

Abhorrent Violent Material: facts and falsehoods

24 March 2020

What is abhorrent violent material?

Abhorrent violent material (AVM) is recorded or streamed audio, video or audio-visual material of the most extreme and offensive kind.

It is material that shows a terrorist act involving serious physical harm or death, the murder or attempted murder of another person, the torture of another person, the rape of another person, or the kidnapping of another person involving violence.

It is material produced by a perpetrator or an accomplice – it does not include bystander coverage.

What is the background to the AVM regime and how does it work?

On 15 March 2019, an Australian gunman killed 51 people and injured 50 others in a terrorist attack on two mosques in Christchurch, New Zealand.

The gunman live-streamed the first 17 minutes of the attack. The gunman also posted a ‘manifesto’ online, expressing hate speech and white supremacist rhetoric. The video and manifesto went viral, rapidly and widely spreading via social media and other online platforms.

In response, the Australian Parliament passed the [Criminal Code Amendment \(Sharing of Abhorrent Violent Material\) Act 2019](#).

The AVM regime gives the eSafety Commissioner the power to issue a notice to any website publishing AVM and/or the service that hosts that website.

This is **not** a power to take down material. The notices do not require the AVM to be removed. However, if a service is later prosecuted for failing to remove or cease hosting AVM, the notice can be used in legal proceedings to show recklessness regarding the AVM.

The AVM notices do not apply to Internet Service Providers (ISPs), which are used by the public to access the internet.

The AVM regime also gives powers to the Australian Federal Police to enforce certain offences.

When will the eSafety Commissioner’s notification powers be used?

The eSafety Commissioner’s powers will only be used in the most extreme cases.

The eSafety Commissioner does not monitor the internet for AVM and it is predominantly a complaints-based regime.

There is a very high threshold for material to meet the definition of AVM. The eSafety Commissioner assesses material on a case-by-case basis, using discretion to determine whether it is appropriate to issue a notice. This is not a heavy-handed approach.

How many AVM notices has the eSafety Commissioner issued?

As at 24 March 2020, the eSafety Commissioner has issued 18 notices.

These were issued to 10 worst-of-the-worst underground gore sites and services that host these sites. The material showed beheadings, shootings and other murders. The notices prompted the removal of 70 percent of this material.

Is this censorship?

No. Perpetrators use AVM to amplify and promote their terrorist agendas and violent crimes. Removing this material from online access prevents a range of social harms. These include the trauma and suffering of victims and their family members, the radicalisation of other potential perpetrators and the use of AVM to threaten, harass or intimidate Australians or specific community groups.

The Australian community deserves to be protected against the potential harm caused by AVM. Issuing notices against this material reflects current community standards.

There are also a number of defences for use of AVM, including by journalists, law enforcement agencies, public officials and for research, advocacy or artistic purposes.

How has the eSafety Commissioner engaged with stakeholders?

Following the Christchurch attack, the Federal Government held a summit with digital services and ISPs regarding AVM. The eSafety Commissioner also met with industry stakeholders after the AVM legislation was passed to discuss the process for sending and receiving notices. In many cases, the eSafety Commissioner built on existing relationships with the major online services, and on processes that were already in place for notices under other regulatory schemes.

The eSafety Commissioner also made a concerted push to smaller and mid-tier platforms hosted overseas to establish contacts and escalation paths and advise a broader range of companies about the AVM scheme. Similarly to the way the other schemes operate, the eSafety Commissioner may reach out to a service on an informal basis to notify them of material that is likely to violate their own community standards before considering whether to issue an AVM notice.