



PREVENTING HARM FROM RIGHT-WING EXTREMISM IN NEW SOUTH WALES

SUBMISSION TO THE NSW LEGISLATIVE ASSEMBLY COMMITTEE ON LAW AND SAFETY'S INQUIRY INTO MEASURES TO COMBAT RIGHT-WING EXTREMISM IN NEW SOUTH WALES.

3 February 2026

WE NEED YOUR VOICE. [EQUALITYAUSTRALIA.ORG.AU](https://equalityaustralia.org.au)

CONTENTS

INTRODUCTION	2
Crimes and Summary Offences Amendment Bill 2025.....	2
Measures to combat right-wing extremism in NSW	3
1. Threat posed by right-wing extremism in NSW.....	3
(a) State of play in NSW	4
2. Best practice examples of combating right-wing extremism	5
(a) Data collection	5
(b) Stronger responses to hate speech and hate crime	6
(c) Online platforms that are safe and accountable	8
3. Methods and practices for government to adopt	9
(a) Community building programs	9
(b) Deradicalisation programs	9
(c) Other mechanisms	9

INTRODUCTION

Equality Australia welcomes the opportunity to contribute to the NSW Legislative Assembly Committee on Law and Safety's (**Committee**) inquiry into Measures to Combat Right-Wing Extremism in New South Wales (**Inquiry**). Our main stakeholders, lesbian, gay, bisexual, transgender, intersex and queer (**LGBTIQ+**) people in Australia, much like their counterparts overseas, experience hate and vilification, often originating from right-wing extremist ideologies that seek to oppose our rights and liberties, and in extreme cases, subject the LGBTIQ+ community to violence.

This submission responds to each of the points set out in the Terms of Reference. We would welcome any opportunity to discuss this issue in further detail with the Committee.

In August 2025, Equality Australia lodged a submission to the *NSW independent review into criminal hate speech* led by the Honourable John Sackar AM KC (**Sackar Review**) and attended a consultation with Mr Sackar and his team as part of that process. We understand the Report consisting of the findings was provided to the Attorney-General in November 2025 and we eagerly await the report's public release, as having direct relevance to the subject matter of this inquiry.

CRIMES AND SUMMARY OFFENCES AMENDMENT BILL 2025

The Crimes and Summary Offences Amendment Bill 2025 (**Bill**) clarifies some of the wording around the offence of displaying a Nazi symbol on or near a Jewish place (maximum penalty of 200 penalty units and / or 2 years' imprisonment), or another place (maximum penalty of 200 penalty units and / or 2 years' imprisonment).

The Bill also makes 2 substantive changes to s 93ZA of the *Crimes Act 1900* (NSW). First, the Bill introduces two offences of knowingly supporting Nazi ideology by invoking imagery or characteristics a reasonable person would consider associated with Nazi ideology and would cause a reasonable person to fear harassment, intimidation, violence or for their safety. One of these offences relates to the conduct occurring on or near a Jewish place (maximum penalty of 200 penalty units and / or 2 years' imprisonment),¹ and the other is for any other place (maximum penalty of 100 penalty units and / or 12 months' imprisonment).²

Second, the Bill introduces a police power for officers to direct a person reasonably suspected of committing the offence under the proposed s 93ZA(1) or (2) of displaying a Nazi symbol, to remove that symbol from display. The Bill further specifies conditions for the direction to be provided or withdrawn and prescribed a penalty for non-compliance with the direction (20 penalty units or 3 months' imprisonment).

We are concerned that both the existing and the new proposed offences differentiate in their prescribed penalties for conduct carried out on or near a Jewish place, compared with all other places, with the penalties being double for the former. This differentiation fundamentally erases the Nazi regime and its allies' persecution of LGBTIQ+ people. As the UK's Holocaust Memorial Day Trust in Germany observes:

"The police established lists of homosexually active persons. Significant numbers of gay men were arrested, of whom an estimated 50,000 received severe jail sentences in brutal conditions. Most homosexuals were sent to police prisons, rather than concentration camps, where they were exposed to inhumane treatment. There they could be subjected to hard labour and torture, or they were experimented upon or executed.

¹ Bill cl 2, s 93ZA(3).

² Bill cl 2, s 93ZA(4).

An estimated 10-15,000 men who were accused of homosexuality were deported to concentration camps. Most died in the camps, often from exhaustion. Many were castrated and some subjected to gruesome medical experiments. Collective murder actions were undertaken against gay detainees, exterminating hundreds at a time.”³

Further, having different penalties for different communities who experience intimidation by Nazi ideology creates two-tiers of justice and risks sending the message that displaying a Nazi symbol outside, for example, an LGBTIQ+ venue is less egregious than outside a place of significance for Jewish people.

The law must not, even if inadvertently, erase the suffering of LGBTIQ+ communities at the hands of the Nazi regime or fail to adequately to protect us against the resurgence of neo-Nazi ideology today.

MEASURES TO COMBAT RIGHT-WING EXTREMISM IN NSW

1. THREAT POSED BY RIGHT-WING EXTREMISM IN NSW

Right-wing extremism is an umbrella term used by the Australian Security Intelligence Organisation to refer to ‘the support for violence to achieve political outcome relating to ideologies, including but not limited to, white supremacism and Neo-Nazism’.⁴

Right-wing extremism may be considered the natural, extremist endpoint of ‘far-right’ ideologies. As the Institute of Economics & Peace describes, the ‘far-right’ is:

‘...centred on one or more of the following elements: strident nationalism (usually racial or exclusivist in some fashion), fascism, racism, anti-Semitism, anti-immigration, chauvinism, nativism, and xenophobia. Far-right groups tend to be strongly authoritarian, but often with populist elements, and have historically been anti-communist, although this characteristic has become less prominent since the end of the Cold War.’⁵

Relevantly to LGBTIQ+ communities, the Institute of Economics & Peace further groups anti-LGBT extremists under the far-right umbrella of ideological groupings.

In 2024, the Commonwealth Senate Standing Committees on Legal and Constitutional Affairs conducted an inquiry into right wing extremist movements in Australia (**Federal Inquiry**) and released its report in December of that year (**Federal Inquiry Report**).⁶ Further, the Legal and Social Issues Committee of the Parliament of Victoria conducted an Inquiry into extremism in Victoria (**Victorian Inquiry**), and released its final report in August 2022 (**Victorian Inquiry Report**).⁷ The findings of the Victorian Inquiry are instructive for the purposes of this present inquiry.

The Federal Inquiry Report noted that the Centre for Resilient and Inclusive Societies argued that Australian right wing extremist groups ‘are characterised by constrained and volatile leadership capacity and mostly

³ ‘Gay People’, *Holocaust Memorial Day Trust* (web page) <https://hmd.org.uk/learn-about-the-holocaust-and-genocides/nazi-persecution/gay-people/>.

⁴ Caitlin Grant, *Briefing Book Article, 47th Parliament, Right-wing extremism in Australia* (June 2022) https://www.aph.gov.au/About-Parliament/Parliamentary_departments/Parliamentary_Library/Research/Briefing_Book/47th_Parliament/Right-WingExtremismAustralia.

⁵ Institute of Economics & Peace, *Global Terrorism Index 2019: Measuring the Impact of Terrorism* (November 2019) 45 <https://www.economicsandpeace.org/wp-content/uploads/2020/08/GTI-2019web.pdf>.

⁶ Senate Legal and Constitutional Affairs References Committee, Parliament of Australia, *Right wing extremist movements in Australia* (December 2024) https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/RWExtremists23/Report (**Federal Inquiry Report**).

⁷ Legal and Social Issues Committee, Parliament of Victoria, *Inquiry into extremism in Victoria* (Parliament Paper No 377, August 2022) <https://www.parliament.vic.gov.au/get-involved/inquiries/inquiry-into-extremism-in-victoria/reports> (**Victorian Inquiry Report**).

small and often informal cells and networks rather than many formal organisations'.⁸ Two key organisations are the National Socialist Network (combining with offshoots from the former 'Lads Society' and 'Antipodean Resistance' groups) and the European Australian Movement.⁹

Based on the submissions received by the Federal Inquiry, the LGBTIQ+ community was one of the key groups commonly at risk from right-wing extremists.¹⁰

(a) State of play in NSW

Far-right extremism is no longer a marginal or abstract threat in Australia. It is a present and escalating risk to public safety, social cohesion and the rights of targeted communities, including in New South Wales. In recent years, NSW has been both a site of far-right radicalisation and an arena for increasingly visible neo-Nazi activity, including public demonstrations, hate speech, intimidation and, in some cases, conduct linked to serious violence.

The incidents outlined below demonstrate that far-right extremism in NSW is organised, emboldened and capable of causing real harm, warranting urgent and sustained policy attention.

On 15 March 2019, a far-right extremist originally from Grafton in NSW and trained in Australia carried out the Christchurch Mosque terrorist attack, fatally shooting 51 people and injuring 40 others.

On 8 November 2025, roughly 60 members of the Nationalist Socialist Network 'held a banner that read "Abolish the Jewish Lobby" while speakers with megaphones spread anti-Semitic tropes, calls to "fight for a white Australia" and condemned both the government and mainstream media. Throughout the rally, attendees also repeated a Hitler Youth chant, "blood and honour."'¹¹

As recently as 26 January 2026, members of a Neo-Nazi organisation were ejected by NSW Police from an anti-immigration, 'March for Australia' rally, in Sydney.¹² This event also saw a man being charged by NSW Police for alleged hate speech. Some participants were also observed sporting Neo-Nazi symbols and slogans, including the 'Black Sun'. There were also mentions of the "white replacement" theory, and cheers for a speaker saying "Heil Australia" following the mention of National Socialist Network leader, Thomas Sewell.

On the same day, an improvised explosive device was thrown into a crowd of Invasion Day protestors consisting of Aboriginal people and their allies in Perth, by a man, who has since been charged with committing an unlawful act with intent to endanger life, and making or possessing explosives under suspicious circumstances.¹³ While this was in WA, it is demonstrative of the current risks posed by right wing extremism to the community at large, including in NSW.

⁸ Federal Inquiry Report, 18 [2.7].

⁹ Centre for Resilient and Inclusive Societies, Submission No 19 to Senate Legal and Constitutional Affairs References Committee, Parliament of Australia, *Inquiry into Right wing extremist movements in Australia* (April 2024) 14, 45.

¹⁰ Federal Inquiry Report, 62-63, [4.48].

¹¹ Franciso Silva, 'NSW cracks down on rise of far-right with new laws', *Law Society Journal* (online, 21 November 2025) <https://lsj.com.au/articles/nsw-cracks-down-on-rise-of-far-right-with-new-laws/>.

¹² 'Anti-immigration rallies take place in major cities across Australia', *ABC News* (online, 26 January 2026) <https://www.abc.net.au/news/2026-01-26/march-for-australia-anti-immigration-rally/106269414>.

¹³ Sarah Collard, 'Perth man charged with 'intent to harm' after alleged homemade bomb thrown at Invasion Day rally', *The Guardian* (online, 27 January 2026) <https://www.theguardian.com/australia-news/2026/jan/27/invasion-day-rally-perth-man-charged-alleged-homemade-bomb-device-ntwnfb>.

Neo-Nazi ideology explicitly targets sexual and gender diversity as a perceived threat to racial and social 'purity', and this hostility has translated into intimidation, harassment and violence against LGBTIQ+ people and spaces across NSW.

In 2024, neo-Nazis demonstrated outside a queer film festival in Albury holding a 'destroy paedo freaks' banner.¹⁴ This language deliberately invokes long-standing tropes that falsely equate LGBTIQ+ people with child abusers, and functions as an incitement to violence against gay and trans communities.

In early 2025, festival-goers in northern New South Wales were attacked with fireworks and smoke flares by a group of young men who yelled homophobic slurs and urinated on tents, targeting attendees perceived to be queer.¹⁵

In the lead up to the last federal election, there were neo-Nazi and homophobic graffiti painted onto political corrflutes in Newtown, Enmore and Erskineville¹⁶ – this would have been done intentionally to cause intimidation to communities in suburbs with significant numbers of LGBTIQ+ residents and businesses.

We have also documented an anonymised account of a trans woman who experienced sustained online and offline stalking, intimidation and death threats from a neo-Nazi individual, which was included in our submission to the Sackar Review.¹⁷

2. BEST PRACTICE EXAMPLES OF COMBATING RIGHT-WING EXTREMISM

(a) Data collection

Data collection is crucial for tracking and addressing radicalisation, extremist ideation, planning and execution of attacks. We call for the funding of systemic collection of data on extremist incidents and events.

The NSW Government should not rely solely on data obtained through police operations since much of the relevant activity goes unreported.

Funding could be provided to academics to do this work. Useful analysis may include granular statistics regarding engagement with social media content consisting hate speech, as seen in the analysis done by researchers in California, who found that on X Corp (formerly, Twitter), there had been a doubling of 'likes' on posts containing hate speech and increased engagement on those posts following the company's purchase by Elon Musk in October 2022.¹⁸

Wide-scale data collection is crucial, as social media algorithms often steer users toward right-wing extremist users. One study found that, on YouTube, "[f]or right-leaning users, video recommendations are more likely to come from channels that share political extremism, conspiracy theories and otherwise problematic content. Recommendations for left-leaning users on YouTube were markedly fewer, researchers said."¹⁹

¹⁴ Michael McGowan, "Very real risk of violence: The growing fear within NSW's LGBTQ community", *Sydney Morning Herald* (online, 10 February 2025) <https://www.smh.com.au/politics/nsw/very-real-risk-of-violence-the-growing-fear-within-nsw-s-lgbtq-community-20250209-p5lanp.html>.

¹⁵ Ibid.

¹⁶ Peter Hackney, 'Homophobic graffiti: NSW Police release person of interest photos', *QNews* (online, 24 April 2025) <https://qnews.com.au/homophobic-graffiti-nsw-police-release-person-of-interest-photos/>.

¹⁷ See Equality Australia, Submission No 16 to Policy, Reform and Legislation Secretariat (NSW), *Review of criminal law protections against the incitement of hatred* (6 August 2025) 55-56.

¹⁸ Daniel Hickey et al, 'X under Musk's leadership: Substantial hate and no reduction in inauthentic activity' (2025) 20(2) *PLoS ONE* 1

¹⁹ Alex Russell, 'YouTube Video Recommendations Lead to More Extremist Content for Right-Leaning Users, Researchers Suggest: UC Davis Researchers Tested YouTube's Recommendations Over Time', *UC Davis* (13 December 2023) <https://www.ucdavis.edu/curiosity/news/youtube-video-recommendations-lead-more-extremist-content-right-leaning-users-researchers>.

RECOMMENDATION

We recommend that the NSW Government invest in data collection, beyond collecting data from law enforcement sources, and engage academic and other independent analysts to better understand the source, scale, impact and potential solutions to address right-wing extremist radicalisation of people in NSW.

(b) Stronger responses to hate speech and hate crime

Another key aspect of combating right-wing extremism is the enactment and enforcement of stronger responses to hate speech and hate crime. Our response to this issue also answers item 4 of the Terms of Reference for this inquiry.

The New Zealand Royal Commission into the Christchurch attack found there to be ‘fluid boundaries’ between hate crimes and terrorism, especially in the case of right-wing extremism.²⁰ The commission further observed that ‘[m]any individuals and groups who engage in behaviours that could be considered hateful extremism support dehumanising and divisive rhetoric against perceived others but are careful to avoid direct engagement with, or endorsement of, violence... It is likely that these behaviours encourage and legitimise the use of violence’.²¹

Right-wing extremism thrives in environments where dehumanisation is normalised and left unchallenged. Accordingly, stronger hate crime and vilification laws are necessary to address hate speech before it escalates into violent crime. This should include:

- Strong, consistent hate crime and vilification laws that are not confined to race only, recognising the range of communities that experience hate, including but not limited to sexual orientation, gender identity, sex characteristics and religion.
- Laws that recognise ideologically motivated criminal offending as an aggravated factor at sentencing.

CRIMINAL VILIFICATION

Laws to address hate speech by right wing extremists are at present very limited or non-existent.

In NSW, s 93ZAA was added to the *Crimes Act 1900* (NSW) in 2025, criminalising the incitement of racial hatred against a person or group in public, and this offence attracts up to 2 years in prison or a fine of up to \$11,000. Consistent with our ongoing advocacy to the NSW Government, we call for criminal vilification protections for LGBTIQ+ people through the expansion of s 93ZAA of the *Crimes Act 1900* (NSW) to include sexual orientation, gender identity and intersex status, among other marginalised communities. See further, our submission to the independent Review of criminal law protections against the incitement of hatred conducted by the Hon. John Sackar AM KC.²² We note that the report containing the findings of this review have been handed to government, but the report has *not been publicly released*.

At the Commonwealth level, the exposure draft of the Combatting Antisemitism, Hate and Extremism Bill 2026 included, at clause 22, a racial vilification offence, based on the NSW s 93ZAA offence. While we had advocated for the expansion of this offence to include protected attributes including other marginalised

²⁰ *Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019* (Report, Volume 1: Parts 1-3, 26 November 2020) 103 cited in Caitlin Grant, ‘Right-wing extremism in Australia’, Parliamentary Library: Department of Parliamentary Services, *Briefing Book: Key Issues for the 47th Parliament* (June 2022) 293 https://www.aph.gov.au/-/media/05_About_Parliament/54_Parliamentary_Depts/544_Parliamentary_Library/Research_Papers/2023-24/Briefing_Book_key_issues_for_the_47th_Parliament.pdf.

²¹ *Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019* (Report, Volume 1: Parts 1-3, 26 November 2020) 103.

²² Equality Australia, Submission No 16 to Policy, Reform and Legislation Secretariat (NSW), *Review of criminal law protections against the incitement of hatred* (6 August 2025) <https://dcj.nsw.gov.au/legal-and-justice/laws-and-legislation/review-of-criminal-law-protections-against-incitement-of-hate.html> (EA Sackar Review Submission).

group beyond race, the ensuing political debate resulted in the offence being abandoned altogether in the revised, split bill entitled Combatting Antisemitism, Hate and Extremism (Criminal and Migration Laws) Bill 2026. This was unfortunate, as we consider there is a balanced way forward that both protects legitimate speech and ensures strong protections for communities.

The outcome is that LGBTIQ+ people in NSW do not have criminal vilification protections to avail themselves of either at a state or a federal level, and this gap needs to be addressed.

While there are laws to address advocating or threatening force or violence at a federal level²³ and an equivalent in NSW regarding inciting or threatening violence against marginalised groups including LGBTIQ+ communities,²⁴ these offences do not address conduct which falls short of violence or threats, but nonetheless fuel hatred, which can be a key ingredient in leading to future hate crimes or even terror attacks.

IDEOLOGICALLY MOTIVATED OFFENDING AS AN AGGRAVATED SENTENCING FACTOR

In December 2025, the Tasmanian Parliament amended its sentencing laws to include hate motivation as an aggravating circumstance in sentencing for criminal offending. Section 11B of the *Sentencing Act 1997* (Tas) now provides that it can be an aggravating circumstance if the offender was motivated to commit the relevant offence, wholly or partly due to their hatred for, or prejudice against, the victim for having a relevant attribute, or belief that the victim had a relevant attribute or that they were associated with person/s who had a relevant attribute.²⁵ This provision applies to an expansive set of attributes, including LGBTIQ+ people.²⁶

The motivation element requires, at the time of the conduct, that the perpetrator demonstrated, or expressed, hostility, malice or ill-will in respect of the relevant attribute (**Demonstration element**).

More recently, the Commonwealth Parliament passed hate crime reforms which also included an aggravating sentencing factor for offending motivated wholly or partly by hatred of a person or a group, based on the offender's belief that the victim/s was distinguished by race, national or ethnic origin.²⁷ This reform has disappointingly excluded all protected attributes other than race.

New South Wales is one of the better jurisdictions within Australia as it does provide for an aggravating factor where an offence was partially or wholly motivated by hatred for or prejudice against a group of people to which the offender believed the victim belonged, which is inclusive of various attributes including those relevant to LGBTIQ+ communities.²⁸ The Committee should consider clarifications that could be made regarding how hatred or prejudice can be proven, including whether a Demonstration element as used in Tasmania, may be effective.

RECOMMENDATIONS

We recommend that the NSW Government:

- Expands criminal vilification protections to all marginalised, protected attributes including sexual orientation, gender identity and intersex status.
- Seeks to reform the aggravated sentencing factor around offending motivated by hatred and/or prejudice, to clarify how that motivation may be proven by a demonstration of hatred.

²³ *Criminal Code Act 1995* (Cth), sch The Criminal Code, ss 80.2A-80.2BE.

²⁴ *Crimes Act 1900* (NSW) s 93Z.

²⁵ *Sentencing Act 1997* (Tas) s 11B.

²⁶ See *Sentencing Act 1997* (Tas) s 11B(3).

²⁷ *Crimes Act 1914* (Cth) s 16A(2)(mb).

²⁸ *Crimes (Sentencing Procedure) Act 1999* (NSW) s 21A(h).

(c) Online platforms that are safe and accountable

Contemporary right-wing extremism is almost entirely organised, amplified and normalised online.²⁹

Social media platforms should have a duty to identify, remove and disrupt extremist content, networks and funding pathways. While the imposition of a positive duty to prevent vilification has not been implemented in any Australian jurisdiction at this stage, it was recommended in Victoria following an inquiry into anti-vilification³⁰, and was contained in Queensland's *Respect at Work and other Amendments Act 2024*³¹ but the commencement of this Act has been indefinitely postponed.

In 2024, a statutory review was conducted into the *Online Safety Act 2021* (Cth). The resulting report,³² in conjunction with submissions from advocacy groups, including the eSafety Commission itself, recommended measures including:

- expanding the definition of cyber-abuse to include a clearly defined, online hate material which includes hate speech targeted people based on their protected attributes (including sexual orientation, gender identity, race, religion),³³
- lowering the threshold for intervention in cases of online hate speech, so that more harmful content can be addressed even if it does not meet the current "serious harm" standard;³⁴
- a positive duty for online platform providers to prevent and respond to hate speech,³⁵
- providing the eSafety Commissioner with greater enforcement powers, including the ability to issue penalties directly to individuals (not just platforms) and to require platforms to implement systemic changes (such as improved moderation and transparency),³⁶ and
- improving data collection and public reporting on the prevalence and impact of online hate speech and cyberbullying, particularly for LGBTQIA+ and other vulnerable groups.³⁷

However, we understand that these changes have not been made. Should there continue to be inaction at a federal level on this issue, there may be a need for the NSW Government or an independent NSW agency to be empowered to swiftly order take downs of violent extremist materials.

RECOMMENDATIONS

We recommend that the NSW Government investigate methods through which it can respond to the spread of violent, extremist materials online, and including through social media.

²⁹ Federal Inquiry Report, 88 [5.24].

³⁰ Legal and Social Issues Committee, Parliament of Victoria, *Inquiry into anti-vilification protections* (Parliamentary Paper No 207, March 2017) 142-144 <https://www.parliament.vic.gov.au/get-involved/inquiries/inquiry-into-anti-vilification-protections/reports>.

³¹ *Respect at Work and other Amendments Act 2024* (Qld) cl 25, chapter 5C.

³² Delia Rickard PSM, *Report of the Statutory Review of the Online Safety Act 2021* (October 2024) <https://www.infrastructure.gov.au/department/media/publications/report-statutory-review-online-safety-act-2021>.

³³ Ibid 22, 88.

³⁴ Ibid 22, 82, 92.

³⁵ Ibid 54.

³⁶ Ibid 23, 66.

³⁷ Ibid 21.

3. METHODS AND PRACTICES FOR GOVERNMENT TO ADOPT

(a) Community building programs

We urge the Committee to consider the prospect of a broad public education campaign to reduce prejudice and stigma against LGBTIQ+ people, as an essential accompaniment to legislative reforms. Campaigns to raise awareness and shift societal attitudes have had positive cultural impacts in the past, including around wearing seatbelts, ‘Violence against women, Australia says no’ and ‘Racism. It stops with me’. While these campaigns may not have changed opinions overnight, they have sparked discussions lead to more people understanding the nature of the issue and their role in relation to it. A similar approach may be needed on the issue of right-wing extremism, but tailored to the disparate matters touched by these ideologies, including the hatred of LGBTIQ+ communities.

RECOMMENDATIONS

We recommend that the Committee investigate potential community building/public education programs or campaigns to challenge right wing extremist views and ensure the messaging brings all people into the fold, particularly disaffected groups susceptible to radicalisation.

(b) Deradicalisation programs

Deradicalisation and rehabilitation programs are critical pieces to the puzzle of combatting right-wing extremism. The NSW Government and law enforcement agencies must ensure pathways are open to exit from groups. Younger men are primary targets for right-wing extremist radicalisation,³⁸ and given they are still in a crucial time of development, they should be capable of change.

Similar to programs already in place for male perpetrators of domestic and family violence, there need to be tailored programs, involving psychologists and social workers, to enable people to exit right-wing extremist groups and organisations. The reduction of recidivism should be prioritised, through long-term, sustainable diversionary programs.

The Victorian Inquiry found that ‘[i]ndividual, needs-based interventions that look at a person holistically and work with them over a long period of time to bid their strengths will be more effective for countering extremism in people already engaged in extremist behaviours’.³⁹

We are aware of the NSW Department of Communities and Justice’s Engagement and Support Program, a voluntary, consent-based initiative for people aged 10 years and over that aims to reduce the risk of involvement in violent extremism as part of the National Support and Intervention Program. We support the continued funding and expansion of programs of this kind as a preventative response, particularly in the context of any proposed expansion of criminal offences. Consideration should also be given to evaluating the program’s effectiveness in achieving its stated objectives.

RECOMMENDATIONS

We recommend that the Committee review existing diversionary and de-radicalisation programs, including whether these programs should be formally evaluated and expanded as part of a preventative approach.

(c) Other mechanisms

The above section provides best practice examples of combatting right-wing extremism, and below we propose injunctive measures against some activities that may be conducted by right-wing extremists.

³⁸ Federal Inquiry Report 48, 83.

³⁹ Victorian Inquiry Report, 87.

INJUNCTIVE MEASURES: 'STOP VILIFICATION ORDERS'

Community members who experience targeting from politically motivated actors consistently tell us that, more than anything, they want this behaviour to stop. There are many examples of targeting of high-profile gay and trans people online and in person through escalating behaviours by individuals or groups, usually motivated by far-right extremist views. The targeting they experience commonly involves vilification and can extend to stalking, intimidation or harassment.

However, the law currently provides limited enforcement options. A key pressure point is the need to balance the freedom to express political views with the imperative to protect community members from the incitement of hatred, and the risk of ensuing violence fuelled by that hatred.

As we had recommended to the Sackar Review, we raise the potential to introduce Stop Violence Orders (SVOs).⁴⁰

SVOs would be similar in nature to an order protecting from domestic and family violence and function as a mechanism designed to stop ongoing vilifying conduct, particularly in online settings. They are specifically tailored to address the unique harms caused by vilification, especially hate-motivated harassment against LGBTIQ+ people and other marginalised groups.

This would send a clear message that vilification is inherently harmful and that the incitement of hatred against marginalised groups is unacceptable. It would also enable early law-enforcement involvement without adopting a punitive approach in the first instance, as the conduct would only be criminalised if a person breached an order after being formally put on notice to stop.

This approach can allow for an effective balancing of free expression or acknowledging the inadvertent perpetrators from marginalised backgrounds, with the need to identify and prosecute malicious actors seeking to sow discord and target marginalised individuals and communities.

RECOMMENDATIONS

We recommend that the Committee investigate the prospects of implementing Stop Vilification Orders as an injunctive measure against vilification and other activities related to hatred against people on the basis of their protected attributes.

⁴⁰ EA Sackar Review Submission, 23-24.