



AFP

Monday, 13 May 2024

Mr Peter Khalil MP
Committee Chair
Parliamentary Joint Committee on Intelligence and Security
Parliament House
Canberra ACT 2600

Counter-Terrorism Legislation Amendment (Declared Areas) Bill 2024

Dear Mr Khalil,

Thank you for the opportunity to provide a submission to the Parliamentary Joint Committee on Intelligence and Security's review of the Counter-Terrorism Legislation Amendment (Declared Areas) Bill 2024 (the Bill).

The current threat environment

The terrorism threat environment in Australia and offshore continues to be increasingly complex, challenging and diversified. Despite the lowering of the national threat level from probable to possible in November 2022, the AFP's terrorism caseload endures. This is evidenced by the recent Religiously Motivated Violent Extremist (RMVE) attack in Wakeley, New South Wales. The threat of RMVE remains the predominant terrorism threat to Australia, with the AFP witnessing an enduring caseload of RMVE-related investigations and charges.

While RMVE remains Australia's predominant threat, the AFP continues to see individuals who adhere to Ideologically Motivated Violent Extremism (IMVE), including Nationalist and Racist Violent Extremism, in our current caseload.

Since September 2014, there have been 13 domestic terror attacks and 21 major counter-terrorism disruptions. Of the 21 major disruptions, 19 were related to RMVE and 2 were related to IMVE. Since September 2014, 168 people have been charged as a result of 89 CT related operations.

International influences on domestic terrorism

Australia's domestic counter-terrorism environment is influenced by global events and conflicts. Since 2012, around 230 Australians travelled to Syria or Iraq to fight with or support groups involved in the conflict, including the terrorist organisation Islamic State. Of this cohort, around 55 people returned to Australia. Currently, there are around 60 Australian men and women in Syria and the region. Many others who travelled to the conflict are believed to be deceased. In the current environment, groups such as Islamic State and Al Qaida remain a threat, albeit a diminished one.

Further, the Australian threat environment is influenced by ongoing conflicts such as Russia/Ukraine, Israel/Hamas and elsewhere. The AFP, through the Joint Counter Terrorism Teams, remains abreast

of Australians who travel to fight in foreign conflicts, who are not serving in the armed forces of a foreign country. These individuals may be committing a criminal offence.

Declared area offence

The AFP continues to be concerned that individuals who travel, without any legitimate purpose, to areas where terrorist organisations are engaging in hostile activities, present a threat to Australia and Australians (both domestically and overseas). In particular, there is a risk that such individuals may develop enhanced capabilities, connections to terrorist organisations, and/or an ideology and motivation to cause harm to Australians. The provisions at sections 119.2 and 119.3 of the *Criminal Code Act 1995* (the declared area provisions) create a mechanism that can be used to deter Australians from travelling to such areas.

The declared area provisions operate amongst a range of other offences and powers in the Commonwealth legislative framework that are designed to assist the AFP to prevent and respond to the threat of Australian Foreign Terrorist Fighters (FTF). Where there is an applicable declaration, the declared area offence at section 119.2 is often one of the first offences the AFP considers when conducting FTF investigations.

The AFP considers the declared area provisions remain appropriate and proportionate in the current terrorism threat environment. While there are no declared areas currently in effect, the existence of the declared area provisions ensures the Government is able to pivot quickly to address emerging risks.

The revocation of a declared area does not prevent the AFP from investigating people who may have entered or remained in a declared area while it was in force. The AFP continues to conduct active investigations into FTFs and will consider the appropriateness of pursuing charges under section 119.2 where sufficient evidence exists. To date, the AFP has charged **four** individuals under section 119.2. Of the four individuals, one has been convicted, one has had the charge withdrawn and two are before the courts.

I trust that this information is of assistance. The AFP would welcome the opportunity to appear before the Committee to discuss this submission further.

Yours sincerely,



Krissy Barrett
Deputy Commissioner National Security