



Appendix B – Process for the declaration

Source: Attorney-General's Department, *Submission 2.1*

Process for the 2015 Declaration of Mosul district, Ninewa province, Iraq as an area where a listed terrorist organisation is engaging in hostile activities

The Protocol for declaring an area in a foreign country pursuant to section 119.3 of the Criminal Code sets out the role of key Commonwealth bodies such as the Australian Counter-Terrorism Centre (ACTC), National Threat Assessment Centre (NTAC), Australian Security Intelligence Organisation (ASIO), Attorney-General's Department (AGD) and the Department of Foreign Affairs and Trade (DFAT).

The following provides an overview of key dates and processes undertaken for the purpose of declaring Mosul district, Ninewa province, Iraq from 3 March 2015.

- 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 the declaration process, consider suitable areas for possible declaration and coordinate key agencies to collect and provide relevant information and intelligence.
- 12 February 2015—the Minister for Foreign Affairs discussed the possibility of declaring an area in Iraq with Iraqi Foreign Minister, Ibrahim al-Ja'afari.
- 18 February 2015—ACTC hosted a meeting with members (ASIO, AFP, ASIS, ACBPS, PM&C, DIBP, AGD, DFAT and AGO) to consider and discuss a possible declaration of Mosul district, Ninewa province, Iraq and coordinate key agencies to collect and provide relevant information and intelligence for inclusion in a Statement of Reasons in support of a possible declaration.
- 18 February—ACTC wrote to ASIO NTAC requesting a Statement of Reasons.
- 20 February 2015—ACTC circulated NTAC's unclassified Statement of Reasons to its members, detailing the case for declaring Mosul district, Ninewa province, Iraq.
- 20 February 2015—AGD provided a submission to the Attorney-General containing copies of: a Statement of Reasons for the declaration of Mosul district, Ninewa province, Iraq; proposed legislative instrument; and Explanatory Statement.

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- 20 February 2015—DFAT provided a submission to the Minister for Foreign Affairs regarding the Statement of Reasons for the declaration of Mosul district, Ninewa province, Iraq.
- 23 February 2015—the Prime Minister announced that the Government was considering declaring Mosul district, Ninewa province, Iraq.
- 23 February 2015—the Attorney-General wrote to the Minister for Foreign Affairs requesting she consider declaring Mosul district, Ninewa province, Iraq under section 119.3 of the *Criminal Code*. The letter attached a copy of NTAC’s Statement of Reasons, draft legislative instrument and draft Explanatory Statement.
- 23 February 2015—the Minister for Foreign Affairs, having considered the information in the submission, agreed she was satisfied that Islamic State of Iraq and the Levant, a listed terrorist organisation, was engaging in a hostile activity in Mosul district, Ninewa province, Iraq, and agreed to take steps to declare the area.
- 23 February 2015—the Minister for Foreign Affairs wrote to the Leader of the Opposition on the proposed declaration of Mosul district, Ninewa province, Iraq, providing a copy of the Statement of Reasons and offering further briefing in relation to the declaration. On this occasion, no briefing was requested.
- 23 February 2015—DFAT briefed the Iraqi Ambassador to Australian on the proposed declaration of Mosul district, Ninewa province, Iraq.
- 23 February 2015—AGD conducted two Countering Violence Extremism events in Bankstown, Sydney and advised attendees of the proposed declaration.
- 24 February 2015—AGD emailed members of the Living Safer Together community, advising of the proposal to make a declaration in relation to Mosul district, Ninewa province, Iraq. The email included links to the Australian National Security and Smartraveller websites.
- 24-25 February 2015—DFAT discussed the proposed declaration of Mosul district, Ninewa province, Iraq with the Australian Representative of the Kurdistan Regional Government, the Assyrian Universal Alliance and Andrew Rohan MP (NSW Parliament Member for Smithfield in Western Sydney).

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- 25 February 2015—the Australia-New Zealand Counter-Terrorism Committee Secretariat emailed states and territories to advise them of the proposed declaration of Mosul district, Ninewa province, Iraq.
- 25 February 2015—the Australian Embassy in Baghdad briefed Iraqi Foreign Minister Ibrahim al-Ja’afari on the proposed declaration of Mosul district, Ninewa province, Iraq.
- 26 February 2015—DFAT emailed the Australian Council for International Development and the International Development Contractors Group to advise them of the proposed declaration of Mosul district, Ninewa province, Iraq.
- 26 February 2015—AGD conducted a Countering Violence Extremism event in Melbourne’s CBD and advised attendees of the proposed declaration.
- 27 February 2015—DFAT provided a further submission to the Minister for Foreign Affairs regarding the legislative instrument to declare Mosul district, Ninewa province, Iraq.
- 2 March 2015—the Minister for Foreign Affairs signed the *Criminal Code (Foreign Incursions and Recruitment—Declared Areas) Declaration 2015—Mosul District, Ninewa Province, Iraq*.
- 2 March 2015—the Minister for Foreign Affairs wrote to the Chair of the Parliamentary Joint Committee on Intelligence and Security advising of the declaration of Mosul district, Ninewa province, Iraq.
- 2 March 2015—the Minister for Foreign Affairs announced the declaration of Mosul district, Ninewa province, Iraq in Parliament.
- 2 March 2015—the Minister for Foreign Affairs issued a media release publicising the declaration of Mosul district, Ninewa province, Iraq.
- 2 March 2015—AGD updated the Australian National Security website to reflect the declaration of Mosul district, Ninewa province, Iraq.
- 2 March 2015—DFAT reissued advice on the Smartraveller website to reflect the declaration of Mosul district, Ninewa province, Iraq, and sent an email to all Australians registered as being in, or going to, Iraq with news of the announcement and links to the travel advice and Australian National Security website.

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- 2 March 2015—the *Criminal Code (Foreign Incursions and Recruitment—Declared Areas) Declaration 2015—Mosul District, Ninewa Province, Iraq* was registered on the Federal Register of Legislative Instruments (FRLI reference no. [F2015L00245](#)).
- 2 March 2015—AGD emailed members of the Living Safer Together community, advising that the declaration of Mosul district, Ninewa province, Iraq will be in place from 3 March 2015.
- 2 March 2015—the English version of the Mosul travel warning pamphlet was made available electronically through the ACTC to its members for distribution.
- 3 March 2015—the declaration of Mosul district, Ninewa province, Iraq came into effect.
- 4 March 2015—a copy of the *Criminal Code (Foreign Incursions and Recruitment—Declared Areas) Declaration 2015—Mosul District, Ninewa Province, Iraq* was laid before the House of Representatives.
- 5 March 2015—a copy of the *Criminal Code (Foreign Incursions and Recruitment—Declared Areas) Declaration 2015—Mosul District, Ninewa Province, Iraq* was laid before the Senate.
- 20 March 2015—the Arabic version of the Mosul travel warning pamphlet was made available electronically through the ACTC to its members for distribution.
- 28 May 2015—the disallowance period in the House of Representatives will have expired in accordance with section 42 of the *Legislative Instruments Act 2003*.
- 19 June 2015—the disallowance period in the Senate will have expired in accordance with section 42 of the *Legislative Instruments Act 2003*.

