



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**PROOF**

**Federation Chamber**

**BILLS**

**Counter-Terrorism Legislation  
Amendment (Prohibited Hate Symbols  
and Other Measures) Bill 2023**

**Second Reading**

**SPEECH**

**Tuesday, 28 November 2023**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

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| <b>Questioner</b> |                           | <b>Responder</b>    |       |
| <b>Speaker</b>    | Archer, Bridget MP        | <b>Question No.</b> |       |

**Mrs ARCHER** (Bass) (18:03): Even prior to the current conflict in the Middle East, far-right extremism and the use of Nazi symbols to promote hate and violence were on the rise in Australia and across the world. Earlier this year, we watched footage of Neo-Nazis in a monstrous display of intimidation outside the Victorian parliament. Alarming, in Northern Tasmania, in the small town of Longford just outside my electorate, a local park has been vandalised with Nazi symbols and messages of white supremacy and antisemitism. In my own electorate of Bass, there have been similar incidents, which the local Jewish community have quietly gone about cleaning up themselves or with the local council's support to avoid inspiring copycats.

The ASIO chief told the Senate estimates earlier this year that at its peak—considered to be during the height of the pandemic—right-wing extremism accounted for around half of ASIO's counterterrorism workload. By February, this year that number had fallen to around 30 per cent who are ideologically motivated. Most of that is nationalist and racist violent extremism, he told Senate estimates. That 30 per cent is 30 per cent too much. I commend the federal government for bringing forward this bill, the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023, which makes significant and necessary changes to the Commonwealth Criminal Code to support law enforcement in their efforts to manage and protect the community from anyone who is planning, preparing or working to inspire others to do harm.

Though the number of Tasmanians who identify as Jewish is small—the 2021 census recorded 376 Jewish people in the state, the smallest state population in the country—the community, like any other, deserves full protection from hate speech and discrimination. I was proud that our Tasmanian government, earlier this year, led the nation in implementing legislation that would prohibit Nazi symbols and salutes in our island state. Like the federal bill before us today, the legislation is careful to acknowledge the continued importance of the swastika to the Buddhist, Hindu, Jain and other communities of faith, and recognises the difference between the sacred swastika and the misappropriated Nazi hakenkreuz, which protects legitimate purposes for public display.

Importantly, this legislation also criminalises the public display of and trade in the Islamic State symbol, used by a terrorist organisation with a violent and hateful ideology, while also recognising the distinction between Islamic State and Islamic faith. With the rise in both Islamophobic and antisemitic incidents in Australia since 7 October, this support of both our Muslim communities and our Jewish communities in this country is more important than ever.

Since being elected as the federal member for Bass around four and a half years ago, I've had the privilege of building relationships with my local Jewish community. I've had the honour of participating in the menorah lighting and Hanukkah celebrations in our city, and I have a deep admiration for Rabbi Yochanan Gordon. When this bill was originally presented to the House by the Attorney-General back in June, I reached out to Rabbi Gordon, keen as always to seek the advice of a local community who would be directly affected by this legislation. I was struck by his call for togetherness, unity and love for one another, no matter our background. I will read his words today:

Today, living in Australia, land of diverse cultures, we want to reaffirm our commitment to a society free from bigotry and hatred. In Tasmania, we have a number of descendants of Holocaust survivors and victims. As we work to pass this upcoming law, let us remember the lessons of history and vow to protect the values that bind us as a community.

The Holocaust, one of the darkest chapters in human history, was orchestrated by the Nazi regime, which shamelessly adopted the swastika as a symbol of their warped vision of the Aryan race. This emblem, once an ancient symbol representing well-being and prosperity in various cultures, was perverted to propagate hatred and cruelty on an unimaginable scale. It is a chilling reminder of the destructive power of intolerance and discrimination.

Today, we stand to state that bigotry and hate have no place in our community. Each time the symbols of hatred, and specifically the swastika, are displayed, it threatens to fracture the very foundation of our multi-cultural society. We must do what we can against any attempts to resurrect the ghosts of the past and perpetuate ideologies that seek to divide us based on our differences.

Australia holds a special place in history as the first nation where being Jewish was not an impediment to reaching any position. Our nation has shown that inclusivity and diversity are not just buzzwords but the pillars of progress and prosperity. It is a testament to the strength of our society when we embrace our differences, harness our collective potential, and rise above discrimination.

When someone displays a swastika today, they are not merely expressing an opinion or belief; they are advocating for the wholesale murder of innocent people. They are endorsing the use of gas chambers and ovens to annihilate fellow human beings solely because of their birthright and identity. This is an affront to the sanctity of life and the principles of compassion that underpin any civilized society.

If we can focus and remember the stories of Holocaust survivors and the indomitable spirit they displayed amidst the darkest of circumstances. Their stories stand as a beacon of hope, reminding us that even in the face of unimaginable horror, humanity can rise above hatred and prejudice. As this bill is debated, we must not forget to also take up the responsibility to educate future generations about the consequences of hate and intolerance.

Education is our most potent weapon against hatred. By teaching our children about the Holocaust and other instances of human suffering caused by discrimination, we instil in them empathy, tolerance, and the resolve to stand up against injustice.

Together, let us foster an environment where diversity is celebrated, and our differences are seen as strengths that enrich our society.

We must ensure that our legal systems protect the dignity and safety of all citizens and visitors alike. Let us work hand in hand to create a society where everyone can thrive, regardless of their ethnicity, religion, or background.

Let us not forget that there are people among us who lived through World War II and witnessed firsthand the atrocities committed under the Nazi regime, and for whom the symbol would still cause immense pain, including local constituents in northern Tasmania. These include people like Holocaust survivor Felix Goldschmied, who emigrated to Australia in 1948 as a young boy. Dr Goldschmied was born in what was then Czechoslovakia and lost most of his family members at Auschwitz. When attending the announcement of the establishment of a Holocaust education and interpretation centre in Hobart—an initiative spearheaded by then Treasurer Josh Frydenberg—Dr Goldschmied reflected that the establishment of an education centre was incredibly important, as he fears stories risk being forgotten as Jewish survivors grow old and take their memories of the war with them.

Then there is another Holocaust survivor in the northern Tasmanian community, Dr Gershon Goldstein. Dr Goldstein was born in the Netherlands during the war to a Dutch mother and a Jewish father. Like Dr Goldschmied, he lost many relatives in the Holocaust—around 100, in fact—including his father, grandmother, uncle, aunt, cousins, six great-uncles and two great-aunts. Dr Goldstein has spent years teaching students about the Holocaust and has long been campaigning for it to be taught more widely in the school curriculum, with a particular focus on countering antisemitism.

My thoughts have often gone to Dr Goldstein, Dr Goldschmied and the entire Jewish community, as we have seen the insignia see a resurgence as a propaganda tool for harassment and vilification of our Jewish communities. And so too have we seen both Nazi and Islamic state symbols used to target Muslims, non-Muslims, other religious minorities and other groups, including LGBTIQI+. It is all abhorrent and must be stamped out. We must not be complacent, and this bill is a positive step to send a message to Australians that our parliament and our country will stand united against displays of ignorance and hate. This legislation also seeks to criminalise the use of a carriage service to deal with violent extremist material. It ensures that regulations that prescribe terrorist organisations do not lapse after three years but instead continue indefinitely unless revoked by the AFP minister, and it strengthens the advocating terrorism offence provisions. The latter recognise that advocating terrorism is a serious act that can lead to violence against innocent Australians, and the bill increases the maximum penalty for this offence from five to seven years imprisonment.

Those seeking to promote their extremist views and recruit to their so-called cause are finding increasingly clever ways to do so, particularly seeking out younger people online and targeting vulnerable people who may feel isolated or disengaged from society. Last year, the AFP began urging parents and guardians to be aware of their child's online activities, noting that their own investigators had begun seeing evidence of extremist groups accessing popular online games in a bid to recruit young Australians and stating that they held serious concerns around the spread of extremist content in these platforms. AFP Acting Assistant Commissioner Counter Terrorism and Special Investigations Command Sandra Booth said the following:

We know that nationalist, racist and violent extremist content in online games is almost certainly part of a radicalisation process for some young people.

There are a number of popular games that enable users to create scenarios and record them for others to re-watch and share online across social media.

Our concern is extremist groups are exploiting these platform to target a very young group of Australia's population, by creating content to share and encourage far-right/extremist ideologies and abhorrent violence against others.

In his annual threat assessment last year, ASIO chief Mike Burgess also said that the agency is battling with the challenge of children increasingly becoming the target of extremist groups as they seek to radicalise others to join their cause. He said at the time:

As the director-general of security, this trend is deeply concerning.

As a parent, it is deeply distressing. As a nation, we need to reflect on why some teenagers are hanging Nazi flags and portraits of the Christchurch killer on their bedroom walls, and why others are sharing beheading videos. And just as importantly, we must reflect on what we can do about it.

Burgess is right: we need to look at why teenagers are getting involved in the first place and what we can do about it. The section in the bill which strengthens the advocating terrorism offence means it can certainly lead to a severe penalty, hopefully acting as a deterrent for potential offending or reoffending. But we must be looking at why anyone of any age becomes actively involved in advocating terrorism or using well-known hate symbols to target community groups and instil fear in others. As I mentioned in a speech on far-right extremism just a few months ago, I've pondered the effect of loneliness, isolation and the breakdown of community and what this means for our society for both men and women, with participation of women in right-wing extremism on the rise.

It's alarming that in 2023 we would need to speak on banning hate symbols—some that we would never have expected to so openly show up in sections of our communities almost 80 years after the Second World War ended. As I mentioned earlier, even prior to the current conflict, antisemitic incidents were on the rise. But the conflict has given way to incidents in both the Jewish and the Islamic communities. Between 8 October and 7 November there were 221 reported cases of antisemitic incidents and 133 reported Islamophobic incidents in the same period. These incidents include threats to mosques and synagogues, graffiti, threats to Muslim and Jewish schools, spitting at women, verbal abuse and hate mail, just to name a few. We must do more to stamp out this hate. I want to end by repeating the words of Rabbi Gordon:

Together, let us foster an environment where diversity is celebrated, and our differences are seen as strengths that enrich our society.