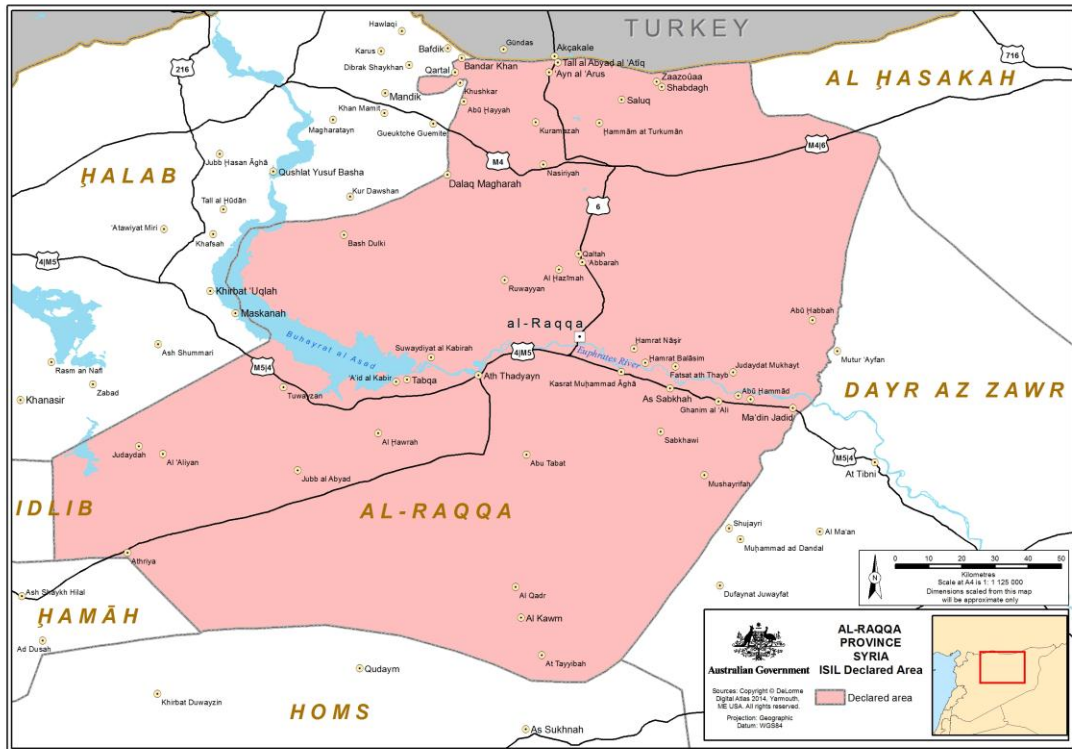
- 8 August 2014: ISIL captured the Brigade 93 Syrian Army base in al-Raqqa Province, Syria. The attack on the base included a triple suicide bomb attack.

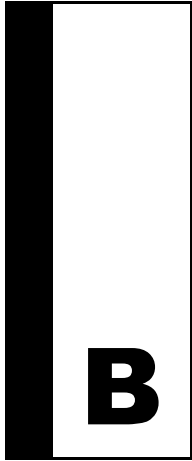
Conclusion

On the basis of the above information, ASIO assesses that ISIL is engaged in hostile activities in al-Raqqa Province, Syria.

This assessment is corroborated by information from reliable and credible intelligence sources.







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.



Appendix C – List of submissions and witnesses appearing at private hearing

Submissions

1. Minister for Foreign Affairs
2. Attorney-General's Department
 - 2.1 Supplementary
3. Department of Foreign Affairs and Trade

Witnesses appearing at private hearing

Canberra – Thursday, 12 February 2015

Attorney-General's Department

Ms Jamie Lowe, First Assistant Secretary, National Security Law and Policy Division

Mr Cameron Gifford, Assistant Secretary, National Security Law and Policy Division

Australian Federal Police

Commander Brian McDonald, Counter-Terrorism Portfolio

Australian Security Intelligence Organisation

Acting Deputy Director-General

Coordinator, National Threat Assessment Centre

Department of Foreign Affairs and Trade

Mr Marc Innes Brown, Acting First Assistant Secretary, Middle East and Africa
Division

Ms Julie Heckscher, Assistant Secretary, Sanctions, Treaties and Transnational
Crime