



Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2011

The Australian Communications and Media Authority determines this standard under subsection 125(2) of the *Broadcasting Services Act 1992*.

Dated 29 March 2011

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[signed]
Member

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Australian Communications and Media Authority

Part 1 Introduction

1 Name of standard

This standard is the *Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2011*.

2 Commencement

This standard commences on 1 July 2011.

3 Revocation

The *Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2008* is revoked.

4 Object of standard

The object of this standard is to prevent the broadcasting of programs that advocate the doing of a terrorist act, or encourage people to join or finance listed terrorists.

5 Application

This standard applies to persons who provide an open narrowcasting television service under a class licence determined under paragraph 117(e) of the Act.

Part 2 Terms used in this standard

6 Definitions

In this standard:

Act means the *Broadcasting Services Act 1992*.

Criminal Code means the *Criminal Code* set out in the Schedule to the *Criminal Code Act 1995*.

funds has the same meaning as in the *Criminal Code*.

licensee means a person who provides an open narrowcasting television service under a class licence determined under paragraph 117(e) of the Act.

listed terrorist means:

- (a) a listed terrorist organisation within the meaning of the *Criminal Code*; or
- (b) a proscribed person or entity listed in the *Gazette* by the Minister for Foreign Affairs pursuant to section 15 of the *Charter of the United Nations Act 1945*.

recruit includes induce, incite and encourage.

terrorist act has the meaning given by section 100.1 of the *Criminal Code* (no matter where the action occurs, the threat of action is made or the action, if carried out, would occur).

Note: The definition of **terrorist act** in that section covers actions or threats of actions.

Note: The following terms used in this Standard are defined in the Act and have the meaning given by the Act: **licence, program, open narrowcasting television service**.

Part 3 Anti-terrorism Requirements

7 Recruiting for a listed terrorist

- (1) A licensee must not broadcast a program that would be reasonably understood as directly recruiting a person to join, or participate in the activities of, a listed terrorist.
- (2) A licensee is in breach of this section whether or not the licensee is aware that the program falls within subsection (1).

8 Financing terrorism

- (1) A licensee must not broadcast a program that would be reasonably understood as:
 - (a) soliciting funds for a listed terrorist; or
 - (b) assisting in the collection or provision of funds for a listed terrorist.
- (2) Without limiting the generality of subsection (1), a program falls within subsection (1) if it gives details of a bank account, an address to which funds can be sent, or some other means of making payment to, or for the benefit of, a listed terrorist.
- (3) A licensee is in breach of this section whether or not the licensee is aware that the program falls within subsection (1).

9 Advocating the doing of a terrorist act

- (1) A licensee must not broadcast a program that advocates the doing of a terrorist act.
- (2) A licensee is in breach of this section whether or not the licensee is aware that the program falls within subsection (1).
- (3) Subject to subsection (4), for the purposes of this section, a program advocates the doing of a terrorist act if:
 - (a) it directly or indirectly counsels or urges the doing of a terrorist act;
 - (b) it directly or indirectly provides instruction on the doing of a terrorist act;
 - (c) it directly praises the doing of a terrorist act in circumstances where there is a substantial risk that such praise might have the effect of leading a person (regardless of his or her age or any mental impairment (within the meaning of section 7.3 of the *Criminal Code*) that the person might suffer) to engage in a terrorist act.
- (4) A program does not advocate the doing of a terrorist act if it depicts or describes a terrorist act, but the depiction or description could reasonably be considered to be done merely as part of public discussion or debate or as entertainment or satire.

10 Programs of political opinion not affected

For the avoidance of doubt, sections 7, 8 and 9 are not intended to prevent a licensee from broadcasting a program that merely gives information about, or promotes the beliefs or opinions of, a listed terrorist.

11 Bona fide reports and comments not affected

Sections 7, 8 and 9 do not prevent a licensee from broadcasting an excerpt from a program of the kind described in section 7, 8 or 9 if:

- (a) the excerpt is included in a news report, current affairs program, documentary or other program; and
- (b) the excerpt is included as part of a bona fide report or comment on a matter of public interest.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.