

AUSTRALIAN HATE CRIME NETWORK

SUBMISSION TO:

**Parliamentary Joint Committee on Intelligence and Security's
Inquiry into extremist movements and radicalism in Australia**

BY: Australian Hate Crime Network

DATE: 18 February 2021

DISCLAIMER: The contents of this submission represent the views of non-government and academic members of the Australian Hate Crime Network. It does not represent the views of representatives of any federal or state government agency or department.

The Australian Hate Crime Network

The Australian Hate Crime Network (AHCN) is a partnership of Australian non-government agencies, academics and government agencies working to develop priorities and outcomes that address and prevent hate crime and hate incidents. Whilst the academics and non-government agencies, including targeted communities, engage in AHCN as members, representatives from government departments engage in AHCN as associates.

The AHCN aims to:

1. provide leadership, advocacy and support for state and national government responses to hate crime and hate incidents;
2. provide an educative and advisory role to key agencies and services on preventing and responding to hate crime and hate incidents;
3. enhance community awareness of hate crime and hate incidents, and encourage reporting, help seeking and access to available resources;
4. monitor and review patterns in hate crime and hate incidents;
5. advocate for improvement in data collection, law enforcement and criminal justice responses; and,
6. collect and distribute relevant current research and knowledge on hate crime and hate incidents.

AHCN webpage:

<https://www.sydney.edu.au/law/our-research/research-centres-and-institutes/australian-hate-crime-network.html>

AHCN Facebook page:

<https://www.facebook.com/AustralianHateCrimeNetwork>

Table of CONTENTS

| | |
|---|----|
| Introduction | 4 |
| 1. nature and extent of, and threat posed by, extremist movements and persons | 6 |
| 3. b) Australia's Counter-Terrorism Strategy | 9 |
| 3. c) role and influence of radical and extremist groups | 11 |
| 3. d) disrupt and deter hate speech ... regulate the use of symbols | 13 |
| 3. e) reinforce social cohesion, counter violent extremism | 15 |
| 3. f) role of social media, encrypted communications platforms and the dark web | 18 |
| 3. g) roles and responsibilities of states and territories | 19 |
| Conclusion..... | 20 |

INTRODUCTION

The Australian Hate Crime Network commends the Parliamentary Joint Committee on Intelligence and Security (Committee) for conducting this Inquiry into these troubling issues.

While Australia has, so far, been fortunate to have avoided mass casualty attacks by extremists, due in large part to the vigilance of Australia's intelligence and police authorities, as well as to other factors, this does not mean this situation will continue. Although many planned attacks, especially since 2001, have been thwarted by intervention, significant work is needed to ensure our policing and security services can readily adapt to ever-changing threats.

As with any proposed changes in legislation and policymaking, including counter-terrorism law, the government ought to be guided by two principles:

1. Maintaining a balance between the individual civil rights of people, including those with extremist views, and the communal need for security from incitement and violence;
2. Ensuring that laws and policies are not counter-productive to the fight against extremism, rely on evidence from Australian experts and the experiences of our international counterparts, and are not merely reactions that are politically expedient.

The AHCN strongly believes in giving police and security services the tools they need to keep Australia safe. However, we do not believe that extremism and radicalism can be addressed solely by police and national security law reforms. Broader legislative and institutional reforms are needed to address the various issues which may lead to extremism and radicalisation, particularly insofar as those along the pathway are not yet within the realm of legislative intervention.

AHCN is a strong advocate for improved anti-vilification laws across Australia to protect all targeted communities from hate speech. AHCN is acutely aware of the power of words on the subject matter of this inquiry. From a legal perspective, words alone are *actus reus* sufficient for the commission of a terrorist offence with offences already existing for inciting and advocating for terrorism. More importantly, however, from a crime prevention and social policy perspective, an environment which allows hate speech to fester is the perfect breeding ground for hate crime and terrorism. There is an abundance of research which establishes the link between hate speech and hate crime, both in terms of an individual's pathway toward radicalization and extremism, but also on a macro-level as it relates to hate groups and movements.

To this end, government should develop a coordinated policy, project and reform agenda for the public sector to better address the growing problem of hate crimes, hate incidents, radicalization and extremism. The overarching function of anti-terrorism policy and law

cannot be achieved by policing and security reform alone. Broader legislative and institutional reforms are needed to reinforce changes flowing from this inquiry.

Currently, the New South Wales Police Force is the only law enforcement agency in Australia with a bespoke hate crime intervention unit. Even in NSW, however, the review of official crime data does not reveal any hate crime statistics. Law enforcement agencies across Australia currently do not have the hate crime awareness or specialised investigative capacity to identify and respond to hate crimes, and community issues around hate crime investigations. This has also applied to manifestations of extremism and radicalization where notions had been held within police and security agencies that terrorism equates to self-identified Islamist terrorism to the exclusion of all other forms. Significant reform is needed to train law enforcement to detect all examples of extremism and radicalization to ensure the detection and investigation of crime, but also to ensure that intelligence services receive critical information on individual and group pathways to extremism.

Noting the link between hate speech and hate crime, AHCN strongly advocates for revamped hate speech legislation, hate crime legislation, police training and diversionary programs to address the needs for threat management while reducing recidivism through rehabilitation. Given these important issues, the Federal government is in an ideal position to take on the responsibility to ensure all forms of hate, extremism and radicalization are being sufficiently policed, surveilled and disrupted.

The Terms of Reference use the words “groups” as well as “persons”. It should be noted that the majority of extremists do not belong to any group. It is far more common for these individuals to become part of an online community, connected to others through expressing and holding similar political views, who may never meet outside the internet.

1) the nature and extent of, and threat posed by, extremist movements and persons holding extremist views in Australia

AHCN is Australia's largest partnership of academics and non-government organisations in the hate crime space. AHCN works closely with associate representatives from government agencies, including federal and state law enforcement agencies, in order to develop the legislative and institutional reforms needed to address social issues such as extremism, prejudice and hate.

At this point, it is appropriate to define the key words and phrases we use in this submission:

- **Hate crime** is generally understood as crime that is motivated or shaped by prejudice or group hatred. This tends to include prejudice on the grounds of race, religion, ethnicity, gender, sexuality and disability. Hate crime is also referred to as targeted crime, bias crime and prejudice-related crime.
- **Hate incident** is an incident motivated by the same prejudices as a hate crime but does not meet the same threshold to be classified as a criminal offence.
- **Hate speech** is any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language motivated by the same prejudices as hate crime.

Hate crime data is integral to any analysis of the nature and extent of threats posed by extremist movements. It is the go-to dataset for policymakers to guide decision-making. Official crime data is also regularly used by police and security agencies to track suspects on a micro-level, and criminal trends, hotspots and movements on a macro-level. Official crime data reveals how often crimes with bias or hate motivations are being reported to police. It also would reveal the type of bias or hate manifested by the person of interest, including religious or right-wing extremist motivations. This dataset would provide law enforcement and intelligence agencies with valuable, real-time data on the nature and extent of the threats posed in Australia. It would also minimise oversights and selective discrimination within government agencies to ensure all extremists are being monitored irrespective of their motivation, while assisting social services agencies to develop targeted crime prevention strategies.

Regrettably, there are no official crime statistics available for hate crime in Australia. Consequently, police and security agencies, politicians, policymakers, social services sectors and the criminal justice sector have limited data on which to base their information into the 'nature and extent of, and threat posed by, extremist movements'. Without the benefit of hate crime data, governments are restricted in their insight into the nature and extent of extremism today.

In Australia, law enforcement agencies are responsible for the collection and reporting of official crime data. The key reasons for the absence of hate crime statistics include:

1. Law enforcement agencies across Australia are not sufficiently staffed, trained or equipped to detect, identify and investigate hate crimes;
2. Across the country, there is scarcely any legislation on hate crime; and
3. Governments, including law enforcement and security agencies, have developed a culture that undervalues the importance of an effective hate crime response. Across key agencies in Australia, recent research has identified a culture that is reluctant to a) accept hate crimes exist and pose a problem and b) accept that hate crimes have a devastating impact on individuals, communities and society in general. The failings of government to adequately respond to hate crimes is a visible example of a lack of priority and understanding by government.

Despite the absence of official hate crime data, we know that Australia, like most countries, has a hate crime and hate incident problem. But the full extent of it is unknown due to lack of data. A review of recent non-government organisation reports, studies, and surveys reveal anti-Jewish,¹ Islamophobic,² anti-Asian³ and anti-LGBTIQ⁴ hate crimes and incidents are occurring at unacceptable levels.

AHCN knows first-hand how much pain and harm is caused by hate crimes and incidents, noting a sizable amount of its non-government agency membership represent regularly targeted communities. For example, the incidence and ongoing threat of antisemitic attacks over the last three decades requires Jewish places of worship, schools, communal organisations and community centres to operate under the security protection of high fences, armed guards, metal detectors, CCTV cameras and the like.

These experiences are consistent with the experiences of our international counterparts and have been recognised by the United Nations in the 2019 *United Nations Strategy and Plan of Action on Hate Speech*. Regrettably, when compared to other nations, Australia needs to develop a coherent legal and institutional response to hate.

¹ Executive Council of Australian Jewry. *Report on Antisemitism in Australia 2020*. 2020
<https://www.ecaj.org.au/wordpress/wp-content/uploads/ECAJ-Antisemitism-Report-2020.pdf>

² Islamophobia Register Australia. *Islamophobia in Australia II (2016-2017)*. 2019.
<http://www.islamophobia.com.au/wp-content/uploads/2019/12/Islamophobia-Report-2019-2.pdf>

³ Asian Australian Alliance. *COVID-19 CORONAVIRUS RACISM INCIDENT REPORT: Reporting Racism Against Asians in Australia*. 2020.
<http://diversityarts.org.au/app/uploads/COVID19-racism-incident-report-Preliminary-Official.pdf>

⁴ La Trobe University. *THE HEALTH AND WELLBEING OF LGBTIQ PEOPLE IN AUSTRALIA*. 2020. p.40
https://www.latrobe.edu.au/_data/assets/pdf_file/0009/1185885/Private-Lives-3.pdf

In consultations with its membership, AHCN has developed a **5 Point Action Plan** to bring Australia's hate crime response capabilities in line with our international counterparts:

1. Conduct state and national advocacy with relevant agencies to support a coordinated policy, project and reform agenda for the government and non-government sectors to address the problem of hate crime and hate incidents.
2. Establishment of an effective and well-resourced hate crime unit in the relevant government agencies based on international evidence of good practice in policing hate crime and hate incidents.
3. Provision of resources for data collection capable of advancing current understanding of and responses to hate crime and hate incidents in Australia.
4. Investigation into the establishment of third-party reporting systems including an online reporting facility for victims to report hate crime and hate incidents, hosted by an independent organisation in partnership with police.
5. Provision of strategic support to build community capacity to understand and address hate crime and hate incidents in Australia.

3 b) changes that could be made to Australia's Counter-Terrorism Strategy in relation to preventing radicalisation to extremist views, including the capacity for further partnership approaches with state, territory, and local governments

Australia's Counter-Terrorism Strategy needs to include a Social Cohesion Strategy so that it encompasses more than criminal laws and policing. It needs to take into account that radicalisation involves a multitude of risk factors including: ideological beliefs, values; sociological motivators; political grievances; psychological and economic factors.

Civil society representing targeted communities that are involved with the AHCN are well-placed to identify the range of system change needed to counteract these risk factors. This systemic change needs to involve the institutions of digital platforms, media, law enforcement, community-facing NGOs, government and criminal legal frameworks.

A major drawback to Australia's current counter-terrorism strategy is its failure to recognise any links between hate crime movements and terrorism. As stated above, hate incidents, hate speech and hate crime are key indicators of prejudicial, and often, of extremist views. However, Australia has limited hate crime policing or intelligence capabilities across its Federal and state and territory governments.

Consequently, our policing and intelligence services are without much of the training, skills or tools needed to effectively detect extremism. Meanwhile, our international counterparts including the United Kingdom, United States and Canada as examples, have well-established and effective operational examples of hate crime policing functions which are well integrated into their respective national security frameworks.

The Federal government has the responsibility to take the lead in orchestrating the nation's response to hate. By adding into the Counter-Terrorism Strategy recognition of the link between hate crime movements as a pathway to violent extremism, the Federal government would be taking an important step to recognise Australia's changing threatscape and reorientating our policing and intelligence services to break unconscious biases and target all forms of extremism proportionate to the risks posed.

At this point, it is critical to note that hate crime and terrorism are distinct crime categories. Whilst there might be some overlap in the terrorist/hate crime movements and motivations, this is not necessary. Given the majority of hate crimes volume crime, many reports of hate crime may be of little interest to national security services. Police and security agencies need to tread carefully in drawing parallels between hate crime and terrorism to ensure that the nuances of hate crime policing are not lost in larger, often more complex counter-terrorism policing and procedures.

Internationally, the link between hate crime and far more serious offending, including mass-casualty offences, is well established. The most illustrative example can be found in the

United Nations *Strategy and Plan of Action on Hate Speech*.⁵ The UN strategy was launched on 18 June 2020 and recognises that hate speech has been a precursor to atrocity crimes. The UN strategy provides strategic guidance on how individual nations can address hate, foster social cohesion, and reduce the risk of terrorism. In one example, the NSW Police has integrated its Hate Crime Unit within the Counter-Terrorism Command.

However, AHCN notes that a stand-alone Hate Crime Unit which works closely with Counter-Terrorism Command is preferable to ensure the nuances of hate crime are not lost in the scale and gravity of counter-terrorism investigations.

In its current form, Australia's Counter-Terrorism Strategy only challenges extremist views and ideologies late in the radicalisation process. By following the strategic guidance of the UN and incorporating an understanding of how hate speech and hate crime can be precursors to extremist and terrorist activity in its Counter-Terrorism strategy, the government would be able to address the root causes of hate and meaningfully counter extremist narratives.

The current Counter-Terrorism Strategy is activated too late in the process to be effective. Current strategies depend on identified extremist behaviours and/or rhetoric. The issue with this approach is that identified individuals are in the 'honeymoon' phase and are in a place most resistant to de-radicalisation.

To reduce the impact of extremism and terrorism, prevention needs to occur earlier. To the extent an individual or group is already on the pathway toward extremist views, the government needs to significantly increase its investment in social cohesion portfolios. In counter-terrorism spheres, like most areas of social policy, prevention is better and more cost effective than the cure. If all the core motivating factors are addressed, rather than the ideology alone, the individual has an opportunity to self-realise the path they have taken and the consequences and to seek help, leading to a greater chance of de-radicalisation. The UN strategy encourages nation states to depart from this outdated policy approach. The Federal government ought to reflect the UN strategy by addressing root causes and drivers of hate and enabling effective response to the impact of hate on society.

⁵ United Nations Strategy and Plan of Action on Hate Speech
<https://www.un.org/en/genocideprevention/hate-speech-strategy.shtml>

3 c) the role and influence of radical and extremist groups, which currently fall short of the legislative threshold for proscription, in fostering disharmony in Australia and as a conduit to persons on a pathway to extremism

Organisations which are committed to fostering disharmony and extremism, but fall short of the legislative threshold for proscription, ought to be carefully monitored by police, security and intelligence agencies to detect and disrupt any escalations.

To the extent the organisations do not meet the requirements for proscription, the AHCN acknowledges that their online and offline activities still cause significant harm to Australian society. Hate speech can lead to hate crime and hate crime can lead to violent extremism. Where hate speech is left unchecked, it can embolden extremists and may accelerate their trajectory toward extremism and crime, particularly when the person or organisation spreading hate has a high public profile or is an officeholder of government.

This 'pathway' to extremism can be disrupted if the government takes the following actions:

1. Law reform:
 - a. Passes Commonwealth legislation to make vilification of all targeted communities an offence;
 - b. Passes amendments to the Online Safety Act which will enhance the accountability of online users and enable police to better detect and prosecute offenders; and
 - c. Provides guidance to states and territories on hate crime offence and penalty provisions.
2. Law enforcement and security:
 - a. Amends the Counter-Terrorism Strategy to recognise that an overlap in hate motivations may arise in extremist movements, although this is not always the case. Police and security services should exercise special caution to ensure the nuances of hate crime policing are not lost in larger, far more complex counter-terrorism operations;
 - b. Develops a coordinated policy, project and reform agenda for states and territories to address the growing problem of hate crimes, hate incidents, radicalization and extremism. The overarching function of anti-terrorism policy and law cannot be achieved by policing and security reform alone. Broader legislative and institutional reforms are needed;
 - c. Introduces best practice hate crime policing guidelines for states and territories as demonstrated by the Federal Bureau of Intelligence, United States or the College of Policing, England and Wales;

- d. Coordinates intelligence gathering protocols and centralises hate crime data to inform policy, policing and security decision-making;
 - e. Improves intelligence collection techniques to pivot authorities away from disproportionate policing of any particular community and distribute resources in accordance with today's current threatscape;
 - f. Ensures that the public servants staffing law enforcement and security agencies are representative of society, and closely and meaningfully engage with all targeted communities in Australia to maintain police legitimacy and public confidence while reducing the risk of unconscious selective bias and disproportionate policing of some communities.
3. Social policy and reform:
- a. Develops a coordinated policy, project and reform agenda for states and territories to better address the growing problem of hate crimes and hate incidents; and
 - b. Provides guidance to states and territories on alternatives to the legal system for hate crimes, including civil rights injunctions, diversionary programs and restorative justice.

3 d) further steps that the Commonwealth could take to disrupt and deter hate speech and establish thresholds to regulate the use of symbols and insignia associated with terrorism and extremism, including online, giving consideration to the experience of other countries

Hate speech

Hate speech is most effectively dealt with through anti-vilification legislation. Such laws not only set the boundary of what is acceptable and unacceptable, but can also thwart ideas that seek to vilify or harm people on the basis of their race, religion, gender and sexual identities etc. from becoming acceptable and from spreading.

RECOMMENDATION

That the Commonwealth government enact laws along the lines of the *Criminal Code Act 1913 (WA) - Amendment (Racial Vilification) Act 2004* Section 6: Sections 77-80⁶ with the addition of other protected attributes, such as religion, sexuality, gender identity, gender, disability.

Symbols

There has been some public discussion about banning the Nazi swastika – well recognised as a symbol of racist hate and genocide. There are reasons both for and against banning the Nazi swastika, along with other Nazi symbols:

In favour:

It sets a standard of what is acceptable and not acceptable. Seeing Nazi symbols on our streets can have a traumatic effect on those who suffered under the German Nazi regime and occupation, especially within the Jewish community, other European refugees and migrants, and those Australian soldiers who fought the Nazis in WWII.

Against:

1. Banning the Nazi swastika will result in neo-Nazis adopting other Nazi symbols, eg Nazi SS Totenkopf (death's head), the sonnenrad (Sun Wheel), 'Algiz', ie the "z-rune" (Ʒ) of the runic alphabet, etc, or more often, variations of the swastika (eg three arms instead of four). This makes it harder for most people in the community to recognise alternate symbols as being symbols of Nazism, and not identifying the genocidal ideology these people hold to. Thus, banning is counter-productive.

2. The swastika symbol, a geometric shape, is an ancient symbol used by many cultures from India, west Asia and even the Americas. Many Hindus in Australia will paint a swastika on the boot of their car to ward off accidents, or wear swastika necklaces. This can make it extremely difficult to distinguish whether any particular swastika is a Nazi symbol or a Hindu symbol.

⁶ *Criminal Code Act 1913 (WA)*

http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/wa/num_act/ccava200480o2004396/s6.html

RECOMMENDATION

That only the symbols, flags, insignia etc of proscribed organisations be banned from public display. At this stage, the public display of Nazi flags and symbols of the Third Reich should not be banned.

3 e) further steps the Commonwealth could take to reinforce social cohesion, counter violent extremism, and address the growing diversification of extremist ideology in Australia

A 2019 study of Countering Violent Extremism (CVE) programs in Australia and overseas found: “Unfortunately, to the extent that CVE efforts have been studied, the majority of evaluation efforts to date have focused on assessing individual programs, rather than on developing a comprehensive system approach to evaluate broader CVE outcomes.”⁷

The current focus in relation to extremism is on enforcement activities, and whilst this is crucial in the short to medium term, if the threat from extremism is to be addressed the focus needs to be given to address the long-term factors that drive extremism.

The AHCN condemns the stereotyping of the Muslim community as terrorists and acknowledges the harmful impact that this has had on the Muslim community. We also note genuine concerns raised by some Muslim organisations within the Network about the term 'Islamist extremism', a term which is prevalent in official discourse. There is a view amongst these members that the term ought to be preceded with the word “self-declared” to recognise that the actions of these terrorists do not represent 1.8 billion Muslims or their faith. The term “self-declared Islamist extremism”, or SDIE for short, could be a practical option.

Government agencies, particularly police and security services, need to engage meaningfully with communities of interest, and build meaningful relationships with all targeted communities. Further, government ought to develop collaborative working relationships with grassroots organisations as opposed to tokenistic engagement with big corporate entities.

For example, the Australian Federal Police (AFP) has previously worked on an extremely successful youth leadership program which took at risk youths on a 3-day trip to Canberra where they were introduced to a number of Government institutions that the youths believed were problematic. They met Members of Parliament, then lunched with the former AFP Commissioner Andrew Colvin, they had dinner with AFP recruits, met with forensic officers, the dog squad, the Special Operations team and the War Memorial, where they laid a wreath. Visiting all these institutions challenged the thinking of these youths by assisting them to realise that they could have a voice to power and that there were other ways they could effectively advocate. All of these young attendees went on to complete year 12 at school, one became school captain, others prefects and then onto University. They then mentored the next generation of young men. Successful programs are out there but we need to take the time to listen to these success stories and ask young people about what the experience was like for them and why it was effective.

⁷ Countering Violent Extremism in Australia and Abroad. 2019, page 59
https://www.rand.org/content/dam/rand/pubs/research_reports/RR2100/RR2168/RAND_RR2168.pdf

RECOMMENDATIONS

- (1) The provision of effective resourcing and training for frontline services to identify those who are at risk and on the pathway to extremism.
- (2) Funding and resources need to be strategically targeted to organisations and institutions that have a demonstrated capacity or potential to provide effective intervention in achieving outcomes (rather than to organisations that are easy to reach).
- (3) That the Federal Government reinstate their community engagement teams with a focus on genuine engagement with communities. That these teams are routinely consulted by the senior executives of their organisations so that they gain a true picture of what is occurring at the grass roots level. Government ought to genuinely listen to concerns within the community. Australia has many peak-bodies; engagement with all of these together with grassroots organisations is to be encouraged. To improve social cohesion, this engagement needs to be more widespread, across all sectors and regions of Australia.
- (4) That the Federal Government diversify their workforce, in particular, the Department of Home Affairs and the AFP.
- (5) That the Federal Government introduce an Anti-Hate Policy, that encompasses hatred on the basis of race, religion, gender, sexual identity, disability, along the lines of the Australian Human Rights Commission's *Racism. It Stops With Me* program. This requires a much more serious financial commitment to anti-racism, something similar in scale to the National Anti-Racism Strategy of the Canadian government. When the Australian Commonwealth government last funded the National Anti-Racism Strategy it was in the vicinity of \$1.5m over 4 years. In contrast, the Canadian government funded its *Building a Foundation for Change: Canada's Anti-Racism Strategy (2019–2022)* with \$45 million over 4 years. Although Canada's population is nearly double that of Australia's, its funding is exponentially disproportionately more.⁸

Other options include:

- public campaign or educative work on extremism and all forms of hate targeting people on the basis of race, religion, gender identity, sexuality, gender, disability,
- strengthened parliamentary oversight of efforts on countering extremism and racism and other forms of hatred. The federal government should report annually via a relevant committee on its efforts, in order to increase visibility of what it is doing in these areas,

⁸ Canadian Government, November 23 2020, *News Release*, <https://www.canada.ca/en/canadian-heritage/news/2020/11/the-government-of-canada-launches-call-for-proposals-for-the-community-support-multiculturalism-and-anti-racism-initiatives-program.html>

- the creation of an advisory group on extremism and racism and other forms of hatred to provide advice to government on how it can do better, reflecting the ever-evolving nature of the threat and the expertise that exists,
- funding research on extremism and racism and other forms of hatred, in order to enhance knowledge and understanding of the problems so as to be able to counter them.

3 f) the role of social media, encrypted communications platforms, and the dark web in allowing extremists to communicate and organise

Internet platforms can be divided into two types: mainstream sites and extremist sites.

Over the years, mainstream social media platforms like Facebook, Twitter, Youtube, Instagram and others have attempted to remove vilification and hate content, deleting tens of thousands of accounts of those breaching the platforms' rules on hate speech and the like.

Extremist sites, like Gab, Telegram, Minds, Bitchute, etc promote themselves as 'free speech' sites. This means that they allow racist, hateful and vilifying content. Some explicitly say they will not tolerate incitement to violence, but this is often loosely upheld.

As the mainstream sites remove extremist users, the users tend to move over to the extremist sites. This has positive and negative ramifications. On the positive side, it means that extremists have very little influence on the vast majority of ordinary people and are therefore unable to spread their views more widely to people on mainstream sites. In addition, these sites can act as a honey-pot, where users are easily monitored by police and researchers. Even though most users use pseudonyms, which makes it more difficult to identify the person, enough extremists use their real names, or names by which they can be identified.

However, on the negative side, users of these extremist sites are not exposed to counter-arguments but, instead, operate in echo-chambers that reinforce their extremist views. Although these extremist sites may act a safety valve by allowing users to vent their views, which if built up could result in frustration and violence, by having their own views constantly reinforced, users can become more motivated to commit an act, including one of violence.

Since the attack on the Capitol building in the US on 6 January 2021, many right-wing extremists have left mainstream sites and moved into the so-called 'free speech' sites. Within a period of six days, Gab claimed that it was gaining 10,000 new users every hour.⁹

However, extremist ideas have flourished on both mainstream and extremist-based social media.

RECOMMENDATION

That mainstream social media sites are made, via Commonwealth legislation, to delete posts and comments that vilify or incite violence against people on the grounds of their race, religion, gender, sexuality etc, and delete the accounts of users who repeatedly violate those rules. That corporations and NGOs have effective moderation of their social media sites.

⁹ Libertina Brandt and Grace Dean. 2021, January 12.

<https://www.businessinsider.com.au/gab-reports-growth-in-the-midst-of-twitter-bans-2021-1>

3 g) any other matters related to these terms of reference, noting the roles and responsibilities of states and territories in Australia's counter-terrorism arrangements, and constitutional limitations

As extremist ideas and ideologies can often lead to support for, or actual acts of, violence against targeted groups, it can be argued that there is not a great deal of difference between a hate crime and a terrorist act – as both are rooted in extremism, hatred and an ideological cause, and usually result in violence. The main difference may be considered to be the extent of the casualty list.

Australia lacks a national database of hate crime and lacks consistent laws against vilification and incitement to violence by the state jurisdictions. In contrast, the UK, Canada and the US have systems in place to collect, hold and analyse hate crime. Therefore, to gauge the extent and capacity of extremist elements within Australia, and to obtain information on the situation, Australia requires:

- a definition of "hate crime" that is officially recognised throughout Australia;
- an official, centralised, nation-wide way of recording such crimes; and
- a consistency of approach between different jurisdictions.¹⁰

RECOMMENDATIONS

That the Federal government establish a national database of hate crime in Australia, with data to be collected and held by the Australian Federal Police, and that such data be analysed and reported on publicly each year.

That the Federal government review its legislation with respect to vilification and incitement to violence, and adopt effective legislation; for example, along the lines of Western Australia's *Criminal Code Amendment (Racial Vilification) Act 2004* (No. 80 of 2004) - Sect 6 (clauses 77-80). In addition, that the grounds be extended to include not just race, but also religion, sexuality, gender identity, gender, disability.

¹⁰ Peter Wertheim. 2019. *Why we need a uniform national system for classifying and recording hate crimes* <https://www.abc.net.au/religion/we-need-a-uniform-national-system-for-classifying-and-recording/10930422>

CONCLUSION

The Australian Hate Crime Network commends the Parliamentary Joint Committee on Intelligence and Security for conducting this Inquiry into such important matters.

We also appreciate the work done by law enforcement and security agencies in countering extremist violence, groups and individuals.

Being composed of a broad range of people, from academics, including criminologists, to representatives of minority communities, the AHCN is well-placed to contribute information, ideas and recommendations to the Inquiry.

To repeat the aims from our Introduction:

The aim of any proposed changes in legislation or policies needs to be guided by two principles:

1. Maintaining a balance between the individual civil rights of people, including those with extremist views, and the communal need for security from incitement and violence;
2. Ensuring that laws and policies are not counter-productive to the fight against extremism, but are based in solid evidence, and are not reactions that are politically expedient.

Should the Inquiry participants seek further information on, or clarification about, the content of the AHCN submission, please feel free to contact the co-convenors:

Julie Nathan julie@ecaj.org.au (and chair of the AHCN Extremism Inquiry committee)

Gail Mason gail.mason@sydney.edu.au