

TERRORIST AND NATIONAL SECURITY EVENT MEDIA PROTOCOLS

Preamble:

On March 15, 2019 a lone gunman removed any doubt that New Zealand's remoteness provided us with immunity from terrorism.

At the time of writing our national terrorism threat level is at Medium which means a terrorist attack is assessed as feasible and could well occur. The nature of a specific national security threat and actions is always unpredictable, but we know that interaction between government agencies and the news media contains common elements in any situation.

The following protocols have been updated to assist both parties in dealing with each other during terrorist or national security events within New Zealand, or in a significant terrorist event overseas (such as a hostage-taking) involving New Zealanders.

Note: These protocols should be considered from the time an event takes place. Official designation of an event may happen very quickly after an incident or it may take some time before the motivations of an offender or offenders become clear and a designation can be made. These protocols are intended for use from the beginning of any major incident or threat that has the potential to be designated as a terrorist act.

Goal:

The primary goal of Government agencies and other authorities in a terrorism or national security event is to make every effort to minimise risks to life and property but they will do so against a background of informing the public to the maximum extent possible.

For its part, the news media will act responsibly and co-operatively with authorities throughout the event. In terrorist and national security events the media and police (with the backing of other anti-terrorist authorities) have agreed the following principles.

Working principles:

1. It is recognised that the domestic news media and social media are the most effective communication channels for Government and emergency services to convey information to the New Zealand public during critical incidents such as a terrorism or national security event.
2. It is accepted that the public expects open, timely and accurate information from authorities, alongside responsible reporting by media which does not compromise the safety of the public or services responding to an event.

3. Both parties are committed to entering into and maintaining dialogue at the earliest opportunity through to the resolution of a terrorism or national security event. It is agreed that such dialogue assists in fulfilling the media's right to report on an event without compromising any operational response or causing further risks to public safety. This dialogue will be achieved through close liaison with the Media Freedom Committee and/or directly with editors. This is not a substitute for the newsgathering process.
4. It is understood that terrorists or their accomplices may use social media to livestream their actions. While an event may be resolved in minutes, a more protracted incident such as a hostage situation would see perpetrators monitor media and social media to gain information about tactical responses, They may also attempt to communicate with the media via social media during an ongoing event.
5. It is recognised that social media and the internet allows instantaneous publication of pictures, video and information as events unfold. The risk of publishing unverified information is understood by media who will exercise appropriate judgement on such publication.
6. The risk of furthering terrorist aims and aiding their promotion by the publication of terrorist symbols, signs and propaganda is also recognised by media, who will exercise appropriate editorial judgement regarding such material.
7. Authorities will be notified by any media organisation that is contacted by a terrorist or terrorist organisation. Any request for withholding the publication or broadcast of such information will be most seriously considered by the relevant editor who will make the final decision.
8. Media recognises the importance of alerting authorities to terrorism or national security information it receives prior to publication if it may assist in the successful resolution of an event, or prevent loss of life, or serious injury. Authorities may request this information is not published and to the extent possible explain why this request is being made. The final decision regarding publication will however remain with relevant editors.
9. The disclosure principles of the Official Information Act apply to terrorism events and information of interest to the public should be made available via the news media unless there are compelling security or public safety reasons not to do so.
10. Best endeavours will be made by authorities to provide as much information as is possible, as soon as possible, without compromising the operations of officials working to resolve the incident. No unnecessary delays will be imposed on the release of information and every attempt will be made for operational decision-makers to be made available at mutually suitable times to the media.

11. Media will recognise that information available to authorities, particularly in the early stages of an event can be limited and unreliable, and that authorities must ensure that information released to the public through the media is verified and accurate.
12. It is recognised by media that precise language is important in any commentary in order not to frame a specific section of the community as a security risk. Media and media commentators will consider language closely in their commentary and reporting of events so that language does not cause undue fear, or speculation about a section of a community.
13. It is understood that New Zealand media will have a heightened awareness of responsibilities to New Zealand audiences and communities compared to overseas media. At times reporting by overseas media may differ in judgement and approach to that of New Zealand media.
14. With the exception of the Emergency Powers Act 1987 relating to the preservation of anonymity around operational personnel, or equipment and techniques lawfully used to deal with an emergency, editorial control will remain with news media editors.
15. After the event is over, authorities and the Media Freedom Committee will meet to discuss proceedings and how communication between the various parties can be improved.

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***Terrorist act defined**

- (1) An act is a terrorist act for the purposes of this Act if—
 - (a) the act falls within subsection (2); or
 - (b) the act is an act against a specified terrorism convention (as defined in [section 4\(1\)](#)); or
 - (c) the act is a terrorist act in armed conflict (as defined in [section 4\(1\)](#)).
- (2) An act falls within this subsection if it is intended to cause, in any 1 or more countries, 1 or more of the outcomes specified in subsection (3), and is carried out for the purpose of advancing an ideological, political, or religious cause, and with the following intention:
 - (a) to induce terror in a civilian population; or
 - (b) to unduly compel or to force a government or an international organisation to do or abstain from doing any act.
- (3) The outcomes referred to in subsection (2) are—
 - (a) the death of, or other serious bodily injury to, 1 or more persons (other than a person carrying out the act):
 - (b) a serious risk to the health or safety of a population:
 - (c) destruction of, or serious damage to, property of great value or importance, or major economic loss, or major environmental damage, if likely to result in 1 or more outcomes specified in paragraphs (a), (b), and (d):
 - (d) serious interference with, or serious disruption to, an infrastructure facility, if likely to endanger human life:
 - (e) introduction or release of a disease-bearing organism, if likely to devastate the national economy of a country.
- (4) However, an act does not fall within subsection (2) if it occurs in a situation of armed conflict and is, at the time and in the place that it occurs, in accordance with rules of international law applicable to the conflict.
- (5) To avoid doubt, the fact that a person engages in any protest, advocacy, or dissent, or engages in any strike, lockout, or other industrial action, is not, by itself, a sufficient basis for inferring that the person—
 - (a) is carrying out an act for a purpose, or with an intention, specified in subsection (2); or
 - (b) intends to cause an outcome specified in subsection (3).