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Australian Government
Australian Security
Intelligence Organisation

ASIO Submission to the Legal and Constitutional Affairs Legislation Committee

Inquiry into the Criminal Code Amendment (Hate Crimes) Bill
2024

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1949–2024

ASIO

Remembering the past, securing the future

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Vladimir Petrov defecting at Sydney Airport, 3 April 1954.

The Australian Security Intelligence Organisation (ASIO) welcomes the opportunity to make a submission to the Senate Legal and Constitutional Affairs Legislation Committee inquiry into the Criminal Code Amendment (Hate Crimes) Bill 2024 (the Bill).

The national terrorism threat level is PROBABLE which reflects the degrading security environment. A threat level of PROBABLE means ASIO assesses there is a greater than fifty per cent chance of an onshore attack or attack planning in the next twelve months. However, this does not mean that ASIO has intelligence about current attack planning or an expectation of an imminent attack.

Politically motivated violence joins espionage and foreign interference as our principal security concerns. Politically motivated violence encompasses terrorism but is broader than that. It covers any violent act, violent threat, or unlawful harm intended or likely to achieve a political objective. This includes violent protest, riot or an attack on a politician or our democratic institutions.

ASIO is seeing political polarisation and intolerance, uncivil debate and unpeaceful protest. Anti-authority beliefs are growing; trust in institutions is eroding; provocative and inflammatory behaviours are being normalised. We are seeing direct connections between inflamed language and inflamed community tensions across all ideological spectrums. These dynamics are raising the temperature of the security environment, which increases the risk of violent extremism.

ASIO notes the Bill amends the Criminal Code Act 1995 to strengthen existing offences for urging force or violence, and creates new offences for threatening force or violence against targeted groups and members of groups. ASIO acknowledges that the intent of the Bill is to combat the increasing prevalence of hate speech involving calls to force or violence, and not to limit peaceful demonstration or protest slogans. ASIO notes the Bill aims to address the threat of terrorism by deterring inflammatory and harmful behaviours while supporting law enforcement to address and disrupt behaviours, such as threats of violence, that can be a precursor to more serious offending.