



# Broadcasting Services (Anti-terrorism Requirements for Television Narrowcasting Services) Standard 2021

*Broadcasting Services Act 1992*

---

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY determines this standard under subsection 125(2) of the *Broadcasting Services Act 1992*.

Dated: 9 September 2021

Chris Jose  
[signed]  
Member

Linda Caruso  
[signed]  
~~Member~~/General Manager

Australian Communications and Media Authority

---

## Part 1 Preliminary

### 1 Name of instrument

This instrument is the *Broadcasting Services (Anti-terrorism Requirements for Television Narrowcasting Services) Standard 2021*.

### 2 Commencement

This standard commences on the day after it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed at [www.legislation.gov.au](http://www.legislation.gov.au).

### 3 Authority

This standard is made under subsection 125(2) of the *Broadcasting Services Act 1992*.

### 4 Repeals

The *Broadcasting Services (Anti-terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2011* (Registration No. F2011L00581) and the *Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2011* (Registration No. F2011L00579) are repealed.

### 5 Definitions and interpretation

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:

- (a) a subscription television narrowcasting service under a class licence determined under paragraph 117(c) of the Act; or
- (b) 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 1: The definition of **terrorist act** in that section covers actions or threats of actions.

Note 2: 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, subscription television narrowcasting service.**

## **6 References to other instruments**

In this standard, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument is a reference to that other instrument as in force at the commencement of this instrument.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

## **Part 2 Introduction**

### **7 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.

### **8 Application**

This standard applies to licensees.

## **Part 3 Anti-terrorism Requirements**

### **9 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).

### **10 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).

## **11 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, promotes, encourages or urges the doing of a terrorist act; or
  - (b) it directly or indirectly provides instruction on the doing of a terrorist act; or
  - (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.

## **12 Programs of political opinion not affected**

For the avoidance of doubt, sections 9, 10 and 11 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.

## **13 Bona fide reports and comments not affected**

Sections 9, 10 and 11 do not prevent a licensee from broadcasting an excerpt from a program of the kind described in section 9, 10 or 11 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.