Essentially, I applaud what the government is trying to do to enact measures to ensure that all members of our communities are equally safe online, however, there are numerous issues with the proposed bill that I feel go against the very aim of the bill, which, if enacted, will make the online spaces less safe for already vulnerable Australian communities and Australian internet users.

Online Content Scheme

The proposed online content scheme will unfairly and overwhelmingly effect sex workers - the majority of whom operate within legal and registered context, LGBTQI+ discussions, body positivity movements, discussions of women's bodies, sex education and sexual health service and information providers. This is of major concern to me, as the unintended (or possibly intended?) result of the effects of these communities results in a silencing of vulnerable communities, removals of sources of important education, and the stifling of an entire legal industry. Firstly, the proposed Bill uses an existing classification system for a new online content moderation system, ignoring that online content is not broadcast or physical media. It's a losing game to try and classify internet content to the existing classification laws - when something as simple as a 10 second TikTok video produced and distributed by a 14 year old may include language or topical content that would classify this 10 second video as an R18+ piece of content - meaning that the content created by a 14 year old - without the viewership, community and commercial context or impact of a broadcast or piece of physical - would be classified as being restricted beyond the creators age. These categories are outdated, out of line with community expectations, and have gone through multiple inconclusive reviews in recent years. The government has not come up with a way to improve this system, so it should not be reproduced in the Online Safety Bill. The classifications are so opaque as to be defined by that old pornography definition "I know it when I see it", as "harmful online content", for content that is not abnormal or harmful such as dirty talk, rough sex and simple fetish between consenting adult partners. Currently, R18+, X18+ and RC content are combined as "harmful online content" without clear information as to what makes these categories harmful, aside from the idea of the Commissioner deeming material "offensive" based on consideration of the standards of morality, decency and propriety generally accepted by reasonable adults, and whether the content has literary artistic or educational merit or medical, legal or scientific character. The majority of these considerations are subjective to the individual, and shouldn't be the criteria for determining whether a piece of online content is "harmful" or not. I would request the development of a new system of classification for online material, working **with** producers of adult material to determine what is acceptable for Australian society, involving the voices of the workers, creators and companies that create this content - and there are creators outside of the sex industry, creating content for educational purposes or with artistic merit and social commentary - which helps place the responsibility on the creators to create the type of Australia they would want to live in, and working with the creators would help to create a responsible community that responds positively to the community and creates content that is classified appropriately and made available in appropriate ways that do no harm.

At present, the Australian Broadcasting Services Act 1992, limits 'potentially prohibited content' (X18+ or RC material) to being able to be removed if it is hosted on an Australian server. Under the Online Safety Bill , X18+ material can be removed if any Australian

internet user can access it, even if it is hosted abroad. The Commissioner will now have power to order providers in any jurisdiction to take down the content within 24hrs. If sexually explicit content can/must be removed within 24 hours of serving a notice, which could have a damaging impact to sex workers' ability to advertise or sell content online - as a result of similar legislation in America, sex workers and workers around sexual education, sexual health and even sexual therapies, have found their work removed and censored. I have friends that have lost online platforms that were making them over $50,000 US per month, such as the Four Chambers filmmaking collective in UK, as a result of the similar FOSTA/SESTA legislation.

The Bill and this 24 complaint system opens up sex workers for vexatious, frivolous and malicious complaints. As sexually explicit media is already subject to a high level of malicious complaints, the legislation malicious users to complain by providing extremely broad grounds - an ability that can be weaponised by people that object to content that is not harmful - but may be against their ideological views, it can be weaponised by competitors in the creative space, weaponised by violent and abusive partners, etc. The Bill permits the Commissioner to create restricted access systems, for example, the Commissioner may determine that all Class 2 material ought to be subject to an age-verification system. Whilst I feel that looking in this direction is a better way to protect and create a safe online space, this idea was dismissed by the UK government because of major issues relating to privacy and feasibility.

The Commissioner has enormous power under this Bill to make decisions about what kind of content Australian residents can access. There is no transparency or accountability for decisions made under the Bill. This is the primary issue that I have with this Bill. The Commissioner effectively becomes parental control for us all - an " Do what I say, because I say so" with no reasons for decision, no requirement for the e-safety commission to make their decisions and supporting data publicly available to show their enforcement and compliance patterns. This makes it so easy for sex workers and content creators in the sexual education and sexual health space to be easily undermined. The public won't be able to see the functions of classification and users won't understand the criteria used for classification, and will not understand how to edit their content to create content that sits within these classifications to avoid creating "harmful content". The Bill has the potential to shut down businesses and undermine our right to choose how and where we work - a particular concern, given the necessity of online work during the COVID pandemic.

Non-consensual sharing of intimate images

I agree with the Bill around non-consensual sharing of intimate images (aka revenge porn), however, there are some areas that have been overlooked such as, including content that has been posted online that has been stealthily taken in a public space, or within the context of sex work. All complainants must be treated equally, regardless of the Commissioner's personal beliefs - whether the victim is a jilted fiancee, a sex worker or a display of public drunkenness.

In addition, the Bill needs amendment to recognise that a person should be able to withdraw their consent to the posting of intimate images and place limits on their consent by specifying how, where, and for how long the image can be posted. The Internet isn't instantly public domain, and content creators using intimate imagery - such as sex workers advertising, or artists working in life modeling or nude portraits - should be able to report intimate images that have been shared outside their scope of consent.

Basic online safety expectations

The Basic Online Safety Expectations mean that services and providers will have to take active steps to ensure that minors cannot access Class 2 content. This provides an incentive for platforms, hosts, providers and services to either instigate age verification mechanisms, which have a wide range of privacy and feasibility issues, or, where this is too onerous, simply to create policies that remove sexual content altogether, resulting in the sanitisation of online space and a mass de-platforming of workers in the sex industry, sexual education, sexual health sectors, as well as other vulnerable groups and topics of content as discussed in the **Online Content Scheme** section of my submission. Again, grouping sexual content and consensual sexually explicit material as "harmful Class 2" material equates sex with violent and abhorrent content, which is not only a problem for those working in those industries, but presents a greater problem for Australian society as a whole - stigmatising conversations around sex and related topics, and passing up a chance for education in favourite of censorship.

Looking at the effect on sex workers specifically, other industries are able to use social media and online platforms to advertise. Sexual material should not be exceptionalised and treated disproportionately to other kinds of media. Sex work is a largely lawful industry and should not be subject to discriminatory regulations. Sex workers require access to public online spaces and online economies as a matter of health, safety and digital and sexual citizenship, and sex workers already work to prevent minors from accessing inappropriate content through the use of paywalls, 18+ warnings and user verification pop-ups, and other methods, and as such are already working to ensure that their content is only viewed by adults. As previously mentioned in the Online Content Scheme section, workers and content creators in these spaces should be meaningfully engaged in these discussions around classifications and online safety, ensuring a position of community responsibility, not positioned as anti-social, problematic or a liability to online safety.