



17 May 2019

[REDACTED]

By email: [REDACTED]

Our reference: [REDACTED]

**Notice of abhorrent violent material on your service**

Dear [REDACTED],

**The attached notice requires your immediate attention.**

In April 2019, the Australian Government amended the *Criminal Code Act 1995* (the Act) to introduce new offences for the sharing of 'abhorrent violent material'. More information can be found at the [Australian Parliament website](#).

Abhorrent violent material is offensive material that records or streams certain types of conduct—such as terrorist acts, murder, attempted murder, torture, rape or kidnapping—and is produced by someone who engaged in or is otherwise connected with the conduct.

The eSafety Commissioner is satisfied on reasonable grounds that abhorrent violent material (the material) is provided at the website [REDACTED] which is hosted by [REDACTED]

The specific URL at issue is [REDACTED]. Details of the material are provided at Schedule A.

As a result, I have issued a notice under section 474.36 of the Act. I attach a certified copy of the notice. The effect is to place the provider of [REDACTED] on notice of the material. It is a serious offence for a provider to fail to expeditiously cease hosting this material. The notice creates a presumption that the provider is reckless from the time this notice is issued.

Please be aware that this material is of a highly sensitive and confronting nature. As such, it should be viewed only by employees who have the appropriate training, qualifications and support to handle it safely. If you have any questions about the notice or the basis for it, they can be addressed to me at [REDACTED]

Please let us know when you have ceased hosting the material.

Yours faithfully,

Julie Inman Grant  
eSafety Commissioner



*Criminal Code Act 1995 (Cth)*

Section 474.36

**NOTICE OF ABHORRENT VIOLENT MATERIAL ON A HOSTING SERVICE**

To: [REDACTED]  
[REDACTED]  
[REDACTED]

By email: [REDACTED]

CC: [REDACTED]

This notice is issued on 17 May 2019 at 1020hrs AEST under section 474.36 of the *Criminal Code Act 1995 (Cth)* (the Act).

At the time of this notice, [REDACTED], a hosting service, was hosting the material specified in **Schedule A** ('material'). The material is abhorrent violent material within the meaning of s 474.31 of the Act.

Under section 474.34 of the Act, it is an offence for a person who provides a hosting service that is hosting abhorrent violent material to fail to expeditiously cease hosting the material. This offence is punishable by up to 3 years imprisonment and/or a fine of up to \$2,100,000 AUD for an individual. For a body corporate, the offence is punishable by a fine of up to \$10,500,000 AUD or 10% of the annual turnover for the previous 12 months, whichever is greater.

If [REDACTED] fails to expeditiously cease hosting the specified material, the effect of this notice is to create a presumption for the purpose of any future prosecution that the provider of [REDACTED] was reckless from the time of this notice as to whether the material was abhorrent violent material that was hosted on [REDACTED] servers.

**SCHEDULE A**

**Type of material under subsection 474.31(1)(a):**

Audio-visual material

**Producer of material under subsection 474.31(1)(c)**

A person who engaged in the abhorrent violent conduct

**Location of material:**

[REDACTED]

**Description of material:**

[REDACTED]

**Type of abhorrent violent conduct involved under subsection 474.32(1):**

A terrorist act causing death or physical harm to a person.

Julie Inman Grant  
**eSafety Commissioner**

Dated this 17 day of May 2019