

2 July 2019

Legal team at [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

By email: [REDACTED]

Our reference: [REDACTED]

Notice of abhorrent violent material on your service

Dear legal team at [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 being hosted by [REDACTED] on the website [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 474.36 of the Act. I attach a certified copy of the notice. The effect is to place [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.

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

eSafety Commissioner



Criminal Code Act 1995 (Cth)

Section 474.36

NOTICE OF ABHORRENT VIOLENT MATERIAL ON A HOSTING SERVICE

To: Legal team at [REDACTED]

[REDACTED]

By email: [REDACTED]

This notice is issued on 2 July 2019 at 0920hrs under section 474.36 of the *Criminal Code Act 1995 (Cth)* (the Act). At the time of this notice, [REDACTED], a hosting 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 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 [REDACTED] was reckless from the time of this notice as to whether the material was abhorrent violent material that was hosted by [REDACTED] and could be accessed through [REDACTED].

eSafety Commissioner

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.