TERRORISM AND VIOLENT PROTESTS: WHERE DO THESE DISRUPTIVE EVENTS MEET?

THE UNIVERSITY OF QUEENSLAND

A U S T R A L I A

Authors
Professor Paula Jarzabkowski
Research Fellow Dr Corinne Unger
Research Fellow Dr Katie Meissner

The University of Queensland Business School
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Cover Image
Protesters against the Victorian government's new pandemic powers and vaccine mandates marched from the Victorian State Library to Parliament House in Melbourne.
Photograph: Sydney Low/ZUMA Press Wire/REX/Shutterstock

EXECUTIVE SUMMARY

This paper examines the evolving nature of terrorism and violent protests to better understand the different legitimacy society grants to each type of event. This paper is timely as the face of terrorism has shifted significantly since September 11, 2001, an event that triggered a strong legislative response globally, including in Australia. More recently, social fragmentation and alienation, much of it linked to Covid-19 restrictions, have seen increasing participation rates in protests, many of which have been violent. Similarities in behaviours and outcomes across both types of events call into question the social legitimacy for protesting in a democratic society when these protests involve significant economic disruption and violence.

Traditionally, terrorist acts were undertaken by individuals or groups of individuals with clear links to recognised terrorism organisations and those acts were largely bombings, hijackings, and kidnapping. However, more recent terrorism looks different in that individuals or small groups may work alone to carry out clandestine acts that do not carry these hallmarks of traditional terrorism.

Recent social changes relating to Covid19, including unemployment, misinformation, vaccination, wearing masks, and lockdowns, are contributing to increased participation in protests. Currently, governments are making decisions for all Australians that are affecting some in deeply personal ways, resulting in feelings of loss of control, inability to plan ahead, and potential disenfranchisement. These changes in personal circumstances have contributed to increases, and higher participation, in protests.

This paper finds that the lines between violent democratic protests and terrorist acts are becoming blurred when each causes significant disruption and harm. The democratic right to protest is largely well-accepted and supported by the Australian public. Despite this, protests can, and do, become violent and cause harm to people, property, and the environment.

As a result, questions are building around where the line is drawn between the right to protest and a protest that is intended to generate violence, significant disruption, and societal fragmentation, with some likening such activities to terrorism. This paper concludes that the social legitimacy accorded to protesting may be shifting where such protests demonstrate intent to be violent, disruptive, or go against dominant societal norms.

TERRORISM AND VIOLENT PROTESTS: WHERE DO THESE DISRUPTIVE EVENTS MEET?

While there is no singular widely accepted meaning of terrorism, it can seem obvious; if an individual looks, sounds and behaves 'like a terrorist' they are labelled one. Yet this approach contributes little to the understanding of a difficult and evolving issue. What constitutes terrorism is complex particularly as some behaviours and outcomes of violent protests resemble harms from terrorism. This paper is intended to provoke thought about the evolving nature of violent protest and other forms of disruptive event (PDE), its relationship to terrorism, and whether the social legitimacy accorded to violent and disruptive protests is changing.

'One man's terrorist is another man's freedom fighter' [1]

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[1] Laqueur, 1987, pp. 7, 302 in Ganor 2013

There is no single meaning of terrorism because it depends on the subjective outlook of the definer (Ganor, 2013). Nor does categorising different types of terrorism help us determine who terrorists are (Ganor, 2013). Traditionally, terrorist acts (TA) were undertaken by individuals or groups of individuals with clear links to recognised organisations and those acts were largely bombings, hijackings, and kidnapping (Hoffman, 2017; Veerasamy, 2008) (USA Sept 11, 2001 photos[2]). Terrorism laws have been introduced or modified in response to such horrific events, as was the case in Australia following the USA World Trade Centre terrorist attacks in 2001.

However, more recent terrorism looks different in that individuals or small groups may work alone to carry out clandestine acts that do not carry these hallmarks of traditional terrorism (Hoffman, 2017; Sinai, 2008). For example, in the UK the threat has shifted over time to "self-directed" attacks (UK Pool Re, 2021[3]). The nature of terrorist attacks is evolving, in part because new technology allows rapidly changing methods of terrorism. However, the legislation to keep pace with such changes evolves slowly. New trends in terrorism are difficult to define (Golder & Williams, 2004; Sinai, 2008), and consensus is needed to facilitate international cooperation on how to tackle these trends (Schmid, 2004). Yet consensus is elusive when it must keep pace with evolving meanings about what types of activities constitute TAs.

In particular, the lines between violent democratic protests and TAs are becoming blurred, as the disruption and harms from the former are sometimes greater than the latter. For example, the 2021 Capitol Hill riots in the USA were internally driven by those opposed to the Presidential election outcome (Photos of Capitol Hill riots[4]), challenging the assumption that terrorism is imposed by religiously motivated organisations from other nations. Indeed, some such activities are now being labelled terrorism, including charging a school shooter in Michigan with 'terrorism causing death' in December 2021, and terrorist charges against members of INCEL groups in both the UK[5] and US in 2020-2021.

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2 https://abcnews.go.com/US/photos/photos-remembering-911-148555/image-79823554
3 December newsletter 2021 https://www.poolre.co.uk/wp-content/uploads/2022/01/COH_J013056-Pool-Re-MTU-Dec-C2.pdf
4 https://nypost.com/2022/01/06/the-2021-capitol-riot-in-pictures/
5 https://www.theguardian.com/uk-news/2022/jan/03/glorification-plymouth-shooter-incels-prompts-calls-for-action

The distinction between what is and is not terrorism is thus eroding. As school shootings, right-wing, and other forms of extremism show, perpetrator, target, or cause-based definitions of terrorism are largely unhelpful. Terrorist acts are carried out by a wide range of actors, and don't always target civilians or non-combatants. Furthermore, such acts may also target the environment, and public and private property (Margariti, 2017; Richards, 2014).

Protests and disruptive events, referred to here as PDEs, can be violent and destructive, yielding similar consequences for society as TAs. Yet the right to protest has social legitimacy in democratic societies, while terrorist activity does not. Social legitimacy 'is the acceptance of an institution within a given audience' (Dellmuth & Tallberg, 2015, p. 454), and refers to both legislation and social norms about what behaviour is acceptable. We apply social legitimacy to describe the relationship between the democratic right to protest and the Australian public, which is historically well-accepted and legislatively supported. Despite this legitimacy, PDEs can, and do, become violent and cause harm.

Unlike democratic protests, all forms of terrorism lack social legitimacy.

Global responses to Covid-19 have likely contributed to the number of PDEs in the last two years. The Australian Bureau of Statistics (ABS) states that in June 2021, one in five (20%) Australians had recently experienced high or very high levels of psychological distress (Australian Bureau of Statistics, 2021). This is not surprising given Australia's approach to managing the health impacts of Covid 19 involved a significant social shift in working conditions, family life, and education by restricting social interaction. As a result, some people experienced increased levels of loneliness and anxiety, housing stress, unemployment, and economic hardship (Deloitte, 2020). Currently, governments are making decisions for all Australians that are affecting some in deeply personal ways, resulting in feelings of loss of control, inability to plan ahead, and potential disenfranchisement. These changes in personal circumstances, misinformation, and perceptions that mandatory vaccination, wearing masks, and lockdowns breach personal freedoms or human rights have contributed to participation in PDEs. Such alienation and disenfranchisement is also known to be one contributing factor in the propensity for individuals to affiliate with terrorist organizations and activities (Stephens et al., 2019).

FORMAL DEFINITIONS OF TERRORISM

Within the multiple definitions of terrorism (Golder & Williams, 2004; Meisels, 2009), some common themes are apparent.
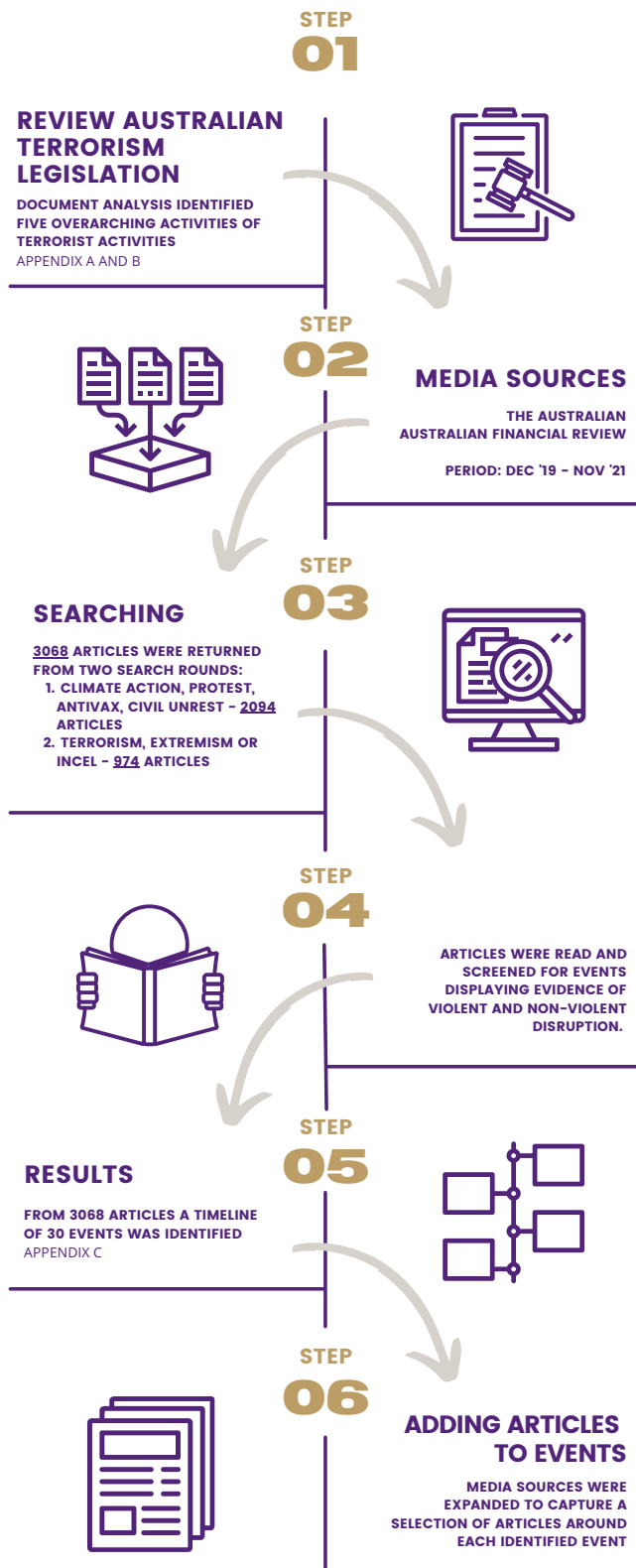
Terrorism is defined as activities that:

- **Cause long-term fear and/or psychological damage** (Meisels, 2009; Richards, 2014)
- **Are pre-meditated and planned with intent to cause damage** (Shanahan, 2010)
- **Have a political, social, economic or environmental message** (Ahmed & Lynch, 2021; Goodin, 2006), and
- **Include violence (either completed, threatened, or implied) or harm (e.g., biological or chemical)** (Hoffman, 2017; Shan

These characteristics are consistent with the way terrorism is defined in Australian legislation (Government of Australia, 2021b, Criminal Code Act). This legislation also clarifies what is not terrorism: advocacy, protest, dissent or industrial action not intended to cause serious harm, endanger life, or create serious risk to health and safety of the public or a section of the public (see Appendix A). Thus, while some PDEs escalate to the extent where they cause harm, endanger life or cause risk to the public, they are clearly defined as 'not terrorist' activities. Just as restriction of terrorist activities has social legitimacy that is enshrined into law, so too is the democratic right to protest enshrined in law.

DATA GATHERING

FIGURE 1: DATA GATHERING OF AUSTRALIAN LEGISLATION AND MEDIA ARTICLES

STEP 01

REVIEW AUSTRALIAN TERRORISM LEGISLATION

DOCUMENT ANALYSIS IDENTIFIED FIVE OVERARCHING ACTIVITIES OF TERRORIST ACTIVITIES
APPENDIX A AND B

STEP 02

MEDIA SOURCES

THE AUSTRALIAN
AUSTRALIAN FINANCIAL REVIEW

PERIOD: DEC '19 – NOV '21

STEP 03

SEARCHING

3068 ARTICLES WERE RETURNED FROM TWO SEARCH ROUNDS:
1. CLIMATE ACTION, PROTEST, ANTIVAX, CIVIL UNREST – <u>2094</u> ARTICLES
2. TERRORISM, EXTREMISM OR INCEL – <u>974</u> ARTICLES

STEP 04

ARTICLES WERE READ AND SCREENED FOR EVENTS DISPLAYING EVIDENCE OF VIOLENT AND NON-VIOLENT DISRUPTION.

STEP 05

RESULTS

FROM 3068 ARTICLES A TIMELINE OF 30 EVENTS WAS IDENTIFIED
APPENDIX C

STEP 06

ADDING ARTICLES TO EVENTS

MEDIA SOURCES WERE EXPANDED TO CAPTURE A SELECTION OF ARTICLES AROUND EACH IDENTIFIED EVENT

To examine the evolving nature of social legitimacy, as it is accorded to restricting terrorist activities while giving free rein to democratic protest, we applied three layers of analysis. Firstly, Australian terrorism legislation was reviewed to determine how laws have evolved over time predominantly in the Criminal Code Act 1995 (Government of Australia, 2021b) and also the Broadcasting Services Act 1992 (Government of Australia, 2021a) . Secondly, data were gathered from Australian media articles spanning two years to capture relevant events: both TAs and PDEs. The media plays a key role in reporting on unfolding events and thus influencing our perception of risk (Hällgren et al., 2018). Media articles are, therefore, a valid source of evidence to analyse the social legitimacy accorded to these nonroutine events (Hoffman & Ocasio, 2001). Our media review provided a set of 30 events occurring in Australia between December 2019 and November 2021. Thirdly, the legislation was interpreted to identify five overarching activities of terrorism, namely (i) implementing a TA, (ii) expanding a terrorist network (iii) preparing terrorism materials/objects to facilitate a TA, (iv) ensuring funding for a TA and (v) coordinating people involved in a TA (Appendix B). We then apply these definitions of legally recognised terrorist activities to analysing PDEs, to compare how TAs and PDEs are reported in the media. Detailed supporting evidence of the data collection and analytic process is provided in appendices A-E (see also Figure 1).

> *Mainstream national media is one indicator of how society interprets what is considered acceptable*

Based on the data gathered, Figure 2 classifies the 30 events as either a TA or PDE (Appendix C). PDEs are further classified as violent or non-violent (Appendices C and E).

Figure 2: Proportion of TAs and PDEs
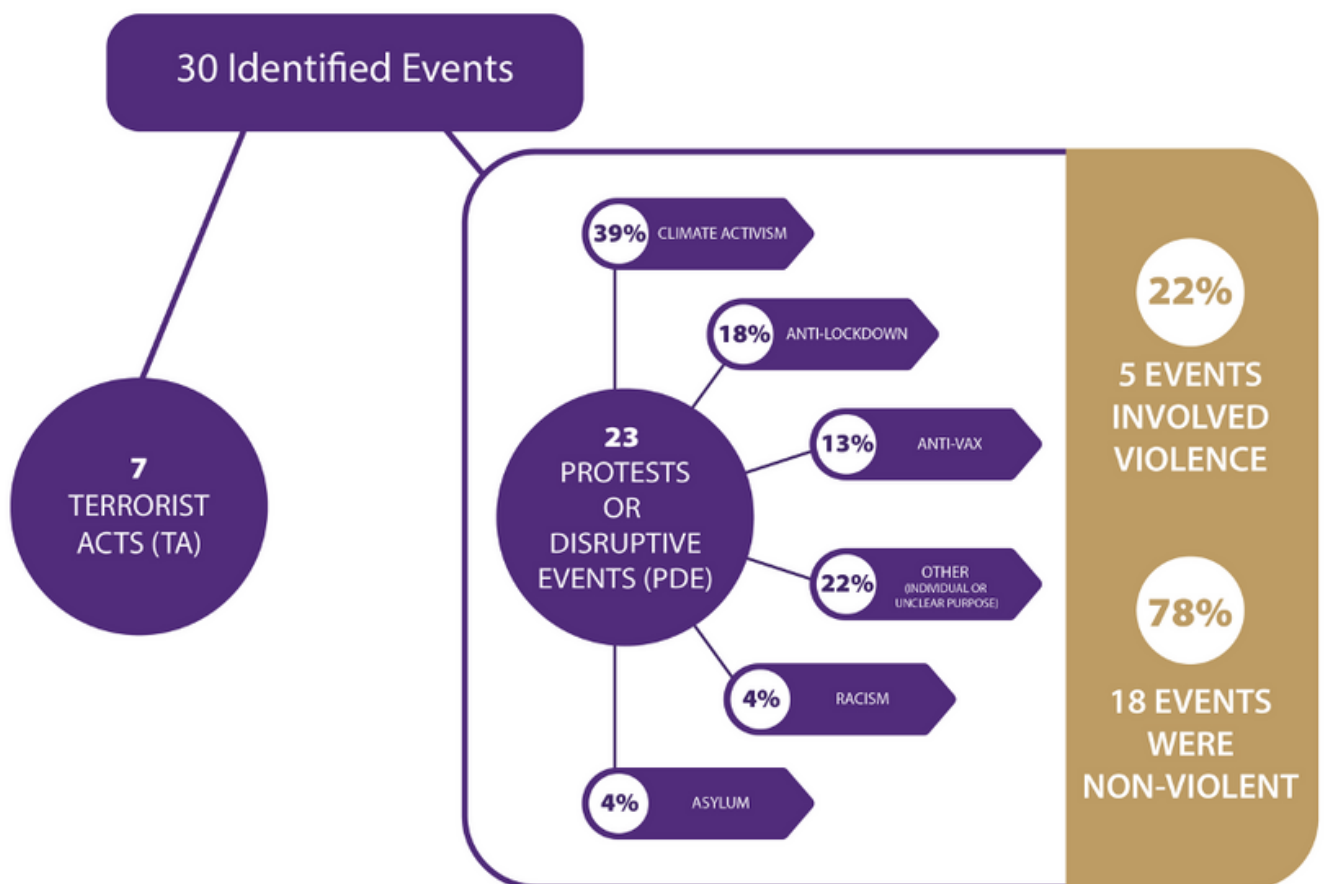
WHAT THE EVENTS REVEALED

Of the 30 events, 23 were PDEs and most of these did not involve violence (18) (Figure 2). However, for the five PDEs that did involve violence, it was possible to compare the scale of the event, the perceived degree of threat, and the persistence of the threat with the seven terrorist acts in the same two–year period of study, which is summarised in Table 1 (see also Appendix D). As PDEs engaged large groups and disrupted large commercial areas and transport systems their scale is *high*, while TAs involved few participants and were of *low* scale.

> ## *Terrorist acts did not reach the national consciousness as much as protests and other disruptive events*

As PDEs engaged large groups and disrupted large commercial areas and transport systems their scale is high, while TAs involved few participants and were of low scale. Table 1 summarises this variation between TAs and PDEs (see also Appendix D).

Table 1 Variation in (violent) PDE and TA activities

Five* terrorist activities	(violent) PDE	TA
Scale of event i. implementing ii. expanding (network) v. coordinating (people)	**High** • large numbers of attendees • high public awareness • limited intervention by authorities • may escalate quickly	**Low** • lone individuals or small groups • low public awareness of potential threat • likely intervention by authorities • active de-escalation
Perceived degree of threat i. implementing and ii. expanding (network)	**Low** • socially legitimate: accepted right to protest • mostly controlled and peaceful • police presence	**High** • based on reputation, historic events and assumptions • associated with loss of life • may occur with no public warning
Perceived persistence of threat ii. expanding (network) iii. preparing (materials) v. coordinating (people)	**Low** • transient, opportunistic, rapid, threat is visible • fragmented ideology • non-permanent	**High** • hidden/unknown, invisible • embedded and cohesive ideology • permanent

*iv. 'Ensuring funding for TA or PDE' not found in data

It is not the size of the event but the *perception of threat* that matters

The perceived degree of threat from a PDE is *low* while a TA is *high*. Legislated interventions and high levels of intelligence support public perceptions that TAs present a high degree of threat (Government of Australia, 2021b), and hence should be controlled in order to prevent their occurrence, or minimise the potential harm they might cause. While perceived as a lower threat, the PDEs we analysed sometimes escalated to violence during the event. This is particularly likely when PDEs attract socially disenfranchised groups who are motivated to participate in extreme ways (Hurst, 2022). However, regardless of their actual or potential threat, the social legitimacy of PDEs means these events are not stopped. Nonetheless, illegal actions by those participating are prosecuted in a reactive way after the event.

While TA legislation identifies materials, objects, and activities, such as possession of a knife, as indicators of threat or action (Appendices A and B), equivalent legislative indicators to intervene on potential violence from a PDE is not evident. This is due to the *low* perceived degree of threat from the socially legitimate act of protest, which is pre-assumed to be peaceful and lawful.

Similarly, the perceived persistence of threat from a TA is *higher* than that of a PDE (Table 1). A TA connected to a terrorist organisation is perceived to arise from deep, persistent ideologies that are not easily visible, and that constitute a long-term threat. In contrast, PDEs are perceived as responsive to contemporary issues that are highly visible, transient, and organised at short notice. While the underlying motivations to protest may be fragmented, the PDE provides an outlet for expressing disparate groups' anger toward a common target, perhaps the government or society at large. This social disenfranchisement is presumed to subside after the triggering event (e.g., enforced lock down), so having *low* persistence, albeit that prolonged issue like climate action might constitute a more persistent motivation for protest than is currently recognised.

Multiple views and voices on PDEs abound in the media, whereas views on TAs are singular and given little voice

Multiple views on PDEs are given voice in media articles. For example, some protestors articulated feelings that their human rights and personal freedoms were being violated:

> *Mark Westley from the Tweed area was among the crowd and said the public health directives were a "disgrace". "It's a direct attack on my freedom of liberty, freedom to move," he said. "It's affecting people's businesses and social lives."*
> (ABC News, 2021)

While people are perceived to have the right to protest for their freedoms, clear demarcation between what society perceives will be a 'peaceful' PDE and reality of violence with such events, is absent. As also noted in the media, protestors may intend violence:

> *While there were some peaceful protestors in attendance, the majority of those that attended came with violence in mind.*
> (NCA Newswire, 2021)

By contrast, TAs are instantly recognisable as criminal, often because of the affiliation with an identified terrorist organisation. As legislation targets TAs, police can easily link criminality to ideology and intent enabling them to suppress the act.

> *Victoria Police Assistant Commissioner Michael Hermans said the alleged acts were perpetrated through an ideology based on religious extremism. He confirmed the youths were Muslim. "It is Islamic, but let me make it very clear we target the crime, not the ideology," Mr Hermans said.*
> (Herald Sun, 2021)

This comparison is important. If the focus is solely on the crime or harm to society, rather than on the perceived threat and persistence of the underlying ideology, there is some similarity between violent PDEs and TAs. Australia has been fortunate in avoiding large-scale TA and highly extremist PDEs (like the Capitol Hill riots in USA, January 2021 and Ottawa, Canada in February 2022) in the last two years.
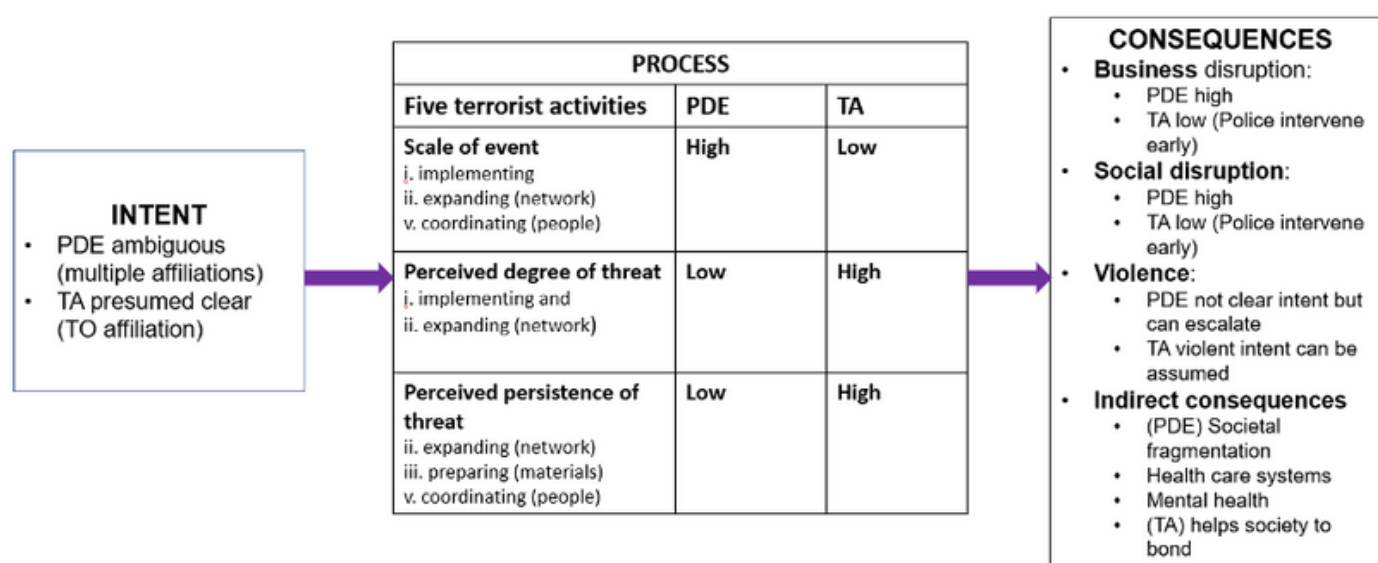
However, violent PDEs and TAs did occur, and there can be minimal difference between the harms arising from violent actions within TAs and PDEs (such as threatening leaders of organisations, disrupting transport and other systems, and threatening or harming the health and safety of people). Particular ideologies, for example, Al-Qaʾida (AQ) and Islamic State, are listed by the Australian Government as terrorist organisations . If someone threatens a crime under a listed ideology, legislation enables the crime to be stopped. This contrasts with how society responds to PDEs. Some[7] PDEs were promoted and coordinated overseas, such as the Freedom Rally 24 July 2021 (Event 18, Appendix C) and engaged participants from various ideologies via social media, showing that the international reach and ideological motivations for societal disruption is not the sole domain of terrorist organisations.

One key reason that differentiates the social legitimacy of TAs from PDEs is their intent as shown in Table 2. The intent of many PDEs, while ambiguous, is assumed to be championing societally acceptable, benign, or even laudable causes, such as individual freedoms, or climate change. As society may have sympathy with many of these causes, or at least believe in the right of people to embrace these causes, the side effects are socially acceptable. In contrast, the intent of a TA, with its clear affiliations with terrorist organisations, is not acceptable.

This intent is grounded in taken-for-granted societal norms about acceptability rather than being linked to the actual consequences of the respective events. As evidenced by their scale (Table 1), PDEs had higher disruptive consequences on business and society and the potential to escalate to violence (Table 2). While the PDE has the potential to further fragment society, as an unintended consequence, these consequences tend not to be acknowledged. By contrast, because the intent of a TA is assumed to be clear, its potential consequences are stopped before they can escalate. Furthermore, the singularity of voices and views on TAs as socially unacceptable indicates that an indirect consequence of a TA is that it contributes to uniting society against a singular (ideological) threat. Simply, while many people in society will consider the cause of a PDE, or at least the freedom to engage in a PDE, is 'right', despite its actual consequences, they will consider the causes of and engagement in a TA to be 'wrong'.

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[6] https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations
[7] https://www.aspistrategist.org.au/australias-lockdown-demonstrations-show-how-quickly-local-protests-can-go-global/

Table 2. Summary of variation in violent PDE and TA

PROCESS		
Five terrorist activities	**PDE**	**TA**
Scale of event i. implementing ii. expanding (network) v. coordinating (people)	High	Low
Perceived degree of threat i. implementing and ii. expanding (network)	Low	High
Perceived persistence of threat ii. expanding (network) iii. preparing (materials) v. coordinating (people)	Low	High

INTENT
- PDE ambiguous (multiple affiliations)
- TA presumed clear (TO affiliation)

CONSEQUENCES
- **Business** disruption:
  - PDE high
  - TA low (Police intervene early)
- **Social disruption**:
  - PDE high
  - TA low (Police intervene early)
- **Violence**:
  - PDE not clear intent but can escalate
  - TA violent intent can be assumed
- **Indirect consequences**
  - (PDE) Societal fragmentation
  - Health care systems
  - Mental health
  - (TA) helps society to bond

In the current social environment, our analysis shows that PDEs are unlikely to be classified as TA and brought under terrorism legislation, even where they are associated with ideologies or organisations that are known to involve violence or intent to harm. At most, there may be a legal means to identify and intervene in PDE activities, where they can be shown to have violent intent.

While early intervention stops terrorist acts, PDEs are allowed to occur, despite their consequences, because of differences in socially legitimacy

Legislative understanding of terrorism tends to be relatively static and bound to specific historic events. However, the dynamic social processes within which extreme views are emerging indicate the importance of revisiting and revising these understandings and their validity for protecting people, property and society.

Enhanced world-wide visibility of PDEs during the studied two-year period of Covid19-related societal changes, provides an opportune moment to expose these events to greater interpretation of what society considers acceptable. Unlike the clear-cut distinctions of terrorism described in legislation, which are necessary for enforcement, the societal expression of violent and disruptive PDEs is drifting closer to TAs. This is especially the case if we focus on the crime rather than the ideology of those involved.

PDEs are drifting closer to TAs if society focuses on the crime rather than the ideology

This study recognises the role of social legitimacy in affirming what is and is not acceptable. The motivations and actions of PDEs are accepted while those of TAs are not. This is largely due to the perception of threat being more important to society than the scale of the harm: counter-intuitively, large disruptive PDEs are accepted while smaller TAs are not. But the shadow of the large scale coordinated terrorist attack on September 11, 2001 (USA) has instilled hypervigilance regarding TAs in Australia and overseas.

While individuals, groups, and organisations can and do define terrorism in a manner that facilitates their agenda, there is general agreement about and legislation to control for terrorism. By contrast, it is unclear how violence emerges within a PDE, whether violence is planned, how a violent PDE gains social legitimacy, and how or whether that legitimacy may also be withdrawn. This study has shown certain overlapping aspects of criminology, effects on society and disruption and, despite their multiple affiliations, the potential for slowly crystalising ideologies and international organising underlying some of these PDEs. These elements need to be properly exposed and understood, to establish the extent to which they gain and retain social legitimacy.

IN SUMMARY

A fundamental difference between PDEs and TAs is that only PDEs have community support. While social legitimacy is granted to the democratic right to participate in PDEs, the same is not granted to those planning or implementing a TA. Yet social legitimacy is a complex and evolving concept. The right to host PDEs that become violent still has social legitimacy. However, questions are building around where the line is drawn between the right to protest and protest that is intended to generate violence, disruption, and societal fragmentation, with some even likening such activities to terrorism:

> *In September, Senator Pat Dodson claimed the dissemination of false information by "fringe" Christian groups was to blame for low vaccination rates in Indigenous communities in some parts of WA. He suggested the government should "proscribe these people as some kind of terrorist group". Those spreading false information "should be prosecuted, removed or held in detention", he told NITV (The Australian, 2022).*

Is the social legitimacy accorded to protest shifting, where such protests show intent to be violent, disruptive, or to go against dominant societal norms?

Recent social changes relating to Covid19, including employment, misinformation, vaccination, wearing masks, and lockdowns, are contributing to participation in PDEs (Hurst, 2022). With portions of the population under increased stress and potentially disengaged, PDEs can quickly escalate and become disruptive, with or without violence. In conclusion, protesting is accepted behaviour in Australia, and current circumstances are facilitating higher participation rates. As PDEs easily attract protestors with multiple different affiliations, it is difficult to control who attends a protest, or whether they come with violent intent.

Furthermore, according to Control Risks (2022), authorities have not disclosed the affiliations of protesters arrested for their violent actions within protests. We therefore, conclude by posing two questions that indicate both potential change in the nature of some protests, and also the social legitimacy accorded to them:

1 **Is the societal right to protest being infiltrated by those with extremist ideology, capacity for international organising and intent to violent disruption?**

2 **Is the social legitimacy accorded to protest shifting, where such protests show intent to be violent, disruptive, or to go against dominant societal norms?**

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APPENDICES

Appendix A - What does the legislation tell us?

Definitions of terrorism are provided within the CCA, 1995, Chapter 5 'The security of the Commonwealth', (Part 5.3 Division 100.1 of the Criminal Code Act 1995, November 2021), defines a terrorist act (TA) as an action or threat of action where:

(a) the action falls within subsection (2) and does not fall within subsection (3); and

(b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and

(c) the action is done or the threat is made with the intention of:

(i)   coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or

(ii)   intimidating the public or a section of the public.

What is and isn't a terrorist act according to Australia's CCA 1995

(2) Action **is** a terrorist act if it:	(3) Action is **not** a terrorist act it:

(a) causes serious harm that is physical harm to a person; or
(b) causes serious damage to property; or
(c) causes a person's death; or
(d) endangers a person's life, other than the life of the person taking the action; or
(e) creates a serious risk to the health or safety of the public or a section of the public; or
(f) seriously interferes with, seriously disrupts, or destroys, an electronic system including, but not limited to:
    (i) an information system; or
    (ii) a telecommunications system; or
    (iii) a financial system; or
    (iv) a system used for the delivery of essential government services; or
    (v) a system used for, or by, an essential public utility; or
    (vi) a system used for, or by, a transport system
	(a) is advocacy, protest, dissent or industrial action; and
	(b) is not intended:
	    (i) to cause serious harm that is physical harm to a person; or
	    (ii) to cause a person's death; or
	    (iii) to endanger the life of a person, other than the person taking the action; or
	    (iv) to create a serious risk to the health or safety of the public or a section of the public.

(4) in this Division: (a) a reference to any person or property is a reference to any person or property wherever situated, within or outside Australia; and (b) a reference to the public includes a reference to the public of a country other than Australia.

Terrorism activities from Criminal Code Act 1995, (December 2021 compilation), Schedule: Chapters 4, 5 and 10 (and reference to Broadcasting standard[1])

Activities comprising terrorism	Objects implicated in terrorism	Legislation source
Chapter 4 The integrity and security of the international community and foreign governments		
Division 72 – Explosives and lethal devices	Explosive or lethal devices includes a: (a) bomb, (b) grenade, (c) mine, (d) missile, (e) perforator, (f) projectile, (g) rocket, (h) shaped charge, or (i) shell. Plastic explosives, cluster munitions and explosive bomblets	Subdivision A International terrorist activities using explosive or lethal devices Subdivision B Plastic explosives Subdivision C Cluster munitions and explosive bomblets
Chapter 5 The Security of the Commonwealth		
Division 80 – Treason, urging violence and advocating terrorism or genocide		Part 5.1 – treason and related offences Subdivision C, urging violence against the Constitution, groups, members of groups. Advocating terrorism or genocide.
Division 101 Terrorism		
Terrorist act (TA)		[see Table 1] Part 5.3 Terrorism, Division 101.1.
Providing or receiving training connected with TAs	training resources	Part 5.3, Div 101.2
Possessing things linked to TAs	things	Part 5.3, Div 101.4
Collecting or making documents likely to facilitate TAs	documents	Part 5.3, Div 101.5
(other acts) preparing or planning TAs		Part 5.3, Div 101.6
Division 102 Terrorist organisations (TO)		
- advocating the doing of a TA, directly or indirectly;	Includes:	Part 5.3, Div 102.1 & Broadcasting - Part 5.1 - Treason and related offences

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[1] EXPLANATORY STATEMENT -Approved by the Australian Communications and Media Authority Broadcasting Services Act 1992 Broadcasting Services (Anti-terrorism Requirements for Television Narrowcasting Services) Standard 2021

Activities comprising terrorism	Objects implicated in terrorism	Legislation source
• counsels, • promotes, • encourages, • urges • provides instruction • praises the doing of a TA where this can lead to engaging in a TA	TV narrowcasting services, (broadcasting), bank accounts (details for funds to be sent)	Div 80 Treason, urging violence and advocating terrorism or genocide 80.2C advocating terrorism
directing activities of a TO		Part 5.3, Div 102.2
membership of a TO		Part 5.3, Div 102.3
recruiting for a TO	Incl, but not limited to, TV, narrowcasting services and broadcasting	Part 5.3, Div 102.4 & Broadcasting Services (Anti-terrorism Requirements for Television Narrowcasting Services) Standard 2021, 9 Sep 2021
training involving a TO		Part 5.3, Div 102.5
Getting funds to, from or for a TO & must not broadcast to solicit funds	Funds and money	Part 5.3, Div 102.6 & Broadcasting Services (Anti-terrorism Requirements for Television Narrowcasting Services) Standard 2021, 9 Sep 2021
Providing support to a TO		Part 5.3, Div 102.7
Associating with TOs		Part 5.3, Div 102.8
Division 103 Financing terrorism		
Financing terrorism or a terrorist	Funds, money	Part 5.3, Div 103.1 and Div 103.2
Chapter 10 National infrastructure		
Division 474.32 – abhorrent violent conduct (within the definition, terrorism is included)		Part 10.6, Subdivision H Offences relating to use of carriage service for sharing of abhorrent violent material 474.32 'For the purpose of this subdivision: a person engages in abhorrent violent conduct if the person engages in a terrorist act'

Appendix B - Decoding legislation by interpreting and grouping terrorism activities

Terrorism activities	Overarching terrorism activities
(i) Intending to advance P, R or I cause by intimidation, and causing; (ii) serious injury/harm, or risk to H&S of public (section of) or death, (iii) damage to property, or (iv) serious disruption to systems.	Implementing a TA
(v) recruiting for a TO (including broadcasting/narrowcasting) (vi) providing/receiving training connected with TA (vii) praising a TA where this can engage others (viii) being a member of, or associating with a, TO	Expanding a terrorist network
(ix) possessing explosives and lethal devices (x) preparing training resources (xi) sharing abhorrent violent material (xii) collecting/making documents	Preparing terrorism materials/objects to facilitate TA
(xiii) Seeking/gathering funds (not only by broadcasting and narrowcasting services) (xiv) Financing terrorism or a terrorist, providing other forms of support	Ensuring funding for TA
(xv) Directing and planning activities (xvi) Advocating terrorism - counsel, promote, encourage, urge (directly or indirectly)	Coordinating people involved in TA

Appendix C – 30 events: terrorist acts (TA) and protests or other disruptive events (PDE) over 2 years (1 Dec 2019- 30 Nov 2021)

Event number	Date	Event	Source	Event Synopsis	Terrorism	Violent
1	2020-01-08	Climate protest	The Australian	Uni Students For Climate Justice is defying pleas by Victoria Police and the state government to reschedule its Melbourne protest on Friday. More than 12,000 people have indicated they are attending the climate action rally on Friday, which is part of a co-ordinated day of action. Events are also planned in Sydney, Canberra, Brisbane, Perth, Adelaide, Newcastle and Geelong. The protest is calling for more action on climate change, more funds for firefighters and for Prime Minister Scott Morrison to be sacked.	No	No
2	2020-02-05	Climate activism through covert advertising	The Australian	Activists have been replacing paid-for corporate advertising with artwork containing political messages attacking Scott Morrison's stance on climate change and demanding Australia take more action to reduce emissions.	No	No
3	2020-02-05	Asylum seeker protesters	The Australian	A group of almost 30 asylum seeker protesters have disrupted parliamentary Question Time, with several gluing their hands to public gallery rails.	No	No
4	2020-02-16	Hezbollah not declared as a terror group	The Australian	A prosecutor's bid to have a Sydney man with a violent criminal history declared a "high-risk terrorist offender" failed because the Australian government had not declared Hezbollah and one of its allies as terror groups.	No	No

Event number	Date	Event	Source	Event Synopsis	Terrorism	Violent
5	2020-02-21	Domestic terrorism	The Australian	Breeches in domestic violence orders highlighted after Hannah Clarke was burned to death with her three children	No	Yes
6	2020-05-10	Melbourne anti-lockdown protest	The Australian	A police officer has been taken to hospital with a rib injury and Victoria Police have arrested ten people at an anti-lockdown protest on the steps of state parliament.	No	Yes
7	2020-05-31	BLM rally ruled as unauthorised, but some still protest anyway	The Australian	A Black Lives Matter rally planned for Sydney on Tuesday is an unauthorised public assembly, due to concerns over a potential second wave of COVID-19. Hundreds of Black Lives Matter activists are threatening to defy a court ruling. Three men, and two women were arrested at the Domain and each issued with a $1000 fine for breaching public health orders. A third woman, 25, was arrested for offensive language.	No	No
8	2020-06-20	Three men charged over supply of illegal weapons in Sydney	The Australian	NSW Joint Counter Terrorism team seized 14 illegal weapons and arrested 3 men who were members of a group with suspected extremist ideologies. They were charged with a total of 73 offences.	Yes	Yes
9	2020-09-02	Counter-terror probe over police stabbing	The Australian	A counter-terrorism investigation has been launched into the possible attempted murder of a police officer in Sydney's CBD, after a man stabbed a senior constable in the head and shoulder and then allegedly told officers he wanted to "kill a cop" and said "Allahu Akbar" during his arrest interview.	Yes	Yes

Event number	Date	Event	Source	Event Synopsis	Terrorism	Violent
10	2020-10-14	Topless extinction rebellion protesters accused of vandalising Sydney building	The Australian	Topless Extinction Rebellion protesters stormed the lobby of a commercial building on Elizabeth St, armed with spray paint bottles attempting to glue themselves to the windows. 5 arrested.	No	No
11	2020-10-28	Bomb hoax across 30 NSW schools	The Australian	Cyber criminals based in eastern Europe are believed to be behind a wave of bomb threats emailed to 30 high schools in NSW during HSC exams	No	No
12	2020-11-19	Prison stabbing	The Australian	Prisoner charged with stabbing another female prisoner. She is charged with one count of engaging in a terrorist act.	Yes	Yes
13	2020-12-09	Teenager charged with right-wing terrorism	The Australian	A teenager has been charged with terror-related offences connected to right-wing extremism after he allegedly incited acts of violence and accessed bomb-making instructions on the internet.	Yes	No
14	2020-12-17	Elderly couple murdered in Brisbane	The Australian	An accused ISIS supporter is suspected to have snapped and murdered an elderly couple in their Brisbane home, before being shot dead lunging at police with a knife, more than two years after first coming to the attention of counter-terror investigators. The murders are the first deaths in Queensland attributed to terrorism,	Yes	Yes

Event number	Date	Event	Source	Event Synopsis	Terrorism	Violent
15	2020-12-23	Academic charged with advocating offshore terrorism	The Australian	A Perth academic has been charged with advocating terrorism after allegedly trying to incite "politically motivated" acts of violence in Tajikistan. The investigation began when state and federal police and the Australian Security Intelligence Organisation became aware of an online video-sharing platform. account hosting content that called for acts of politically-motivated violence offshore".	Yes	No
16	2021-03-17	Teenager to face terror charge over bushfire and assault	The Australian	A Melbourne teenager is expected to be charged with a terrorism offence after allegedly lighting a fire in bushland and assaulting a person, with police linking the acts to extremist Islam.	Yes	Yes
17	2021-03-21	Extinction Rebellion protest causes traffic chaos in Melbourne CBD	The Australian	On Friday, Extinction Rebellion protesters parked a truck on the tram tracks at the intersection of Flinders and Swanston streets on Friday morning, throwing traffic into chaos. Two men have been charged over the incident.	No	No
18	2021-07-23	Lockdown and Anti-vax protests	The Australian	fringe movement of anti-lockdown and anti-vax sceptics go national for the first time, with thousands of protesters flouting restrictions in Sydney and Melbourne, with rallies also taking place in Adelaide and Brisbane.	No	No

Event number	Date	Event	Source	Event Synopsis	Terrorism	Violent
19	2021-08-02	AFP (coup plot) video	The Australian	Police expect to make more arrests as they investigate a fake video purporting to show Australian Federal Police commissioner Reece Kershaw plotting to overthrow the federal government, following the arrest of a Perth man for impersonating an AFP officer.	No	No
20	2021-08-06	Climate protesters taken into custody after disruptive stunt at Department of Agriculture	The Australian	Extinction Rebellion protesters doused the foyer and themselves in paint and glued themselves to fixtures. One protester also defaced walls with graffiti. The disruption is part of a national series of action against the government's decision to appeal a landmark climate change ruling in the Federal Court.	No	No
21	2021-08-10	Eight extinction rebellion members charged over Parliament House protest	The Australian	Eight Extinction Rebellion demonstrators have been arrested after they vandalised Parliament House and The Lodge. In a dramatic call for urgent climate action, protesters used red spray paint to graffiti "Duty of Care" onto the marble pillars of Parliament House, before letting off flares and incinerating a pram by the forecourt fountain. Extinction Rebellion said the measures were symbolic of a "government that wants to cook our kids".	No	No
22	2021-08-22	Anti-lockdown protesters try to storm the Qld and NSW border	The Australian	Police have clashed with thousands of anti-lockdown protesters trying to storm the border between Queensland and NSW at the Gold Coast, after a weekend of demonstrations saw violence erupt in Melbourne and rallies in Sydney and Brisbane.	No	Yes

Event number	Date	Event	Source	Event Synopsis	Terrorism	Violent
23	2021-08-22	Highest level of non-lethal force deployed at Melbourne protest	The Australian	Victoria Police have deployed the most powerful nonlethal force available to dispel anti-lockdown protests after officers fired pepper ball rounds into crowds in Melbourne CBD	No	yes
24	2021-09-13	Extremist arrested over 3D gun blueprint	The Australian	The blueprint for a 3D gun was allegedly found on his mobile phone, an offence that carries a maximum penalty of 14 years' imprisonment. Police say they will also allege that over the past 14 months Mr Priest has imported legally obtained items into Australia that were to be used to manufacture firearms.	No	No
25	2021-09-20	Construction industry anti-lockdown and anti-vax protests	The Australian	up to 500 anti-vaccination protestors attacking the Construction, Forestry, Maritime, Mining and Energy Union's Victorian branch in Carlton over eight hours in ugly scenes that saw some abusing the state secretary John Setka, throwing bottles and crates at his officials and smashing the union's front doors. mandate by the Chief Health Officer has served to drive many people towards the anti-vax movement. Victoria Police fired rubber bullets to disperse hundreds of anti-vaccination protesters who attacked the CFMEU headquarters in Melbourne, smashing windows and pelting the entrance with bottles and missiles.	No	Yes

Event number	Date	Event	Source	Event Synopsis	Terrorism	Violent
26	2021-10-20	Extinction Rebellion protesters glue themselves to busy road - Adelaide	The Australian	About eight protesters glued either a foot or hand to the road and sat either side of a pram along King William St, at the intersection at Grote St, in Victoria Square. Eight people — aged between 44 and 74 years — were arrested and charged with obstructing the path of drivers.	No	No
27	2021-10-27	Extinction rebellion protesters glue themselves to a busy bridge - Melbourne	The Australian	Climate activists have glued themselves to a bridge in Melbourne's CBD, blocking peak-hour traffic on a major road as the city emerges from lockdown	No	No
28	2021-10-30	Anti-Daniel Andrews protesters	The Australian	A massive group of protesters (1000) gathered in Melbourne's CBD spouting pro-Trump slogans and calling for Premier Daniel Andrews to be sacked, amid heated debate around mandatory vaccines and mounting frustration towards the state government.	No	No

Event number	Date	Event	Source	Event Synopsis	Terrorism	Violent
29	2021-11-17	Blockade Australia: anti-coal activists	The Australian	Climate activists have used their bodies, rope and glue as part of 'destructive action' to block part of the coal supply chain in the Hunter. Two climate activists shut down activity at the world's largest coal port on Wednesday morning by climbing on top of machinery at the Port of Newcastle and pressing an emergency safety button, bringing the export of coal to a standstill (comes after 10 days of climate activist using bodies rope and glue as part of destructive action) targeted economic bottlenecks of fossil fuel production	No	No
30	2021-11-27	Huge crowds attend vaccine mandate protests in Sydney and Melbourne	The Australian	The Millions March Against Mandatory Vaccination group organised protests on Saturday in 30 cities and towns across Australia. 9000 people attended the Sydney protest, which the force approved after they received an application from the organisers. No issues arose during the protest; no arrests were made, and no infringement notices were issued	No	No

Appendix D – Initial eight events analysed

Violent PDEs

e. 6 Melbourne anti-lockdown 10/5/20

e. 22 QLD, NSW and Gold Coast anti-lockdown 22/821

e. 23 highest level non-lethal force against protesters 22/8/21

e. 25 construction industry anti-lock down and anti-vax protests 20-24/9/21

Terrorist Acts

e. 8 men charged over supply of illegal weapons Syd 20/6/20

e. 9 counter-terror probe over police stabbing 2/9/20

e. 14 Elderly couple murdered Bris by ISIS supporter 17/12/20

e.16 teenager charged over bushfire and assault in name of Islam 17/3/20

Appendix E - Summary of motivations and classification as terrorism or individual versus group organised events

Classified as PDE in Media					
Motivation for event	**Terrorism?**		**Individual or an organised group?**		**Number of Events**
Unclear purpose (Bomb Hoax) (e.11)	no		individual		1
Domestic Terrorism (Domestic Violence) (e.5)	no		individual		1
White supremacism (3D gun blueprint) (e. 24)	no		individual		1
Climate change/climate action (e. 1, 2, 10,17, 20, 21, 26, 27, 29	no			group	9
Asylum seeker protesters (e.3)	no			group	1
Anti-lockdown (e.6, 18, 22, 23)	no			group	4
Anti-vaccination (e. 25, 28, 30)	no			group	3
Racism/black lives matter (e. 7)	no			group	1
Conspiracy Theorists (AFP impersonation) (e. 19)	no			group	1
Offender not terrorist (Hezbollah not a listed TO*) (e. 4)	no			group	1
Classified as TA in Media					
Motivation for event	**Terrorism?**		**Individual or an organised group?**		**Number of Events**
Advocating offshore religious ideology (e.15)		yes	individual		1
Right-Wing ideology (e.13)		yes	individual		1
Prison stabbing linked to TA (e.12)		yes	individual		1
Police officer attempted murder (e.9)		yes	individual		1
ISIS • Teenager/bushfire (e.16) • Illegal weapons (e. 8) • Murder of QLD couple (e.14)		yes	individual		1 1 1

*Hizballah (various spellings) was listed as a terrorist organisation on 10 December 2021