

## Online Safety for sex work and sex worker organisations

### Introduction

Magenta is Western Australia's sex worker support project, providing health, advocacy and education services to people working in the sex industry. The project's background includes sexual health, human and civil rights, and face to face contact with sex workers. This submission is informed by the lived experience of Magenta's stakeholders who live and work within many iterations of the adult industry, and by the experiences of Magenta's staff.

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### Endorsement

As well as providing our own feedback, we also wish to endorse the more thorough submission made by our colleagues at Scarlet Alliance, Australia Sex Worker Organisation. Scarlet Alliance are Australia's expert policy voice on sex worker issues, and their submission has undergone extensive community consultation and research in its production.

### Background

Online safety is an important issue for sex workers and any organisation working with sex workers. As the adult industry has moved online over the last generation, sex workers have benefited from enhanced ability to control their lives and work. The ability to operate online provides sex workers with a huge amount of security and safety, giving them the ability to better screen their clients and to make safe choices in their health and safety. In recent years, sex workers have suffered from repeated attempts in many jurisdictions to remove sex workers and their advertising from online spaces, including private online spaces not accessible to the public. These restrictions without exception impact on sex workers by making their lives and work more dangerous. For these reasons, any legislation for online safety must include the input of sex workers and sex worker organisations.

### Summary of concerns:

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## Online Safety Bill

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### **Potential for the bill to shut down sex workers' businesses.**

It would be a disastrous impact if an online safety bill in Australia had the opposite effect of its intention, by dismantling the existing safety mechanisms that enable sex workers to work safely online. Presently, the bill doesn't appear to consider sex workers appropriately and risks shutting down legal adult businesses. This could have far reaching impacts for people in the sex industry, including poverty, homelessness, and displacement. This risks pushing the Australian sex industry underground, reversing decades of careful work in enhancing sex workers and public safety.

To give just one example, the draft bill names "harmful online content" too vaguely and provides too little context. Particularly, the definitions given of "offends against the standards of morality... generally accepted by reasonable adults" is given without respect to context. The context of online content that deals with sex is a vital aspect of whether that content is generally accepted by reasonable adults, most notably the context of whether each party involved consents. This classification must be given context to delineate sex workers advertising as non-harmful. Sex workers currently advertise online without harmful impact on society, classifying sex workers advertising as harmful could create a situation that is deeply harmful for people in the sex industry.

It is beyond the scope of this submission to outline every specific example of where the draft bill could inadvertently shut down sex workers' businesses, rather we ask the committee to consult with sex workers and to consider the potentially devastating impact the bill could have on public health and safety if this were allowed to move forward without delineations for sex work. In this regard, we also wish to endorse the submission made by our colleagues at Scarlet Alliance.

### **Non-consensual sharing of intimate images.**

To achieve the goal of improving online safety in Australia, this section of the bill must also consider issues faced by sex workers around the non-consensual sharing of intimate images. Generally, Magenta commends any effort to strengthen protections in Australia around the non-consensual sharing of intimate images, this is a problem faced frequently by sex workers who are subject to a wide range of non-consensual image sharing. However, this bill presently does improve this situation. Laws regarding the non-consensual sharing of sex workers images in Australia typically exclude sex workers from their protection altogether, with the E-Safety commission generally seeing their images as a commercial product rather than an intimate image. This appears to occur regardless of whether the images in question were purchased, part of a sex workers advertising, or obtained through private distribution,

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## Online Safety Bill

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creating a loophole where sex workers apparently cannot legally withdraw or withhold consent over their own images. Bad actors have a carte blanche to non-consensually share sex workers intimate images, and the draft bill presently does not remedy this. It is vital that this bill considers sex workers when creating new legislation for this issue, so that sex workers have equitable access to this provision.

### **Final Summary:**

- **The draft bill could have potentially devastating impacts on sex worker health and safety without amendment.**
- **It is vital that this bill does not shut down adult businesses online or prevent them from advertising to the point that advertising online is not viable.**
- **Sex worker safety must be considered in amending this draft bill.**
- **Sex workers advertising is not harmful content and must be delineated from harmful sexual content.**
- **We endorse the submission made by Scarlet Alliance on the proposed bill.**