Broadcasting Services (Anti-terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2008

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


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Broadcasting Services (Anti-terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2008

made under the

Broadcasting Services Act 1992

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Anti-terrorism requirements for subscription television narrowcasting services

Part 1 Introduction

1 Name of standard
This standard is the Broadcasting Services (Anti-terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2008.

2 Commencement
This standard commences on 1 December 2008.

3 Revocation
The Broadcasting Services (Anti-terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2006 is revoked.

4 Object of standard
The object of this standard is to prevent the broadcasting of programs that encourage people to join or finance listed terrorists.

5 Application
This standard applies to persons who provide a subscription television narrowcasting service under a class licence determined under section 117(c) of the Act.

Part 2 Terms used in this standard

6 Definitions
In this standard:


funds has the same meaning as in the Criminal Code.

licensee means a person who provides a subscription television narrowcasting service under a class licence determined under section 117(c) 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.

[NOTE: The following terms used in this Determination are defined in the Broadcasting Services Act 1992 and have the meaning given by that Act: licence, program, subscription television narrowcasting 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 **Programs of political opinion not affected**

For the avoidance of doubt, sections 7 and 8 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.

10 **Bona fide reports and comments not affected**

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