

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE**

Parliamentary Joint Committee on Intelligence and Security inquiry into Extremist movements and radicalism in Australia

**QoN Number: 01**

**Subject: Listings under the Criminal Code Processes**

**Asked by:** James Paterson

**Question:**

CHAIR: Who is responsible for making that assessment?

Mr Teal: I'll take you through the process, perhaps, and then we can unpick that.

CHAIR: That would be good.

Mr Teal: The department has the lead role in coordinating the process and providing advice to the Minister for Home Affairs in relation to the listing, relisting and delisting of terrorist organisations. Relevant agencies that are involved in determining the appropriateness of terrorist organisation listings and are involved in the decision include the Attorney-General's Department, the Australian Border Force, the Australian Criminal Intelligence Commission, the Australian Federal Police, the Australian Geospatial-Intelligence Organisation, the Australian Secret Intelligence Service, the Australian Security Intelligence Organisation, the Australian Signals Directorate, the Australian Transaction Reports and Analysis Centre, AUSTRAC, the Department of Defence, the Department of Foreign Affairs and Trade, the Department of the Prime Minister and Cabinet and the Office of National Intelligence, which is what you'd expect to garner the information in order to go through the process. Importantly, regard is given to not only the legislative criteria, which I've articulated, but also the non-legislative criteria, which are important, and I'll go through those: the organisation's engagement in terrorism; the organisation's ideology, links to other terrorist groups, links to Australia, threats to Australian interests and listing by the United Nations or like-minded countries; and the organisation's engagement in peace and mediation processes. Depending on available information, some non-legislative factors may carry more weight than others in selecting organisations for consideration. Not only is there the legislative side of it; there are the non-legislative factors that are then involved. After the relevant bodies consider the material that has been provided—and that occurs in the department—the Australian Government Solicitor's advice is sought in relation to the appropriateness or otherwise of the listing meeting the criteria. It is then moved forward at that point. I'm happy to table material as it relates to that process in more detail. It's on the website.

CHAIR: That would be helpful.

**Answer:**

The 'Protocol for listing terrorist organisations under the *Criminal Code*' (**Attachment A**) provides detailed information on the process for listing terrorist organisations. The Protocol can be found on the Australian National Security website, found here:

<https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/ProtocolForListingTerroristOrganisations.aspx>

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**QoN Number: 02**

**Subject: Objectionable material**

**Asked by:** James Paterson

**Question:**

CHAIR: I understand that. I think that's sensible. What is your knowledge of the international evidence of the effectiveness of banning symbols like this? Do jurisdictions that have done so point to any success in curtailing extremism or violence?

Mr Teal: The UK has these provisions. I'd need to refer to others as to the effectiveness of those provisions as they're currently in place.

Mr Feakes: As Mr Teal said, the UK has provision in its Terrorism Act that provides that people wearing objectionable clothing or insignia can be prosecuted. That's the only jurisdiction that I'm aware has similar legislation. As to the effectiveness, I'd have to come back to you on that.

CHAIR: That would be very helpful. I'd be interested if, on notice, you could point to that. Also, if you can answer this now it would be ideal, but, if not, please answer it on notice: what constitutes 'objectionable'? That's a very broad term. I could fit a few things into that category.

Mr Teal: Thanks for that question, Chair; that's a cracker! Can I come back to you on notice on that, to provide some clarity about it? If it's alright, I'll come back to you on what we've learned in the UK setting as well as the expansion of that answer.

**Answer:**

The Department of Home Affairs is aware of legislation in the United Kingdom (UK) and Germany which makes it an offence to display (and, in the case of Germany, to produce or disseminate) certain symbols. These regimes ban symbols, or items bearing symbols, linked to proscribed or banned organisations.

**Provisions in the United Kingdom**

Under section 13 of the UK *Terrorism Act (TACT) 2000*, it is an offence to:

- wear an item of clothing, or wear, carry or display an article in a public place, in such a way or in such circumstances as to arouse reasonable suspicion that the person is a member or supporter of a proscribed organisation; or
- publish an image of an item of clothing, or any other article, in such a way or in such circumstances as to arouse reasonable suspicion that the person is a member or supporter of a proscribed organisation.

For an offence to be committed, the displayed flag, logo or emblem depicted does not need to be the precise and current version used by a particular proscribed organisation.

Section 13 is a summary offence and a person found guilty can be liable to imprisonment for a term not exceeding six months, a fine, or both. The UK government advises that beyond its potential prosecutorial value, section 13 is considered a valuable counter-terrorism and public order measure in terms of serving as a deterrent against the display of certain articles related to proscribed organisations (e.g. flags) at public demonstrations.

### **Provisions in Germany**

Sections 86 and 86a of the German *Criminal Code* apply to organisations banned by Germany's Interior Minister for having aims or activities that 'contravene the criminal laws or that are directed against the constitutional order or the concept of international understanding' under Article 9 of the German Constitution. While section 86 relates to propaganda material more broadly, section 86a relates specifically to symbols.

Section 86a provides:

Whoever

- disseminates the symbols of one of the political parties or organisations designated in section 86 (1) nos. 1, 2 and 4 in Germany or uses them publicly, in a meeting or in material (section 11 (3)) disseminated by themselves or
- produces, stocks, imports or exports objects which depict or contain such symbols for dissemination or use in Germany or abroad in a manner referred to in no. 1

incurs a penalty of imprisonment for a term not exceeding three years or a fine. Symbols within the meaning of this section are flags, insignia, uniforms and their parts, slogans and forms of greeting. Symbols which are so similar as to be mistaken for those referred are deemed to be equivalent to them.

While propaganda crimes under section 86 and 86a of the German *Criminal Code* accounted for more than 50 per cent of right-wing motivated crimes in Germany in 2020, the German government advises that the effectiveness of the provisions is difficult to quantify, as the relevant legislation is long-standing.

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**QoN Number: 03**

**Subject: CVE Program Statistics**

**Asked by:** Celia Hammond

**Question:**

Ms HAMMOND: What sort of data and metrics do they supply—just the amount of people who have gone through these programs or the outreach? What are the outcomes?

Dr Johnson: No, not just that. It's the number of referrals that are provided to them. Not everyone that's referred to one of these programs will actually be a recipient of the services because the referrals may be for some other issue which is not directly related to CVE. There is a triaging process. Each state and territory has set up mechanisms to bring in experts to look at an individual case, understand what the nature of the issue is and whether to accept them into the program if they agree to participate. We have stats around referrals. We have stats around the numbers that are in the program at any one time. We have a breakdown of the ideological component of that individual's potential radicalisation and also things like length of time in program.

Ms HAMMOND: As a question on notice it would be interesting to get access to, obviously anonymised, statistics. Would there be any issues with supplying that?

Dr Johnson: We can certainly take that on notice.

**Answer:**

In 2019-20, there were 91 referrals to the *Living Safe Together* Intervention Program (referral data is updated at the end of each financial year).

As at 31 March 2021, there were 69 participants in the program (62 Male; 7 Female):

- 41 (59 per cent) relating to religiously motivated violent extremism
- 18 (26 per cent) relating to ideologically motivated violent extremism
- 10 (15 per cent) relating to other.

Age

- 18 are aged under 18
- 33 are aged between 18-30
- 18 are aged over 30

On average, a participant's time in the Program ranges from one to two years.

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**QoN Number: 04**

**Subject: Engagement on educating schools**

**Asked by:** Celia Hammond

**Question:**

Ms HAMMOND: I imagine, though, that it is not just based on online activity. Does Home Affairs or do the state and territories engage with schools on educating them about what might be needed to be looked at?

Dr Johnson: I will take that on notice, but, in principle, one of the roles of the state and territory intervention coordinators is to build those links to a number of professions, whether it be teachers, health workers, mental health workers or policing services. I'll take on notice the particular detail.

**Answer:**

The Department of Education, Skills and Training has provided \$734,000 (GST exc) in funding for CVE awareness training for school leadership team staff (senior administrators and staff who are responsible for governance decisions in a school) in state and territory jurisdictions.

In 2019-20, the CVE Sub-Committee of the Australia-New Zealand Counter-Terrorism Committee provided \$250,000 (GST exc) to the Department of Education, Skills and Employment to evaluate the effectiveness of this initiative. The final report is expected later in 2021.

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**QoN Number: 05**

**Subject: Breakdown of Social Cohesion Budget package**

**Asked by:** Anne Aly

**Question:**

Dr ALY: How much of that \$71 million package for social cohesion actually goes to work that's done with the broader community as opposed to work that's done with settlement communities and cultural and linguistically diverse communities? What I'm trying to get at is: how much of that actually practically goes to combating the rise of far-Right extremism and engaging people in combating far-Right extremism?

Dr Johnson: I will give you a good and clear example. The funding that we have received for a new strategic communication capability, part of which you will have seen through the new Australian values online channels, which is about providing regular and ongoing information about Australia's values, and about our national inclusive national identity, is one aspect of speaking to the whole Nation.

Dr ALY: But that's just one part of the \$71 million package.

Dr Johnson: It's a very significant part of the \$62.8 million budget initiative that the government announced last year. From memory, it's something like \$23.6 million over the forward estimates. That is a very significant investment in that new capability, which goes to some of the elements of the work that Mr Teal was outlining just before.

Mr Teal: Dr Aly, I can take that on notice and give you the breakdown. Would that be helpful?

Dr ALY: Yes, that would be great.

Mr Teal: We can give you what the breakdown is so you can see it as opposed to trying to piece it together in a jigsaw. Is that okay?

Dr ALY: Yes, that's fantastic.

**Answer:**

The Government announced in the 2020-21 Budget \$62.8 million over five years from 2019-20 to strengthen Australia's social cohesion and community resilience in the COVID-19 recovery period. The package applies to the broader community and is not limited to settlement communities and cultural and linguistically diverse communities. The package covers:

- \$37.3 million over four years to promote Australian values, identity and social cohesion, and counter malign information online, including \$23.6 million to



establish a strategic communications capability to promote Australian values and contest disinformation and misinformation;

- \$17.7 million over four years to enhance engagement with multicultural communities; and
- \$7.9 million over four years to establish a research program to inform initiatives to strengthen social cohesion.

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**QoN Number: 06**

**Subject: Funding for prison programs**

**Asked by:** Anne Aly

**Question:**

Dr ALY: Yes, so just to get that clear, the specific CVE funding or discreet CVE funding is \$8 million a year—\$3 million for Living Safe Together, \$3 million for online activities and \$2 million for CVSC architecture?

Dr Johnson: Indeed, that's this year's allocation. Just to make it very clear, that funding line is completely separate to the social cohesion package that we were just talking about.

Dr ALY: Yes. Thank you for clarifying that. How much of that goes to the prisons programs?

Dr Johnson: I can give you the detail of that on notice. But there is a component of that where we do work with state and territories in prisons. For instance, we're working with them on a lot of work capability building for front-line prison officers to understand signs of radicalisation and extremism and engage it. So there's definitely a component that does go to prisons, but I will take that on notice, if you don't mind.

**Answer:**

The states and territories are responsible for managing prisons. The Australian Government, through the Countering Violent Extremism (CVE) Sub-Committee (CVESC) of the Australia-New Zealand Counter-Terrorism Committee, provides funding to strengthen national CVE capability, including in prisons.

CVESC has provided such support for two streams of activities in prisons:

- A total of \$2.75 million since 2010 to support states and territories establish and maintain CVE intervention and disengagement programs in prisons.
- A total of \$755,000 since 2016 to support projects to identify signs of radicalisation and violent extremism, including training for front line prison officers.

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**QoN Number: 07**

**Subject: Prison Programs**

**Asked by:** Anne Aly

**Question:**

Dr ALY: Of the programs in prisons, how much of them are direct programs about being able to identify, and how much of them are about actual intervention, such as actual programs working with the individual?

Dr Johnson: Do you mean how much in terms of the budget? Can I just clarify that?

Dr ALY: Both. The budget and how much of the work is done—

Dr Johnson: We can take that on notice. I think the general point is that part of the prison's work does involve capability to work with an individual in terms of potential rehabilitation.

**Answer:**

Refer to QoN: 06.