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19 April 2024

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
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Dear Committee Members,

**Submission to the Senate Legal and Constitutional Affairs Committee**

***Inquiry into Right Wing Extremist Movements in Australia***

1. The Senate has referred an inquiry into right wing extremist movements in Australia to the Legal and Constitutional Affairs References Committee for inquiry and report by **6 December 2024**.
2. Thank you for the opportunity to provide a submission to this important inquiry.
3. This is a public submission and is not confidential.

## About Liberty Victoria

4. Liberty Victoria is committed to the defence and advancement of civil liberties and human rights. We seek to promote compliance with Australia's obligations under international law as recognised in various State and Federal human rights instruments such as the *Charter of Human Rights and Responsibilities Act 2006* (Vic), the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC). As such, we frequently contribute to federal and state committees of inquiry. More information on our organisation and activities can be found at: <https://libertyvictoria.org.au>.
5. The focus of our submissions and recommendations reflect our experience and expertise as outlined above. Much of the following is drawn from work undertaken by Liberty Victoria in response to previous inquiries and proposed legislative reforms.
6. Liberty Victoria has been very concerned by the re-emergence of far-right extremism over recent years, and we have made submissions on that issue to:
  - a. The Commonwealth Parliament's Joint Committee on Intelligence and Security's (PJCIS) Inquiry into Extremist Movements and Radicalism in Australia in February 2021;<sup>1</sup>
  - b. The Victorian Parliament's Legal and Social Issues Committee's Inquiry into Extremism in May 2022;<sup>2</sup> and
  - c. The Commonwealth Parliament's Senate Legal and Constitutional Affairs Committee's Inquiry into the Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023 dated 9 May 2023.<sup>3</sup>
7. Liberty Victoria also gave evidence to the Victorian Parliament's Inquiry into Extremism,<sup>4</sup> and the Commonwealth Parliament's Inquiry into the Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023.<sup>5</sup>

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<sup>1</sup> Submission to the PJCIS Inquiry into Extremist Movements and Radicalism in Australia, <https://libertyvictoria.org.au/sites/default/files/210201%20Extremism%20Movements.pdf>. This was a joint submission with Muslim Collective.

<sup>2</sup> Submission to the Victorian Parliament's Legal and Social Issues Committee's Inquiry into Extremism, <https://libertyvictoria.org.au/sites/default/files/220513%20LV%20Submission%20to%20the%20Extremism%20Inquiry.pdf>.

<sup>3</sup> Submission to the the Commonwealth Senate Legal and Constitutional Affairs Committee Inquiry into the Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023: <https://libertyvictoria.org.au/content/criminal-code-amendment-prohibition-nazi-symbols-bill-2023>

<sup>4</sup> Transcript of evidence given to the Victorian Parliament's Legal and Social Issues Committee by Michael Stanton, then President of Liberty Victoria: <https://www.parliament.vic.gov.au/lsc-lc/inquiries/article/4892>.

<sup>5</sup> Transcript of evidence given to the Commonwealth Parliament's Senate Legal and Constitutional Affairs Committee by Michael Stanton, President of Liberty Victoria (evidence given together with Mr

8. We have repeatedly called for a preventative rather than reactionary response to far-right extremism that addresses the drivers as to why some people are drawn to extremism in the first place; one that focuses on improving social cohesion and trust in institutions, including trust in government and the media, rather than focussing on expanding censorship and surveillance.<sup>6</sup>
9. To that end, we emphasise the Finding 19 of the Victorian Parliamentary Inquiry into Extremism: responses to extremism need to avoid measures that curtail civil liberties in a disproportionate manner.

### **Terms of reference**

10. The inquiry's terms of reference are as follows:
  - a. the nature and extent of movements and persons holding extremist right wing views in Australia, with a particular focus on:
    - i. the threat posed by extremist movements, including right wing extremism;
    - ii. the motivations, objectives and capacity for violence of extremist groups and individuals holding such views;
    - iii. links between individuals and groups with international movements;
    - iv. how individuals progress to committing acts of violence;
    - v. the role of the online environment in promoting extremism;
  - b. the terms and operation of the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023;
  - c. measures to counter violent extremism in Australia, with particular focus on young people; and
  - d. any other related matters.
11. The terms of reference will be addressed in turn.

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Stephen Blanks from the New South Wales Council for Civil Liberties):  
[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=committees/comms/en/26775/&sid=0004](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=committees/comms/en/26775/&sid=0004)

<sup>6</sup> Response to question from the Victorian Parliament's Legal and Social Issues Committee,  
[https://www.parliament.vic.gov.au/images/stories/committees/SCLSI/Inquiry\\_into\\_Extremism\\_In\\_Victoria/Transcripts/2022.06.14/QONs/Liberty\\_Victoria\\_response\\_to\\_question.pdf](https://www.parliament.vic.gov.au/images/stories/committees/SCLSI/Inquiry_into_Extremism_In_Victoria/Transcripts/2022.06.14/QONs/Liberty_Victoria_response_to_question.pdf).

## ***The nature and extent of movements and persons holding extremist right wing views in Australia***

12. Australia has a history of extremist right-wing movements<sup>7</sup> which has grown in the past decade. There is a new level of public visibility and media coverage of far-right extremist movements which has not previously been seen in this country, mimicking other trends seen around the world. Victoria Police observed in March 2021 that 40% of the extremists currently monitored in Victoria were deemed to be 'right-wing extremists'.<sup>8</sup> Most concerningly, over recent times the Australian far-right movement has had an influx of young new members with social media expertise.

## ***The threat posed by extremist movements, including right wing extremism and how individuals progress to committing acts of violence***

13. As Liberty Victoria has previously highlighted in its joint submission to the PJCIS Inquiry into Extremist Movements and Radicalism in Australia,<sup>9</sup> it is impossible to empirically validate the level of threat posed by individuals who are exposed to extremist ideology.

14. Experts agree that only an 'infinitesimally small' minority of people who hold extremist beliefs actually transition to violence.<sup>10</sup> There is no empirically robust method to identify who these individuals will be, and it is wrong to assume that there is some kind of "conveyor belt" from exposure to extremist ideology to radicalisation and violence.<sup>11</sup>

15. The level of threat can also be overstated as a result of the large number of people arrested and charged with non-violent inchoate terrorism offences, as has also been demonstrated in the United Kingdom and the United States.<sup>12</sup> In the United Kingdom most terrorism-related offences are entirely unconnected with any actual violence and certainly not the extreme violence that the discourse on terrorism suggests.<sup>13</sup>

16. Considering that most of the time individuals who hold extremist views often deescalate

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<sup>7</sup> For a discussion on the history of right-wing extremism in Australia see, Kristy Campion, 'Right-wing extremism has a long history in Australia' *The Conversation* (online) 21 March 2019

<sup>8</sup> Nino Bucci, 'Victoria Police reveal active counter-terrorism investigation involving right-wing extremists,' *The Guardian* (online), 26 March 2021, .

<sup>9</sup> Available here: <https://libertyvictoria.org.au/content/inquiry-extremist-movements-and-radicalismaustralia>.

<sup>10</sup> Catherine Schmidt, George Joffé, and Elisha Davar, "The Psychology of Political Extremism," *Cambridge Review of International Affairs* 18, no. 1 (2005): 186, <https://doi.org/10.1080/09557570500060157>.

<sup>11</sup> Jonathan A Rae, "Will It Ever Be Possible to Profile the Terrorist?," *Journal of Terrorism Research* 3, no. 2 (September 22, 2012), <https://doi.org/10.15664/jtr.380>.

<sup>12</sup> Stephen Downs and Kathy Manley, "Inventing Terrorists: The Lawfare of Preemptive Prosecution" (Project Salam and the National Coalition to Protect Civil Freedoms, 2014), 1, <http://www.projectsalam.org/Inventing-Terrorists-study.pdf>.

<sup>13</sup> Jude McCulloch and Sharon Pickering, "Pre-Crime and Counter-Terrorism: Imagining Future Crime in the "War on Terror,"" *British Journal of Criminology*, no. May (2009): 636, <https://doi.org/10.1093/bjc/azp023>.

from these views without intervention, assessing risk of violence is very difficult and is often affected by systemic structural racism.<sup>14</sup>

***The motivations, objectives and capacity for violence of extremist groups and individuals holding such views***

17. Far-right extremism is an amorphous concept encompassing a diverse range of movements and ideals. In the early 2000s Muddle identified five features which are generally considered the core components of a right-wing extremist group: nationalism, exclusionism, xenophobia, anti-democratic views and populism.<sup>15</sup>

18. Peucker and Smith observe that “nationalism, racism and anti-diversity, coupled with anti-government, ultra conservative views and anti-egalitarian ideologies” are what unite the disparate factions of far-right extremism in Australia.<sup>16</sup> They have further identified three types of far-right groups currently operating within Victoria:<sup>17</sup>

- a. *Anti-Islam Groups* – Groups such as Reclaim Australia, Stop the Mosque in Bendigo, Aussie Pride and Aussie Angels Against Shariah “push narratives around alleged threats that Islam and Muslims pose to the Australian ‘way of life’ and the physical safety of Australians”;
- b. *Cultural Superiority Groups* – Groups such as Nationalist Uprising, True Blue Crew and Soldiers of Odin have a strong focus on “promoting ethnic nationalism and an exclusivist form of Australian Patriotism, emphasising Australia’s cultural values and claiming cultural superiority”; and
- c. *Racial superiority groups* – Groups such as Nationalist Alternative Australia and Eureka Youth League “situate themselves openly in opposition to Australia’s liberal democracy; they propagate a racially exclusive form of nationalism, claim white superiority and are openly anti-Semitic”.

19. Two dominant issues have contributed to a recent increase in right-wing extremism: shared grievances and crises of identity. The underlying social and structural issues that

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<sup>14</sup> Tarek Younis and Sushrut Jadhav, “Keeping Our Mouths Shut: The Fear and Racialized Self-Censorship of British Healthcare Professionals in PREVENT Training,” *Culture, Medicine and Psychiatry* 43, no. 3 (2019): 404–24, <https://doi.org/10.1007/s11013-019-09629-6>; Marie Breen Smyth, “Theorising the ‘Suspect Community’: Counterterrorism, Security Practices and the Public Imagination,” *Critical Studies on Terrorism* 7, no. 2 (2014): 223–40, <https://doi.org/10.1080/17539153.2014.945308>.

<sup>15</sup> See Cas Muddle, *The Ideology of the Extreme Right* (Manchester University Press, 2000).

<sup>16</sup> Mario Peucker and Debra Smith ‘Conclusion: Making Sense of the Far-Right in Australia’ Mario Peucker and Debra Smith *The Far-Right in Contemporary Australia* (Palgrave MacMillian, 2019), 219.

<sup>17</sup> For more see Mario Peucker, Debra Smith and Muhammad Iqbal, ‘Not a Monolithic Movement: The Diverse and Shifting Messaging of Australia’s Far-Right’ in Mario Peucker and Debra Smith (eds) *The Far-Right in Contemporary Australia* (Palgrave MacMillian, 2019).

are fuelling systemic inequality, injustice, racism as well as a declining trust in institutions, government authority and the media all contribute to an understanding of why there has been growth in far-right extremist views within Victoria, Australia and globally.

***The role of the online environment in promoting extremism and links between individuals and groups with international movements***

20. Many right-wing extremist groups exist mainly online and do not have formal organisational structures. They seem to be based on “the leaderless resistance model – denoting a framework of small disparate cells and many loosely connected individuals, online communities and connections that occasionally spill into the offline world”.<sup>18</sup>
21. In the past right-wing extremists were thought of as being “sporadically violent, unorganised and apathetic towards entering political and media arenas”.<sup>19</sup> This has changed dramatically with the rise of social media. Content creation by right-wing extremists has become more professional as the public appetite for such views has intensified amidst a steady decline in the trust that Australians have in government.
22. This decline, which was already readily observable in 2019,<sup>20</sup> has only been intensified by the COVID-19 pandemic.<sup>21</sup>
23. The COVID-19 pandemic expanded the base of those vulnerable to right-wing extremist messaging by increasing social isolation and economic insecurity, and conversely, decreasing trust in government, politicians and mainstream media. COVID-19 “exposed the susceptibility and vulnerability of democratic societies to conspiratorial beliefs in times of uncertainty”.<sup>22</sup>
24. The lack of trust in both government as the purveyor of fact and the mainstream media as a reliable fact-checker has led many people to turn to social media to obtain news. Studies have shown that the “increase in the use of social media for news is related to the growth in news mistrust.”<sup>23</sup> Sites such as Youtube, Facebook, Reddit, 4chan, 8chan/kun, Gab and others are now the prime source of news for many individuals. Algorithms are used

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<sup>18</sup> Centre for Resilient and Inclusive Societies, Submission by the Centre for Resilient and Inclusive Societies to the Parliamentary Joint Committee on Intelligence and Security Inquiry into extremist movements and radicalism in Australia (February 2021), 12.

<sup>19</sup> Jade Hutchinson (2021) The New-Far-Right movement in Australia, *Terrorism and Political Violence*, 30:7, 1424-1446, 1426.

<sup>20</sup> Australian National University, Trust in government hits all time low (9 December 2019)

<sup>21</sup> “Edelman Trust Barometer 2022” (2022)  
<https://www.edelman.com.au/sites/g/files/aatuss381/files/2022-02/Edelman%20Trust%20Barometer%202022%20-%20Australia%20Country%20Report.pdf>

<sup>22</sup> Kristy Champion, Jamie Ferrill and Kristy Milligan, ‘Extremist Exploitation of the Context by COVID19 and the Implications for Australian Security’ (2021) 15:6 *Perspectives on Terrorism*, 34

<sup>23</sup> Sora Park, Caroline Fisher, Terry Flew and Uwe Dulleck, “Global Mistrust in News: The Impact of Social Media on Trust” *International Journal of Media Management* 2020 22:2 83-96.

to deliver information in line with preferences of the user, limiting their exposure to information which challenges their political viewpoints. This has the effect of potentially amplifying and intensifying extremist views.

25. Initially, it appears that those who have lost faith in government and mainstream media gravitate to 'doing their own research' on the internet. This provides a sense of control over what has been perceived to have been lost through social or economic dislocation. Some people then believe they are discovering the truth and are standing in opposition to the brainwashed mainstream.
26. It is at this point when an individual is most vulnerable to right-wing extremism. The internet allows the disaffected and alienated a space for acceptance, particularly on social media. However, given the unfiltered nature of information on social media "the most obsessive and conspiratorial forms of dialogue, comprising dehumanising and hateful ideas, can target existing grievances and prejudices".<sup>24</sup>
27. As Taylor observes, "different forms of far-right extremist discourse have increasingly come together in part because online media has facilitated the sharing of convergent ideological concerns, discourse and audiences."<sup>25</sup> Use of online media as an organisational tool has resulted in overlaps between forms of far-right extremism that in the past tended to have distinct communities, such as 'men's rights', incel and white supremacist groups.
28. This misinformation also has the potential to spread easily transnationally. Global conspiracy theories which have no logical connection to Australia are "picked up and absorbed, either domesticated with localised nuance", and it is in this way that social media contributes to a "conducive environment for recruitment into extremist organisations by being instrumental in the circulation of fake news, creating disinformation bubbles that may reinforce the dynamics of polarisation".<sup>26</sup>

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<sup>24</sup> See Dr Daniel Baldino, 'The International Blueprint for Anti-Government Extremism and the Rise of the Sovereign Citizen Movements' (18 February 2022) Australian Institute of International Affairs .

<sup>25</sup> Mark Davis, 'Transnationalising the Anti-public Sphere: Australian Anti-publics and Reactionary Online Media' in Mario Peucker and Debra Smith (eds) *The Far-Right in Contemporary Australia* (Palgrave MacMillian, 2019), 135

<sup>26</sup> Centre for Resilient and Inclusive Societies, *Submission by the Centre for Resilient and Inclusive Societies to the Parliamentary Joint Committee on Intelligence and Security Inquiry into extremist movements and radicalism in Australia* (February 2021), 29.

***The terms and operation of the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023***

29. Liberty Victoria was grateful for the opportunity to make a submission to the Parliamentary Joint Committee on Intelligence and Security review of the (now enacted) *Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023* (Cth). We adopt this submission.
30. For a full explanation of our concerns regarding the Bill, please refer to our submission dated 21 July 2023, which may be accessed [here](#).
31. To summarise one part of the submission, we understand that the display of Nazi symbols and the making of Nazi gestures is highly confronting and offensive, particularly to the Jewish community and other minority groups that have been targeted by Fascist ideology. We also recognise that the introduction of new criminal offences is intended to convey the community's strong condemnation of racism, and to express solidarity and support for communities that have been targeted by racial vilification. These are laudable aims.
32. Our concern, however, is that the expansion of the criminal law is not an appropriate or effective way to achieve these objectives.
33. As demonstrated by far-right 'meme' culture online, far-right icons constantly evolve and often involve initially benign icons (such as a 'Pepe the Frog' or even the 'okay' symbol) or religious iconography (such as of crusaders and saints). Simply put, prohibition is a blunt instrument that will not prevent signals and 'dog-whistling' being given to extremist groups.
34. The long-standing prohibition of the swastika in Germany has done nothing to prevent the re-emergence of far-right extremism over recent times. These laws are likely to be tested by potential extremists who may seek to portray themselves as 'martyrs' committed to free expression, and prohibition and censorship might well have the perverse outcome of generating more attention towards such persons (and indeed the icons themselves) through lengthy litigation. We have now also seen this with the prohibition of the Nazi salute in Victoria.
35. We were also concerned by other aspects of the Bill, such as the expansion of the offence of advocating terrorism and carriage service offences.



***Measures to counter violent extremism in Australia, with particular focus on young people***

36. It is our submission that those working to prevent political violence should refrain from actions and activities that procure or induce individuals to commit offences and should instead focus on rehabilitating persons that demonstrate extremist attitudes and beliefs.
37. As Liberty Victoria previously highlighted to the PCJIS, instead of focussing on rehabilitation in order to prevent terrorist acts, the Australian Government has instead enacted suites of laws and policies over the past two decades that seek to respond to terrorist activity, many of which arguably erode fundamental principles of the rule of law, the separation of powers and our obligations under international law. This includes citizenship revocation laws, supervision orders,<sup>27</sup> the monitoring of digital communications, and controlled operations (which can result in entrapment).
38. As a community we must be careful that responses to extremism, however well-intentioned, do not become excuses to expand executive power and censorship in a disproportionate manner.
39. This is particularly relevant to the potential for legislative expansion of the powers of law enforcement to monitor digital communications. Police and security services already have an extensive range of surveillance capabilities and methodologies, many of which are protected from disclosure to the public by public interest or 'matter of state' immunity. Great care must be taken before concluding that such powers are inadequate.
40. The ever-expanding surveillance powers of law enforcement and intelligence agencies comes with the ever-increasing risk of abuses of power, made more acute by the absence of any meaningful and protective national human rights framework. As Liberty Victoria previously highlighted, in its joint submission with the Queensland Council for Civil Liberties to the PJCIS regarding the *Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020* (Cth), "Australia does not have an adequate federal human rights framework".<sup>28</sup>
41. Such risks were highlighted by a recent Children's Court of Victoria decision<sup>29</sup> involving the Commonwealth prosecution of a 13 year-old socially isolated child with autism spectrum disorder who was charged with terrorist offences. The child was the subject of a targeted online operation and was encouraged to discuss violent extremism and

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<sup>27</sup> See, *Thomas v Mowbray* (2007) 233 CLR 307

<sup>28</sup> Available here: <https://libertyvictoria.org.au/content/surveillance-legislation-amendment-identify-and-disrupt-bill-2020>.

<sup>29</sup> *CDPP v Carrick (a pseudonym)* [2023] VChC 2.

terrorism with an online covert operative. The Magistrate found that the conduct of law enforcement – which included conduct likely to further radicalise a vulnerable child towards extremism - fell so far short of the standard expected by the community as to require judicial intervention to permanently end the proceeding.<sup>30</sup>

42. In deciding to permanently stay the case, the Magistrate noted that “[i]t is extremely rare to make an order to permanently stay a proceeding and such an order will only be granted in exceptional cases because to exercise the power results in the refusal to exercise jurisdiction where the primary responsibility for deciding whether criminal proceedings should be maintained lies with the Executive and not with the court”.<sup>31</sup>

43. It is Liberty Victoria’s submission that any surveillance or intervention by law enforcement or intelligence agencies must be closely supervised by independent judicial officers (and not potentially politicised Tribunal members) in order to not unduly impinge on the privacy rights of citizens. It must also be recognised that encrypted communications platforms and the ‘dark web’ may be regularly used for legitimate purposes in order to preserve privacy, such as whistleblowing.

#### ***The role of appropriate early intervention measures***

44. For too long policies to prevent radicalisation have erroneously focussed on ideology as the root cause. The premise being that extremist ideology is (as often described) a virus that can infect vulnerable individuals and lead them to become violent.<sup>32</sup> In fact, exposure to extremist ideologies does not lead to adoption of those beliefs – as noted above there is no ‘conveyor belt’ from a person’s exposure to extreme ideology to violence. There is no accurate profile of who may take that step.

45. A more holistic response that focuses on addressing the underlying social and structural issues that are fuelling systemic inequality, injustice, racism, as well as a declining trust in institutions, government authority and the media, will be the most constructive to addresses the causes of why people are attracted to extremist movements.

46. As we submitted to the Victorian Inquiry on Extremism, in response to a question on notice, any response to the threat of extremism needs to prioritise human rights, including the rights to liberty, freedom of movement, freedom of expression, freedom of association, and privacy. Any limitations to human rights need to be carefully justified. As Chief Justice Warren famously held in relation to the *Charter of Human Rights and Responsibilities Act*

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<sup>30</sup> Please find a statement from Liberty Victoria on this issue [here](#).

<sup>31</sup> *CDPP v Carrick (a pseudonym)* [2023] VChC 2, 63.

<sup>32</sup> Reem Sweid, “The Governmentality of ‘Radicalisation’ and Its Discontents: A Critique of the Problematisation of ‘Radicalisation’ in Australian and UK Policy, (2020).

2006 (Vic), when it comes to limiting human rights “in light of what must be justified, the standard of proof is high”.

47. A useful model for balancing rights is found in the ‘Christchurch Call’, which was formulated in response to the Christchurch mosque shootings on 15 March 2019, perpetrated by an Australian. Australia is a founding supporter of that document. It should be noted that in New Zealand human rights are protected by the *New Zealand Bill of Rights Act 1990* (NZ), so it is instructive to see how the Christchurch Call seeks to balance individual rights and public safety.
48. In particular, while that document calls for stronger measures to prevent the dissemination of terrorist and violent extremist content, including by governments and online service providers, it emphasises that a free, open and secure internet is a powerful tool to promote connectivity, enhance social inclusiveness and foster economic growth. Further, it states that “[a]ll action on this issue must be consistent with principles of a free, open and secure internet, without compromising human rights and fundamental freedoms, including freedom of expression”.
49. Importantly, the Christchurch Call also emphasises the importance of education and media literacy to strengthen community resilience and to counter distorted terrorist and violent extremist narratives. This is a powerful approach because it recognises the important role of civil society and is primarily concerned with addressing the drivers of why some people are drawn to extremism in the first place, as opposed to being a reactive model that will always be a step behind the problem.
50. In responding to the threat of violent extremism in Victoria, we must be mindful that we do not employ censorship and surveillance in a disproportionate manner. That includes being careful that we do not make the mistake of casting the net too wide, stigmatising individuals and/or communities, and justifying widespread surveillance and prohibiting offensive speech on the erroneous basis that there is some kind of “conveyor belt” from exposure to extreme ideas to radicalisation and then to engagement in violent extremism. That approach is not justified by the research.
51. Our response to extremism needs to focus on improving social cohesion and trust in institutions, including trust in government and the media, rather than focussing on expanding censorship and surveillance.

***Other matters***

52. Thank you for the opportunity to make this submission. We would be pleased to give evidence to the Inquiry if called upon.