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12 February 2021

Online Safety Branch, Content Division  
Department of Infrastructure, Transport, Regional Development and Communications  
GPO Box 594

By email: [OnlineSafety@infrastructure.gov.au](mailto:OnlineSafety@infrastructure.gov.au)

**Re: Consultation on a Bill for a new Online Safety Act**

Thorne Harbour Health is one of Australia's largest community-controlled LGBTI and HIV health service providers, primarily serving LGBTI people and people living with HIV in Victoria and South Australia. Thorne Harbour Health provides a range of services including health promotion, sexual health testing, general practice, and mental health and wraparound support services.

**Thorne Harbour Health endorses the Eros Association's and Victorian Pride Lobby's submissions to this consultation, and likewise recommends the removal of Part 9 of the *Online Safety Bill 2020*.**

We support efforts to tackle online abuse and harm, which often impacts LGBTI people. However, Part 9 of the Bill is not in keeping with this aim. A significant proportion of adult media producers are from LGBTI communities.<sup>1</sup> The ability of Part 9 of the Bill to significantly impact the livelihoods of LGBTI people is of enormous concern.

While similar to existing legislation, Part 9 would expand take-down powers for online pornography to social media services, search engine services and apps; expand the power to issue take-down notices for Refused Classification material hosted anywhere in the world; and significantly increase the penalties for non-compliance.

The unilateral removal and censorship of online media depicting consensual sexual activity between adults would be the effect of Part 9 of this Bill. That kind of censorship is antithetical in modern liberal democracies like Australia.

By its nature, sexual health promotion must include frank discussions, and in some cases depictions of sexual activity between consenting adults. Any bill that seeks to proscribe that work through censorship is potentially harmful and could result in poor health and wellbeing outcomes in the community. In the absence of the removal of Part 9 of the Bill, clear exceptions should be included for Class 1 and Class 2 material used in the context of health promotion.

Yours sincerely



Simon Ruth  
Chief Executive Officer

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<sup>1</sup> Eros Association, Adult Media Production Standards 2018, <<https://www.eros.org.au/wpcontent/uploads/2019/09/Eros-Adult-Standards-combined-1.pdf>>