

2 July 2019

Owner and/or administrator of [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) can be accessed on [REDACTED]. The material is available at [REDACTED]. Details of the material are provided in **Schedule A**.

As a result, I have issued a notice under section 474.35 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 remove 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.

Please let us know once you have removed the material from your website. If you have any questions about the notice or the basis for it, please contact [REDACTED].

eSafety Commissioner



Office of the
eSafety Commissioner

Criminal Code Act 1995 (Cth)

Section 474.35

NOTICE OF ABHORRENT VIOLENT MATERIAL ON A CONTENT SERVICE

To:

[REDACTED]

By email:

[REDACTED]

This notice is issued on 2 July 2019 at 0920hrs under section 474.35 of the *Criminal Code Act 1995 (Cth)* (the Act). At the time of this notice, [REDACTED], a content service, could be used to access 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 content service that can be used to access abhorrent violent material to fail to expeditiously remove 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 remove 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 could be accessed on [REDACTED].

eSafety Commissioner

E: enquiries@esafety.gov.au

eSafety.gov.au

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 aided and abetted or was knowingly concerned 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 that causes a person's death or serious physical harm to a person.