

To whom it may concern,

I am writing to you regarding the 'Cyber abuse scheme for Australian adults' section of the 'Online Safety Bill'. As a former sex worker and a member of a sex positive community, I would like to point out some unintended consequences of this bill's negative impact on my community.

It is crucial for an individual's mental health and wellbeing to express themselves, share their stories and be visible on the internet. Yet, using the internet as a sexually positive woman is already quite difficult and the sex working community is an isolated group of people who are heavily discriminated against online. Furthermore, from my past I find it essential that sex workers be allowed to use the internet to generate income and promote their business.

Sex workers globally are aiming to be fully decriminalised and be acknowledged as consenting workers and a vital piece of this process is to be given the same rights as other internet users who run independent businesses.

The Bill refers to an aim to protect users from 'harmful', or 'offensive' content and imports the outdated classification system of RC or X18+ content. This classification system meant for broadcasting TV and radio should not be imported directly and needs to be reviewed and updated for an entity with as much potential as the internet.

X18+ content should be allowed on Australian server's full stop. It is unfair to put the blame on websites, their users and specifically sex workers. Sites that host adult content like porn websites and escort directories work hard to have systems in place to make sure their content is intended for people who are over 18 with the use of age restriction barriers on their websites and over 18 flags on Twitter profiles. It is the parents' responsibility to create parental controls on their children's devices, should they have concerns over the content which is viewed online. However, protecting children from harmful online content needs more resources. The time and energy spent on policing 'consensual content' can be funnelled into education on consent, healthy relationships, and digital and media literacy.

The National Classification Code should be amended to include fetish materials including BDSM as it is consensual act between adults. Adult users have a right

to access that content and it is not subject to censorship: sex is normal, natural, unavoidable, and should not be censored on the internet. Giving an E-Safety Commissioner power to give take-down notices or remove content based on wording as ambiguous as 'harmful' leaves room for personal bias and discrimination.

Sex workers advertising their availabilities, new content, or services to their clients is not harm. We have seen the way this kind of language incentivises algorithmic policing or bots on websites such as Instagram or after legislations such as SESTA/FOSTA. These bots are often biased and do not make effort to understand the context of the content. For example, Instagram is known to use algorithmic policing in line with their vague Terms of Use and Community Guidelines.

This has seen many of my community be at risk of having their accounts taken down for simply sharing memes, photos (fully clothed), the word 'whore', or content posted by other users, without it breaching the guideline. This is a direct symptom of censorship legislations such as SESTA/FOSTA and social media networks reacting by heavily penalising and removing their users to avoid fines or responsibility. This censorship and these removals are isolating for any user, let alone people so reliant on online community.

The new bill also proposes that the commissioner will be able to decide what kind of restricted access system will be required for different types of content. For many sex workers who sell their content online, they are already engaging in different forms of restricted access for example: many workers use sites like OnlyFans and ManyVids which have a paywall restriction for content hosted on their sites. Additionally, there are other forms of content that may be sexual in nature but ultimately educational. How will these forms of content be expected to restrict access? Would podcasts and other online sexuality educational sites be forced to charge users in order to restrict access? This bill fails to address these circumstances with any clarity, and I fear that many users would be limited in getting access to sources of an educational nature to due content being hidden behind paywalls that many may not be able to afford.

Under the proposed bill the E-Commissioner has immense power, and without the transparency of their processes this is quite scary. For sex workers who want to comply with the requirements, there is little information to be provided by the Commission as to how to do this and lack of transparency makes it extremely difficult for us to understand the limits of both the bill and

the power of the E-Commissioner. With no clear appeals process combined with the lack of transparency on part of the E-Commissioner, I fear that sex workers will be unfairly targeted with no recourse to appeal. With COVID-19 many sex workers were forced to migrate their work online and if we are suspended or disabled, whether by mistake or by accident, it would subsequently affect their income and there would be no accountability to the E-Commissioner. This implies that the E-Commissioner could potentially be overcautious with their take downs with no ramifications for them should they get it wrong. The Basic Online Safety Expectations could also see platforms themselves enforce their own restrictions in order to protect their corporations from government penalties. When FOSTA-SESTA was signed into legislation in the US in 2018 the ramifications for sex workers around the world were beyond devastatingⁱ

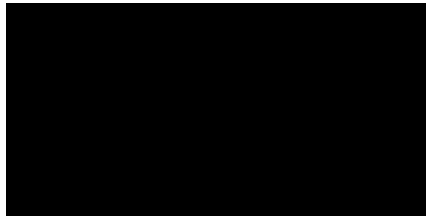
For our community we see this bill as the Australian equivalent, allowing platforms to enforce even stricter 'community guidelines' which again focus on sex and sexuality as harmful, while overlooking other harms such as violence, alcohol or gambling. Using sex as the moral scapegoat when it comes to harmful online content allows other forms of harm to flourish and I think the normalising of these sorts of things are so frequent, we hardly recognise them as offensive and harmful anymore. These big tech companies employ algorithmic processes to enforce their community guidelines, and this has proven problematic for the community.

In my own personal experience, I have reported several Nazi and white supremacy accounts on platforms such as Instagram and Twitter only to be told those accounts/content were not in breach of community guidelines. The over policing of particular bodies on social media is already such an issue for many non-cis white men including trans and gender diverse bodies, plus-size bodies, people of colour and indigenous people who all regularly face censorship, shadow banning and deletion. While at the same time, people like Andrew Bolt and Miranda Devine are amplified and their incitement to hate is valued under the idea of freedom of speech (which is not constitutionally protected in Australia) with no new bill aiming to curb their harmful content.

Thank you for taking the time to read my submission, I hope that I have shed some light on a community that is already marginalised.

It often appears that our community is not often considered when making new legislation and I suggest that the government works more closely with

organisations such as Scarlet Alliance and other LGBTQI+ orgs who will be able to assist in the process of creating such bills. Many marginalised groups of people are often left out of legislation processes but without our voices, unintended consequences like the ones described above will continue to make their lives dangerous and susceptible to further discrimination.



ⁱ <https://thecrimereport.org/2018/06/04/the-deadly-consequences-of-the-anti-sex-trafficking-law/>