



Australian Government

**Australian Communications
and Media Authority**

FINAL LINK-DELETION NOTICE

**(NOTICE UNDER PARAGRAPH 62(1)(e) OF SCHEDULE 7 TO THE
BROADCASTING SERVICES ACT 1992)**

TO: Sublime IP Pty Ltd
ACN: 068467667
("SUBLIME IP")
OFFICE 1
318 Sydney Road
BALGOWLAH NSW 2093

I, Jaclyn Smith, delegate of the Australian Communications and Media Authority (ACMA), am satisfied in accordance with subclause 62(1) of Schedule 7 to the *Broadcasting Services Act 1992* (**Schedule 7**) that:

- (a) end-users in Australia can access the content identified in Annexure 1 to this Notice (**the Annexure 1 Content**) using a link provided by a "links service" (as defined in clause 2 of Schedule 7) provided by SUBLIME IP (in accordance with the operation of clause 8 of Schedule 7);
- (b) the Annexure 1 Content is "prohibited content" within the meaning of clause 20 of Schedule 7;
- (c) the links service that provided a link that can be used to access the Annexure 1 Content (**the Links Service**) has an "Australian connection" within the meaning of clause 3 of Schedule 7; and
- (d) the Annexure 1 Content does not consist of an "eligible electronic publication" within the meaning of clause 11 of Schedule 7 and is classified R18+ by the Classification Board established by the *Classification (Publications, Films and Computer Games) Act 1995* (**the Classification Board**).

Direction to SUBLIME IP

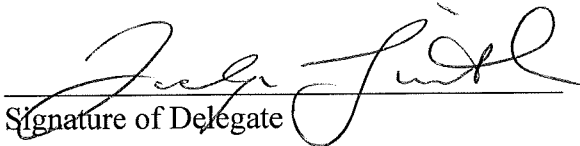
Accordingly, pursuant to paragraph 62(1)(e) of Schedule 7, **I, Jaclyn Smith, delegate of ACMA, direct SUBLIME IP to take such steps as are necessary to ensure that:**

1. SUBLIME IP ceases to provide a link to the Annexure 1 Content using the Links Service; or

2. the Annexure 1 Content is not provided by a content service provided to the public (as those expressions are defined in clauses 2 and 7 of Schedule 7), whether on payment of a fee or otherwise; or
3. access to Annexure 1 Content is subject to a “restricted access system” within the meaning of clause 14 of Schedule 7.

Compliance with this Notice

Under subclause 68(2) of Schedule 7, **SUBLIME IP is required to comply with this notice as soon as practicable and in any event by 6pm on the next business day** after this notice was given to SUBLIME IP.


Signature of Delegate

Jaclyn Smith
Hotline Manager
Content Assessment Section
Industry Outputs Division
Delegate of the Australian Communications and Media Authority

Dated: 5 May 2009

**Annexure 1
to Final Link-Deletion Notice**

Item Ref.	Description of Content as at the date the Interim Link-Deletion Notice was given to NetRegistry	Location of Content	Links Service through which the Content is Accessible	Classification Board File Number, Classification Number	Classification of Content
A	The page titled 'AbortionTV Pictures #6', which contains gratuitous, exploitative and offensive depictions of violence, which have a very high degree of impact.	http://www.abortiontv.com/Pics/AbortionPictures6.htm	http://www.efa.org.au/2009/03/13/net-censorship-already-having-a-chilling-effect/#more-425	File number: T09/1083 Classification number: 56671019	R 18+

Notes:

These notes do not form part of a notice given under paragraph 62(1)(e) of Schedule 7 to the *Broadcasting Services Act 1992* (**Schedule 7**).

Enforcement Action

Subclause 68(2) of Schedule 7 is a “designated content/hosting service provider rule” (see subclause 68(6) of Schedule 7). The enforcement action that may be taken in respect of the contravention of a designated content/hosting service provider rule is set out in Part 6 of Schedule 7. In particular:

- (a) each day that a designated content/hosting service provider engages in conduct that contravenes a designated content/hosting service provider rule that is applicable to them, the designated content/hosting service provider commits an offence under clause 106(1) of Schedule 7, the penalty for which is up to 100 penalty units (being, \$AUD11,000) in respect of each day during which the contravention continues; and
- (b) each day that a designated content/hosting service provider contravenes a designated content/hosting service provider rule that is applicable to them, the designated content/hosting service provider contravenes a civil penalty provision, which may result in the making of a civil penalty order by the Federal Court (see clause 107 of Schedule 7).

Merits Review

Under clause 113 of Schedule 7, a links service provider may apply to the Administrative Appeals Tribunal for review of a decision to give that links service provider an interim link-deletion notice. Statutory time frames and other requirements apply in relation to the making of such applications, and information in this regard may be obtained from www.aat.gov.au.