



**NSW Government submission to the
Parliamentary Joint Committee on Intelligence
and Security**

**Inquiry into extremist movements and
radicalism in Australia**

18 March 2021

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NSW counter terrorism and countering violent extremism approach

In 2015, the NSW Government announced \$47 million for its inaugural four-year Countering Violent Extremism (CVE) program. An independent evaluation completed in 2019 found that the program had made progress against its intended outcomes,¹ including achieving better capacity across the NSW Government and within NSW communities to respond to violent extremism. The evaluation also found that the NSW CVE program had reached almost 1.5 million people and had increased community resilience to, and strengthened protective factors against, violent extremism.²

The NSW Government has continued funding the CVE program, investing a further \$12.3 million in 2020/2021.

The Premier leads the state's efforts to prevent terrorism and counter violent extremism, representing NSW in the development of intergovernmental arrangements to counter terrorism and violent extremism and in reforms and responses to emerging issues.

The Minister for Counter Terrorism coordinates the NSW Government's strategic policy on countering terrorism and CVE, including oversight of the NSW Counter Terrorism Strategy,³ strategic policy and engagement with the community.

The NSW counter terrorism and CVE efforts are distinct but complementary. They are agnostic to the type of extremism to be addressed, whether it be motivated by religion, ideology or politics.

While counter terrorism is led by law enforcement agencies, CVE programs are primarily led by social policy agencies, working closely with NSW communities. Programs seek to build resilience and cohesion in communities and protect, divert and disengage individuals from violent extremism. The NSW CVE approach has a focus on prevention and early intervention – through initiatives such as support and wellbeing programs in schools, a community helpline and website, and joint efforts the NSW Police Force to combat bias crimes.⁴ More targeted interventions are delivered by way of mental health supports for people with

¹ ACIL Allen. 2019. *NSW Countering Violent Extremism Program Evaluation*, pp.28-29, https://www.cveevaluation.nsw.gov.au/_data/assets/pdf_file/0006/771963/ACIL-Allen-NSW-CVE-Evaluation-Final-Report-October-2019.pdf

² ACIL Allen. 2019. *NSW Countering Violent Extremism Program Evaluation*, p.iii. https://www.cveevaluation.nsw.gov.au/_data/assets/pdf_file/0006/771963/ACIL-Allen-NSW-CVE-Evaluation-Final-Report-October-2019.pdf

³ Department of Communities and Justice, *NSW Counter Terrorism Strategy* (NSW Government, 2020). The Strategy is also available online, at: https://www.secure.nsw.gov.au/media/mailout/302/_/8e9joen96i31gkss00/NSW+CT+Strategy+-+January+2020.pdf

⁴ Bias crime is described as “where the victim is targeted because of an aspect of his or her identity, including race, ethnicity, religion or sexual orientation.” See: Gail Mason, “A Picture of Bias Crime in New South Wales,” *Cosmopolitan Civil Societies: an Interdisciplinary Journal*, 2019: Vol. 11, No. 1, <https://epress.lib.uts.edu.au/index.php/mcs/article/download/6402/7157?inline=1#idTextAnchor037>

fixated threats, multi-agency case management for those at risk of violent extremism, and interventions for people in youth justice and adult custodial facilities.

Recognising the potentially divisive impact of extremist hate and violence on community harmony, the NSW Government considers social cohesion to be an integral element of CVE policy and programming. NSW views the state's diverse communities as a source of strength. Engagement with communities is essential: the best defence against violent extremism is strong, resilient individuals and communities.⁵

About this submission

This submission outlines preliminary responses to the terms of reference for this inquiry. Further consideration of specific policy issues emerging from the inquiry will be required to ensure alignment with existing policy in NSW.

This submission is a whole-of-NSW Government response to the terms of reference for the inquiry, and is based upon consultation with key counter terrorism and CVE agencies, including the NSW Police Force, the NSW Department of Communities and Justice (which includes Corrective Services NSW and Youth Justice NSW), Multicultural NSW, NSW Health, and the NSW Department of Education.

The individual legislative and policy issues discussed in this submission may impact upon young people and adults differently. It is suggested that further discussions, in particular about recommendations resulting from this inquiry, be undertaken with this distinction in mind.

Should the inquiry make any recommendations that impact existing policies in NSW, there will need to be adequate time for extensive consultation with NSW to ensure alignment with existing policy in NSW or that any new arrangements are appropriately resourced.

The NSW Government looks forward to continued consultation and collaboration with the Commonwealth and state and territory governments to progress the issues under investigation by this Committee.

⁵ For example, refer to Multicultural NSW, COMPACT: Program and Grants Information 2020-21 (NSW Government, 2020) available at: http://www.multicultural.nsw.gov.au/file_download/221.

Addressing the Terms of Reference for the inquiry into extremist movements and radicalism in Australia (1) and (2)

- 1. the nature and extent of, and threat posed by, extremist movements and persons holding extremist views in Australia, with a particular focus on:**
 - a. the motivations, objectives and capacity for violence of extremist groups including, but not limited to, Islamist and far right-wing extremist groups, and how these have changed during the COVID-19 pandemic; and**
 - b. the risk to the community of high risk terrorist offenders;**
- 2. the geographic spread of these extremist movements and persons in Australia, and their links to international extremist organisations;**

The current threat environment

NSW Police Force have provided advice on the current threat environment in NSW at Attachment A.

NSW, research, legislation and initiatives to counter violent extremism

NSW Government mitigates the threat to the community from violent extremism and/or terrorism through a comprehensive counter terrorism legislative framework and suite of programs and initiatives addressing violent extremism.

Research and evaluation

NSW Government prioritises investment in research to ensure the understanding of CVE practice and policy is current and aligned to best practice in Australia and internationally. CVE is an inherently complex social problem. It has no clear, single origin or solution, and addressing it requires a multifaceted approach. Extremist ideologies adapt and continue to emerge. One form of extremism can fuel other forms of extremism through a cycle of hate, sometimes referred to as cumulative and reciprocal radicalisation.⁶

The NSW Government places a strong emphasis on the publication and dissemination of research and program evaluation in the CVE program. In 2020, with the support of funding from the Australia-New Zealand Counter-Terrorism Committee (ANZCTC) CVE Sub-Committee, NSW developed a Countering Violent Extremism Evaluation Tool,⁷ which is an online resource supporting CVE practitioners in their design and evaluation of CVE programs. Evaluations of NSW CVE programs are published on a NSW Government website.⁸

⁶ Tahir Abbas, *Far Right and Islamist Radicalisation in the Age of Austerity: A Review of the Sociological Trends and Implications for Policy*, ICCT Policy Brief, January 2020, pp.3-4

<https://icct.nl/app/uploads/2020/01/TahirAbbasAusterity.pdf>

⁷ NSW Government, Countering Violent Extremism Evaluation Tool, <https://www.cveevaluation.nsw.gov.au/>

⁸ <https://www.cveevaluation.nsw.gov.au/>

Networks and narratives of online right-wing extremists

In 2019, the NSW Government provided funding to Macquarie University to analyse the nature of the online right-wing extremist environment in NSW.⁹

This research, “*Mapping Networks and Narratives of Online Right-Wing Extremists in New South Wales*”, was published in October 2020 and is available online.¹⁰

The research revealed a number of key factors concerning the right-wing extremist environment, including that the central theme of ‘white identity under threat’ connects right-wing extremist communities in Australia with those in North America and Europe. It also revealed a risk of a ‘creeping threat’ to liberal democracy when the activities of right-wing extremists seek to widen the range of acceptable social and political discourse in our society (the “Overton Window”)¹¹ by using narratives which challenge Australian liberal democracy.

The ‘white identity under threat’ theme also asserts the illegitimacy of governments. Researchers found evidence of narratives showing disdain and opposition to ‘elites’, including politicians across the political spectrum. While content in the online discussions may not always be explicitly violent, researchers concluded that it seeks to push an anti-government agenda and undermine participatory, liberal democracy.

During 2021, the NSW Government is commissioning further research which will examine online extremism in NSW in the context of the global COVID-19 pandemic, using the previous research as a pre-COVID-19 baseline. This research will consider how the COVID-19 pandemic has been appropriated by right-wing and other extremists to further their aims and objectives.

NSW counter terrorism laws

The NSW and Commonwealth Governments have implemented comprehensive counter terror laws to minimise the risk to the community of high risk terrorist offenders.

⁹ <https://www.mq.edu.au/newsroom/2020/10/09/rise-of-online-right-wing-extremism-mapped-in-landmark-nsw-study/>

¹⁰ Department of Security Studies and Criminology. (2020, October 9). *Mapping Networks and Narratives of Online Right-Wing Extremists in New South Wales (Version 1.0.1)*. Sydney: Macquarie University. <http://doi.org/10.5281/zenodo.4071472>

¹¹ ‘... [T]he Overton Window can both shift and expand, either increasing or shrinking the number of ideas politicians can support without unduly risking their electoral support.’ (Mackinac Center for Public Policy 2019). Mackinac Center for Public Policy. 2019. For a short explanation of the Overton Window see: <http://web.archive.org/web/https://www.mackinac.org/OvertonWindow>. The research also noted that issues for future consideration included building awareness about the civic underpinnings of representative liberal democracy and the threat of right-wing extremism, and, expanding the current CVE infrastructure provided by the NSW Government to those vulnerable to this kind of extremism. The researchers noted that local government was well placed to deliver programs in some communities. See Department of Security Studies and Criminology. (2020, October 9). Department of Security Studies and Criminology. (2020, October 9). *Mapping Networks and Narratives of Online Right-Wing Extremists in New South Wales (Version 1.0.1)*. Sydney: Macquarie University. <http://doi.org/10.5281/zenodo.4071472>

In November 2017, the NSW Parliament passed reforms to introduce a post-sentence framework for NSW. Under the *Terrorism (High Risk Offenders) Act 2017* (THRO Act), preventative action, such as extended supervision orders (ESO) and continuing detention orders (CDO), can be made by the Supreme Court of NSW, on application of the State, if the Court is satisfied that a NSW offender poses an unacceptable risk of committing a terrorism offence at the end of their sentence. Unlike the Commonwealth high risk offender post-sentence scheme, the NSW scheme is not limited to terrorism offenders. A dedicated unit within the Community Corrections Division of Corrective Services NSW (CSNSW) manages offenders subject to ESOs under the THRO Act.

Also in 2017, the NSW Government introduced new laws that provide certainty for police officers if they need to use lethal force in combatting or responding to an act of terrorism. The *Terrorism Legislation Amendment (Police Powers and Parole) Act 2017* removed operational uncertainty regarding police use of force in responding to terrorism incidents.

NSW has a pre-charge investigative detention scheme, whereby police may arrest, detain and question terrorism suspects for the purposes of responding to recent terrorist attacks, or to prevent an imminent terrorist attack. NSW has tightened bail laws and introduced a presumption against parole for people with links to terrorism. The NSW specific legislation sits within the broader national framework of terrorism offences and powers.

Harsher penalties for incitement to violence

In 2018, the NSW Government introduced a new offence of publicly threatening or inciting violence on the grounds of race, religious affiliation, sexual orientation, gender identity, intersex or HIV/AIDS status. The offence, under section 93Z of the *Crimes Act 1900* (NSW) carries a maximum penalty for an individual of three years imprisonment, a fine of \$11,000, or both, and for corporation a fine of \$55,000.

In May 2020, the NSW Government launched the *Stop Public Threats* campaign¹² to raise awareness of the new incitement to violence offence and to target hate and xenophobia, including online abuse and in the community. The multimedia campaign was designed to help victim-survivors and the community understand their legal rights, ensuring that threats of violence are reported to police for investigation. The campaign was developed by Legal Aid NSW with a range of stakeholders including the NSW Police Force, the Office of the Director of Public Prosecutions and the 'Keep NSW Safe' coalition of community stakeholders. As at 31 January 2021, there have been 500 interactions with the *Stop Public Threats* website.

¹² <https://stoppublicthreats.legalaid.nsw.gov.au/>

Initiatives to Counter Violent Extremism

Boosting efforts to police bias crime

The NSW Police Force has a dedicated Engagement and Hate Crime Unit, which oversees and works with all Police Area Commands to investigate hate-motivated incidents. In 2020/2021, the NSW Government boosted funding for the NSW Police Force to improve its capability to tackle bias crime. This funding is supporting training for police officers and improved data analysis, and has boosted system capability to record data on bias crime.

Proactive Integrated Support Model

The Proactive Integrated Support Model (PRISM) is a multi-disciplinary, state-wide intervention program, delivered by a mobile team within Corrective Services NSW. The team works with adult offenders in custody who have expressed certain religious or political views or acted in such a way that may be considered radical or extreme. The objective of PRISM is to assist participants to disengage from previous extreme behaviours and ideology, with the aim of helping them successfully reintegrate back into society.

Pathways to Assessment and Treatment for High Security inmates (PATHS)

Corrective Services NSW separates or disperses terrorist and violent extremist inmates according to their risk to community safety and risk of becoming radicalised or radicalising others. Individual factors including age, remand status, and offence are also critical considerations.

The Pathways to Assessment and Treatment for High Security inmates (PATHS) Model provides a range of placement options for these inmates, including:

- highly secure accommodation and strict separation from other inmates;
- highly secure accommodation with some separation from other inmates;
- placement in the mainstream prison population; and
- eventual reintegration back into the community.

Review of REAP training for staff in custodial environments

The Radicalisation and Extremism Awareness Program (REAP) trains staff in Corrective Services NSW and Youth Justice NSW to recognise and report all indicators of radicalisation. This training is currently under review and will include new specialist content focussing on indicators of, and responses to, far-right extremism.

Youth Justice NSW Countering Violent Extremism Unit

Youth Justice NSW's Countering Violent Extremism Unit is designed to provide multidisciplinary practice-based CVE support to relevant young people under supervision in custodial and community environments, and to Youth Justice NSW staff. The objective of the Youth Justice NSW CVE Unit is to achieve the effective identification, diversion and/or disengagement of young people from violent extremism, through comprehensive

assessment of at-risk and radicalised young people, and support to Youth Justice NSW staff to case manage and intervene with at-risk and radicalised young people.

Step Together helpline

Step Together is a NSW-funded helpline and online support service for people concerned about friends, family or loved ones who may be headed down a path of violent extremism. The 2019 evaluation of *Step Together* was broadly positive, praising its messaging, community engagement and strong links with service providers. Following the act of terrorism in Christchurch in 2019, *Step Together* received a spike in calls and webchats relating to far-right extremism.

CASE STUDY

Step Together helpline: Dean's story

A Step Together counsellor received a call from a relative concerned about his nephew Dean,* who was expressing white supremacist views.

Dean had been arguing with lecturers at university about these views and was becoming withdrawn and socially isolated.

The caller was not aware if Dean was affiliated with any groups, but he said his nephew referred to himself as an 'eco-fascist' and was supportive of the Christchurch perpetrator.

The caller did not believe that Dean was at risk of harming himself or others, but was concerned about the impact this discourse was having on the family.

The Step Together counsellor discussed local support and referral options, discussed how to maintain open lines of communication with Dean, and provided details of appropriate contact points should the issues escalate towards violence.

*Name has been changed

Step Together publishes articles to educate the community on a range of extremist groups and their messaging.¹³ Recent articles have focused on:

- extremist groups that use violent;
- Removing Hate from the Debate; and

¹³ <https://stepttogether.com.au/>

- Similarities and differences between cults and violent extremism.

The NSW Engagement and Support Program

The NSW Engagement and Support Program (ESP) is a multi-agency intervention program part-funded by the Commonwealth through its *Living Safe Together* Program. The ESP is a voluntary program that aims to assist individuals to make positive behavioural changes to limit their risk of participating in violent extremism. The program is supported by a multi-agency panel that provides expertise from various disciplines. An example of how the ESP assists individuals is provided as a case study.

Strengthening community resilience

The NSW approach explicitly focusses on CVE efforts not only to *prevent* terrorist incidents but also to *recover* from them. This reflects the rationale that the better we respond to and recover from terrorism and violent extremism, the better chance we have of preventing retaliatory acts of terrorism and the incidence of violent extremism and terrorism in the long term.

The NSW Community Partnership Action Program (COMPACT)

The NSW Community Partnership Action program (COMPACT) is a community grants program which aims to promote social cohesion and community harmony. It provides grants to community-based, youth engagement projects involving an alliance of dozens of partner organisations.

COMPACT has been independently evaluated¹⁴ and found to be effective, demonstrating strong evidence of impact on social cohesion and resilience in NSW communities. Two-thirds of surveyed participants agreed that they had a greater appreciation for different perspectives and ways of life, while more than half agreed they were more confident in their ability to speak up about issues that matter among friends and family.

COMPACT tackles the threat to social cohesion posed by all forms of extremism.¹⁵ For example, the *Community Action for Preventing Extremism* (CAPE) project, funded under COMPACT, specifically targets right-wing extremism. CAPE, led by non-government organisation *All Together Now*, was designed to increase awareness of the dangers of right-wing extremism and develop a volunteer youth network to challenge white nationalist activity.

¹⁴Urbis, 2018, Evaluation of the COMPACT Program,
https://multicultural.nsw.gov.au/files/COMPACT_Evaluation%20Report_Final_010219a.pdf

¹⁵ A list of funded COMPACT projects is available from www.multicultural.nsw.gov.au

A 2018 evaluation of CAPE by Urbis found indications that the program increased engagement, with almost all participants in the CAPE project staying on as volunteers or taking on a more involved role with the organisation.¹⁶ Based on what has been learned in the CAPE project, *All Together Now* will be funded in 2020/21 to lead a project to develop two new training packages for young people to inoculate them against divisive, hateful and/or violent conspiracy theories and fake news.

The Middle Ground project,¹⁷ also funded by COMPACT in 2016, seeks to engage communities, reduce polarisation and promote positive engagement and greater social cohesion.

The *Islamophobia Register Australia* has received COMPACT funding in 2020. This project aims to raise awareness about Islamophobia, supporting service providers including the NSW Police Force, Anti-Discrimination NSW and Mindwise to support victims. Part of the purpose of the project is to magnify the online presence of *Islamophobia Register Australia* to encourage a greater volume and diversity of reports, as well as broader community and bystander awareness raising.

Remove Hate from the Debate

Multicultural NSW launched *Remove Hate from the Debate*, a campaign and website¹⁸ helping people address online hate speech in 2019. *Remove Hate from the Debate* aims to address hate speech by helping young people have safe and robust conversations online and empower people to be a positive voice for change. The *Remove Hate from the Debate* campaign was soft launched in September 2017 and officially relaunched in June 2019 in partnership with Facebook. As at February 2021, the social media campaign has reached more than 900,000 people.

The Point Magazine

The Point Magazine, published by Multicultural NSW beginning in 2013, covers issues relating to violent extremism and focusses on challenging both ISIS-inspired and right-wing extremist narratives. *The Point Magazine* was positively evaluated by an independent evaluation,¹⁹ which found that the publication was highly valued for being a direct voice from the grassroots and for including authentic content from a variety of viewpoints.

NSW conference on the impact of right-wing extremism and Islamophobia

A NSW Government-funded conference titled *Collaborative Approaches to Counter the Extremist Right-Wing and Islamophobia* was held in Sydney in November 2019. The conference, convened by Charles Sturt University (CSU) with support from the Islamic

¹⁶ Urbis, 2018, Evaluation of the COMPACT Program, https://multicultural.nsw.gov.au/files/COMPACT_Evaluation%20Report_Final_010219a.pdf

¹⁷ <http://www.middleground.org.au>

¹⁸ See: <http://www.removehatefromthedebate.com>

¹⁹ Horizon Research, 2018, Finds of a Market Research Study to Evaluate 'The Point Magazine,' https://www.cveevaluation.nsw.gov.au/_data/assets/pdf_file/0004/771979/The-Point-MagazineRpt08FINAL.pdf

Sciences and Research Academy Australia (ISRA) and *All Together Now*, was the first government-funded CVE conference in Australia dedicated specifically to examining the impact of the extremist right-wing and Islamophobia on social cohesion. The conference brought together 120 government, academic, non-government and civil society organisation representatives to examine the impacts of these threats and explore emerging risks to social cohesion.

The report on the conference²⁰ notes that right-wing extremists and violent extremism are a threat to social cohesion and to democracy. It highlights the need to strengthen and connect communities to achieve a common goal, which is a society that is safer and more cohesive.

The delegates identified five major issues that impeded social cohesion, including:

- a lack of education programs for children that promote social cohesion;
- a polarised society;
- the securitisation of Muslim communities which views them as a “problem”;
- that the risk posed by extremist-right wing ideology and Islamophobia is not recognised and understood; and
- the media’s role in the normalisation of hate speech towards Muslim communities.

Several initiatives were suggested by delegates to respond to right-wing extremism, including:

- the inclusion of material relating to Muslim contributions to society in the school curriculum;
- improving diversity in corporate workplaces, including reducing barriers to employment and promotion ;
- legislation to address hate speech;
- providing platforms for Muslim communities to engage with the media on a wide range of issues, not only relating to Muslim faith; and
- development of a code of conduct for media.

The NSW Government has developed several of the recommendations emerging from the conference, with the following initiatives to be delivered as part of the 2020/2021 NSW CVE Program:

- media training for Muslim religious and youth leaders;
- helping children and young people better navigate polarised online environments;
- and

²⁰ Derya Iner and Priscilla Brice, *Collaborative approaches to counter the extremist right-wing and Islamophobia threats: A Report on the NSW Conference held on 21 November 2019* (Charles Sturt University: Sydney, 2019).

- development of community resilience networks.

Roundtables with Muslim religious leaders, youth and women

A series of in-depth engagements were held throughout 2019 with Muslim youth leaders, women and religious leaders. These roundtables helped the NSW Government to understand the barriers for Muslims from diverse religious practices, ethnicities and cultures that may prevent them from engaging in CVE programs. The roundtables provided insights from communities into possible approaches to CVE. Reoccurring themes that arose included: confusion between counter terrorism and CVE activities, and the perception that CVE focuses upon and securitises Muslims.

Survivors Against Violent Extremism

The Survivors Against Violent Extremism project, led by Multicultural NSW and with financial support from the Commonwealth Government through ANZCTC's CVE Sub-Committee, supports a cross-cultural, inter-faith network of Australian and New Zealander survivors of violent extremism to tell their stories and effectively communicate their joint message of peace to the widest possible audience.

The project is the first of its kind in Australia, and recognises that the voices of survivors of terrorism can be a powerful force for community harmony that can help break the cycle of hate that breeds extremism.

The project is working with Australian survivors of domestic and overseas terrorism, refugees who survived the onslaught of ISIS in Syria and Iraq, and New Zealand survivors of the right-wing extremist attack in Christchurch. The pilot stage of the project is a digital story telling initiative to be launched in 2021.

Safeguarding Kids Together

The NSW Government has increased investment in schools and is launching *Safeguarding Kids Together* in schools in Term 1, 2021.

Safeguarding Kids Together is a risk management program that responds to pressures on schools and young people from all types of high-risk taking behaviour, including anti-social and extremist behaviours.

The program leverages the work and lessons learnt through the *School Communities Working Together Program*, which has proven its utility beyond the discrete issue of anti-social and extremist behaviour.

Safeguarding Social Cohesion

In December 2020, NSW Government delivered a series of unique workshops, supporting communities to be better able to respond to and recover from traumatic events, such as acts of terrorism or violent extremism.

The Safeguarding Social Cohesion workshops grew out of the community response to the 2019 attack in Christchurch. At the time, NSW community leaders and community groups acted to support those affected in New Zealand and in local Australian communities, but many had no training or skills in how to provide support under such circumstances.

The NSW Department of Communities and Justice, with the financial support of the Commonwealth Government, through ANZCTC's CVE Steering Committee, delivered workshops to provide community leaders with information, skills and tools to assist them to support their communities in the wake of an act of terror in Australia or overseas. The workshops ran over a two-day period, one held in Sydney and another held in Coffs Harbour in December 2020.

Addressing the Terms of Reference for the Inquiry into extremist movements and radicalism in Australia, issues for specific inquiry (3)

The following points, derived from the NSW experience, may assist the inquiry.

(a) changes that could be made to the Commonwealth's terrorist organisation listing laws to ensure they are fit for purpose, address current and emerging terrorist threats, reflect international best practice, and provide a barrier to those who may seek to promote an extremist ideology in Australia;

The emergence of new digital platforms as mechanisms for communication and organisation by violent extremist movements has brought significant challenges in countering violent extremism. Additionally, the phenomenon of lone actors such as the perpetrator of the Christchurch terror attack and the ability to provide financial and other forms of support to lone actors online without requiring formal membership of an organisation may indicate that there is opportunity to review the Commonwealth's terrorist organisation listing laws.

Should a review of Commonwealth terrorist listing laws be undertaken by the Commonwealth, NSW would support this process. Changes to the Commonwealth terrorist organisation listing laws would have an impact on NSW, along with all other states and territories, including on resourcing and would require extensive consultation and consideration.

(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;

The NSW Government welcomes a revision of Australia's Counter Terrorism Strategy (the Strategy) which may reflect findings of this inquiry. The NSW Government would support a stronger emphasis within the Strategy on the following areas:

Partnership with the digital sector

Australia's Counter Terrorism Strategy has a strong focus on partnerships. The NSW Government would welcome a greater emphasis in the Strategy on the Commonwealth Government's partnership with the digital media sector.

Research into online extremist behaviours will depend on access to data held by both large and small digital media operators. There may be scope for stronger partnerships between the Commonwealth Government and the digital sector to facilitate a clearer understanding of online extremism and to harness the expertise of the private sector to develop appropriate strategies for responding to extremist content online.

Partnerships with state and territory corrective services agencies

Corrective Services NSW plays a critical role in preventing radicalisation to extremist views. While in NSW most violent extremist offenders in custody were radicalised outside of the correctional system, there is capacity for inmates to become radicalised within prison. In NSW, Corrective Services NSW and Youth Justice NSW address and mitigate this in several ways, including through:

- staff training in recognising, reporting and responding to indicators of radicalisation;
- monitoring of offenders identified as at risk of radicalisation, informing internal decisions about placement and associations; and
- referral where appropriate to the PRISM or the Youth Justice NSW CVE Unit.

The role of Corrective Services NSW in preventing radicalisation could be strengthened through stronger partnership with the Commonwealth Government, specifically through:

- additional funding to ensure sufficient resources to manage terrorist offenders (noting that most offenders being managed by states and territories have been sentenced under the *Criminal Code Act 1995* (Cth));
- increased representation of corrective services agencies on national CVE governance groups; and
- strengthened information sharing mechanisms relevant to counter terrorism and countering violent extremism matters and specific persons of interest.

Learning from international best practice

The nature of far-right extremism and other forms of issues-based extremism is evolving rapidly. It is essential that the Commonwealth and state and territory governments are kept informed about innovative policy responses from international jurisdictions. The NSW Government would welcome strengthened knowledge-sharing mechanisms with

international counterparts, particularly Five Eyes countries, led by the Commonwealth. This commitment could also be reflected in the Counter Terrorism Strategy.

(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;

Research commissioned by the NSW Government into right-wing extremism online identified two distinct yet connected levels of risk: (1) “creeping threat” and (2) potential violent actors.²¹

The “creeping threat” refers to the shifting of what is acceptable social and political discourse and presents a threat to political and social norms in Australia. Recent events in the United States demonstrate the potentiality for increasingly polarised and hateful discourse to tip over into real world acts of violent extremism.

Whilst individuals participating in extremist activities online may not themselves be inclined toward taking violent action, their participation in dehumanising narratives may contribute to an environment in which potential violent actors become emboldened and encouraged to act.

The NSW Government would welcome increased focus on responding to hate and working in partnership with the digital sector to mitigate the “creeping threat” that exists, and which may be putting Australian political and social norms at risk but does not reach the threshold for legislative penalties to apply.

(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;

Internationally, several inquiries are underway or recently completed that review the adequacy of hate crime legislation such as in the United Kingdom,²² Ireland,²³ and

²¹ Macquarie University. 2020. “Mapping Networks and Narratives of Online Right-Wing Extremists in New South Wales”. Media Release. <https://www.mq.edu.au/newsroom/2020/10/09/rise-of-online-right-wing-extremism-mapped-in-landmark-nsw-study/>

²² United Kingdom. Law Commission of England and Wales. 2020. Current Project: Hate Crime. https://www.lawcom.gov.uk/project/hate-crime/?_sm_au_=iVVkSqvrwFPnkk44NKcfNKt3tRVRF

²³ Ireland. Department of Justice and Equality. 2019. Hate Speech Public Consultation. http://www.justice.ie/en/JELR/Pages/Hate_Speech_Public_Consultation?_sm_au_=iVVkSqvrwFPnkk44NKcfNKt3tRVRF

Scotland.²⁴ The terms of reference of these inquiries are not limited to the prohibition of certain images and symbols, but are instead focused on tackling hate crime and building community cohesion.

Within Australia, the NSW Government has recently conducted reviews into vilification protections in NSW laws²⁵ and the Victorian Inquiry into Anti-Vilification Protections is due to report by 1 March 2021.

The NSW Government has strengthened its response to hate crime over the last 18 months by enacting laws with harsher penalties for those who incite violence, boosting its capability to police bias crimes and increasing its investment in the community-based COMPACT program.

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

Strategic communications

The NSW Government's Strategic Communications Plan for Countering Violent Extremism (the Plan) was developed to support whole-of-NSW Government communications about violent extremism. The Plan includes Cabinet-approved key messages and standard words on CVE that aim to promote community harmony, resilience and cohesion. The standard words can be used in a range of government communications in the aftermath of an extremist or terrorist incidents.

The strategic, evidenced-based key messages and standard words are regularly used in developing public communications for the NSW Premier, the NSW Minister for Counter Terrorism and other key NSW Government representatives. These messages were used following the events in Christchurch in March 2019, including by government agencies such as the Department of Education, Corrective Services NSW and Youth Justice NSW for messages to staff, students, inmates and detainees.

The Plan was developed in close consultation with NSW communities and will be refreshed in 2021. There may be scope for a national replication of this piece of work, based on consultation with relevant communities. Strategic communications messaging can be used not only by political leaders, but by community leaders and, potentially, leaders in the private sector.

24 United Kingdom. Scottish Government. 2017. Independent Review of Hate Crime Legislation in Scotland. https://consult.gov.scot/hate-crime/independent-review-of-hate-crime-legislation/?_sm_byp=iVVfqqTJ9sTWDPq6&_sm_au_=iVVkSqvrfPnkr4NKCFnKt3tRVRF

25 Australia. Parliament of NSW. Legislative Council Standing Committee on Law and Justice. 2013. Racial Vilification Law in NSW. Kerkyasharian, Stepan. 2017. Report on Consultation: Serious Vilification Laws in NSW

Critical thinking skills and digital literacy

Whilst it is important that social media companies play a role in ethical moderation of online environments, it is also essential that the community's digital literacy skills and digital intelligence evolves and improves. This would improve the ability of citizens to navigate complex, polarised digital environments and disinformation/misinformation.

The independent evaluation of the NSW CVE Program pointed to the value in future investment in whole-of-school or curriculum-based approaches to CVE. It recommended that future CVE investment be allocated to education-based projects such as curriculum development to support peacebuilding and social cohesion outcomes.

There may be scope for Commonwealth investment in programs for young people to further promote critical thinking, digital literacy and digital intelligence. For example, High Resolves is a non-government organisation focused on delivering programs in schools to encourage young people to develop mastery over core citizenship competencies. They do this by building civic engagement, critical thinking, informed and ethical decision making, digital literacy and resilience. High Resolves has previously worked in NSW schools and was a former partner in the NSW COMPACT grants program. The Commonwealth Government may see value in investing in programs such as those run by High Resolves to build skills in global citizenship and digital literacy for young people across Australia.

Investment in community-based, fact-checking infrastructure

The surge in misinformation and disinformation propagated by social media and self-publication mechanisms poses serious risks to the ability of the Commonwealth and state and territory governments to communicate with the public on matters of public interest, health and safety. The most recent example is the misinformation and disinformation being circulated in relation to the dissemination of the COVID-19 vaccine.

The Commonwealth Government may see value in investing in fact-checking mechanisms to support the public to engage in critical analysis of materials they encounter online. This could take the form of funding a non-government organisation with a focus on combatting online disinformation and misinformation. The Commonwealth may also consider the development of a public campaign with a focus on applying critical analysis to information encountered online.

'Reset' is a global initiative recently established in Australia, to develop and advance a public policy framework that sets fair rules and standards for Big Tech companies, ensuring they better serve democracy. Reset also supports a network of researchers studying the interplay between technology and democracy, with the aim of informing current policy debates. Reset is an example of a non-profit, philanthropic organisation that may present innovative solutions to the challenges investigated in this Inquiry. The Commonwealth Government may see value in partnering with such an organisation to progress appropriate policy responses to address hate and misinformation.

Working with communities

The NSW Government's CVE approach prioritises social cohesion. This encourages community autonomy, supporting communities to find innovative solutions to social cohesion challenges. Building and maintaining strong partnerships between governments and community as integral to improving social cohesion.

The COMPACT model has been positive evaluated. There may be scope for the Commonwealth Government to invest additional funding and work together with states and territories to develop community-led social cohesion initiatives, such as the Commonwealth's Mutual Understanding, Support, Tolerance, Engagement and Respect (MUSTER) community grants program.

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

The role of social media has been discussed in response to 3(c).

(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.

Amendment to the Telecommunications Act

In 2015, Corrective Services NSW was removed as a 'law enforcement agency' under the *Telecommunications (Interception and Access) Act 1997* (Cth) (TIA Act). As a result, CSNSW can no longer require telecommunications carriers to provide call records and subscriber information in relation to mobile telephones located in and around correctional centres. Other enforcement agencies are also unable to share this information with Corrective Services NSW.

Corrective Services NSW is preparing a Privacy Impact Assessment which may result in a temporary designation of Corrective Services NSW as a law enforcement agency. An amendment to the TIA would be required to the TIA Act to ensure that Corrective Services NSW is recognised as a law enforcement agency on an ongoing basis. NSW would be strongly supportive of formal consultation with states and territories with regard to amending the TIA Act.