



# Submission from the Australia/Israel & Jewish Affairs Council on the Review of the listing of Sonnenkrieg Division as a terrorist organisation under the Criminal Code

## Summary

- The Australia/Israel & Jewish Affairs Council (AIJAC) welcomes the decision by the Australian Government to list Sonnenkrieg Division as a terrorist group under the *Criminal Code Act 1995*.
- AIJAC also acknowledges the support for this listing provided by the Opposition Leader and the leaders of Australia's states.
- AIJAC asks that the Parliamentary Joint Standing Committee on Intelligence and Security accept the recommendation of the Minister for Home Affairs to list the Sonnenkrieg Division (SKD) as a terrorist group under the *Criminal Code Act 1995*.
- AIJAC recommends that the Australian Government consider additional approaches to combating the threat posed by individuals and groups who are motivated by extreme right-wing ideologies. These approaches are detailed below.

## The Jewish community and terrorism

AIJAC is the premier independent public affairs organisation for the Australian Jewish community and conveys the interests of the Australian Jewish community to government, media and other community organisations.

Neo-Nazi, white supremacist and extreme right-wing groups and individuals have highlighted their hatred of, and violent opposition to, Jewish individuals and Jewish institutions and organisations, including in Australia. This results in a feeling of heightened anxiety among Jewish Australians, a constant need to be alert to an increasing threat, as well as the practical outcome of the Jewish community being required to expend significant resources on protective security services. AIJAC elaborated on the threat posed by these groups in its submission to the Parliamentary Joint Standing Committee on Intelligence and Security's inquiry into Extremist Movements and Radicalism in Australia.

It is important to note that the threat to the Australian Jewish community is not isolated to those who are ideologically motivated. The Australian Jewish community continues to be targeted by violent jihadist groups and religiously motivated individuals.

## Recommendations

As has been widely canvassed in public, there are a growing number of ideologically motivated Australians who may be seeking to cause harm to members of the public, including those of the Jewish faith. As an organisation that undertakes significant research into extremism and terrorism, specifically in the context of the threat they pose to the Australian Jewish community, AIJAC is acutely aware of the fast pace of change in the Australian security landscape. The Australian Government has shown it is prepared to respond to these changes in listing SKD.

While AIJAC acknowledges the Government's statement that, to its knowledge, Australians are not involved in SKD, AIJAC also seeks to highlight the subsequent statement in the document titled "Details of the *Criminal Code (Terrorist Organisations – Sonnenkrieg Division) Regulations 2021*" attached to the Minister's letter to committee chair Senator James Paterson. It states: "SKD's encouragement, promotion and glorification of lone-actor attacks could inspire some Australian extremists, and the availability of SKD propaganda online has the potential to contribute to the radicalisation of others".

This is relevant because where far-right groups were once fringe, today they are able to amplify their messages to a global audience via the internet, including social media. Through online channels, they have found new ways to recruit, organise and incite violence, representing a potential terrorist threat. This is particularly alarming for the Jewish community.

Today's extreme right-wing groups are inspired by past attacks (for example the Christchurch mosque massacre or US Tree of Life synagogue massacre) and support white-replacement theory, which places the blame on "the Jews" for the claimed demise and destruction of the so-called European race, culture and civilisation, including in Australia.

Proscribing SKD may diminish, but does not remove, the threat posed to Australia's Jewish community, nor to other Australians.

Adding SKD to Australia's terrorist list is important though, because:

- (1) It follows similar moves by Australia's closest allies. This demonstrates that Australia will not be a safe haven for groups and individuals who pursue violent ideologies. The transnational nature of extremist organisations, including functional networking and collaboration online, is a compelling reason for Australia to list terrorist organisations, such as the SKD and others, even if they are not known to be currently active from Australian territory.
- (2) This listing demonstrates the Government's serious attitude towards the threat posed by individuals and groups with extreme right-wing ideologies. Some argue that proscribing these groups drive their supporters underground. The flip-side of this argument is that proscription – and the penalties for association with accompany that proscription – may act as a deterrent to individuals who may be going down the path to radicalisation.

However, placing SKD on Australia's terrorist list is not sufficient to diminish or even eliminate the threat posed to Australians by neo-Nazis, white supremacists or other extreme right-wing actors.

For example, this year alone in Australia, the neo-Nazi group, National Socialist Network (NSN), has held a highly inflammatory public rally in the Grampians, its leader has been charged with assault, and two individuals – both allegedly affiliated with the group – were arrested over possession of explosives and extremist material.

NSN also serves as a good case study of the shape-shifting nature of extreme-right wing groups, many of which form, disband and then reappear. This provides yet another compelling reason why proscription alone is not a comprehensive counter-terrorism strategy.

### Complementary counter-terrorism reforms

#### **(1) Amending the *Crimes Act* to explicitly prohibit violence, incitement and the glorification of violence against a racial or religious group.**

Australian counter-terror authorities have a vital role to play in monitoring individuals who may be speaking to others about plans to incite or commit ideologically-inspired violent acts against particular groups. However there are additional tools that can be provided to assist them in this task.

AIJAC recommends that the Government consider an amendment to the *Crimes Act* to explicitly prohibit violence, incitement and the glorification of violence against a racial or religious group. This could be used as a law enforcement tool against those affiliating with groups, such as NSN, that do not currently meet the threshold for listing under the *Criminal Code Act 1995*.

#### **(2) Maintain counter-terrorism focus and resourcing in policing and intelligence gathering.**

Police and intelligence services remain at the forefront of the battle against local extremists. ASIO Director General Mike Burgess has emphasised the resources extreme right-wing investigations now require<sup>1</sup>. Senior state-based police, including Victoria Police Deputy Commissioner Ross Guenther and NSW Assistant Commissioner Mick Hermans, have both also explained there is now a stronger state-based policing focus on far-right extremists<sup>2</sup>. This focus must be retained and police must be resourced sufficiently to protect the community from this threat.

#### **(3) The Australian Government should develop a national counter-extremism strategy.**

Australia's most recent counterterrorism strategy was published in 2015 and ideologically-inspired terrorism barely rates a mention. The Australian Government should develop a national counter-extremism strategy aimed at aggressively combatting extremist activity and dangerous conspiracy theories, in order to prevent violence and foster a more socially cohesive society. A national counter-extremism strategy would be a complementary

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<sup>1</sup> Burgess, M (2021) "Director-General's Annual Threat Assessment", ASIO, March 17 <https://www.asio.gov.au/publications/speeches-and-statements/director-generals-annual-threat-assessment-2021.html>

<sup>2</sup> Bucci, N (2021) "Victoria Police prioritised ISIS threat over rightwing extremism until Christchurch attack", *The Guardian Online*, March 29, <https://www.theguardian.com/australia-news/2021/mar/29/victoria-police-prioritised-isis-threat-over-rightwing-extremism-until-christchurch-attack>

document to Minister for Multicultural Alex Hawke's national Social Cohesion Strategy, which is currently being formulated<sup>3</sup>.

- (4) **AIJAC welcomes the Australian Government's ongoing commitments to establishing Holocaust education centres in all Australian capital cities, as a bulwark against racial and religious extremism<sup>4</sup>.**

Educating young Australians about the dangers of Nazism and the devastation of the Holocaust has a significant role to play in countering extremism. Recent surveys show that younger generations are lacking awareness about the Holocaust. While education on the Holocaust is included in the Australian curriculum, currently it is only mandatory in Victoria and New South Wales.<sup>5</sup> Holocaust education on its own is not sufficient to stop antisemitism and racism, but it can help counter religious, racial and political sources of hatred.

## Conclusion

AIJAC thanks the Australian Government and the Parliamentary Joint Committee on Intelligence and Security for its diligence in countering the violent threat posed by ideologically inspired extremists. It urges all parliamentarians to consider what more can be done to protect Australians, who, due to no fault of their own, are targets of these bigots.

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<sup>3</sup> Hawke, A (2021) "National Anti-Racism Framework", March 17 <https://minister.homeaffairs.gov.au/AlexHawke/Pages/national-anti-racism-framework.aspx>

<sup>4</sup> "Doorstop interview, ACT Jewish community centre", Jan 27 2021, <https://ministers.treasury.gov.au/ministers/josh-frydenberg-2018/transcripts/doorstop-interview-act-jewish-community-centre>

<sup>5</sup> Mittelman, S., History's lessons vital to counter extremism, *Herald Sun* (January 18, 2021).