

14 February 2021

Working Man (Victorian Gay Male Sex Workers) Submission to the Draft Online Safety Bill 2020

Working Man is a support and advocacy group for Victorian male sex workers. The group is made up of former and current male to male sex workers who live or work in Victoria. Founded in 2016, the group currently has 291 members. Working Man supports laws that treat male sex workers in a non-discriminatory manner. Our position is that Part 9 of the Bill should be removed as it does not relate to harmful online content. Instead, Part 9 incorporates online sexual content depicting consenting adults.

Background

M2M sex workers are male sex workers who see male clients as part of the provision of in-person commercial sexual services. Most, but not all M2M sex workers are gay or bisexual men¹. Around 20% of Australia's sex workers were born biologically male². In common with the broader sex working population, M2M sex workers increasingly advertise their services online by uploading nude/pornographic content.

M2M sex work advertisements and gay pornography tend to involve BDSM and fetish content more than heterosexual online pornography. For example, fetish content such as fisting and watersports is more common in gay pornography than in heterosexual pornography.

Part 9 Targets Online Sexual Content Depicting Consenting Adults

Part 9 of the Online Safety Bill 2020 refers to Class 1 and Class 2 material, which is defined to include various types of pornography, in particular fetish pornography, which is deemed 'RF – Refused Classification' under Australia's existing National Classification Code. Part 9 provides the eSafety Commissioner with enhanced powers to order such content be taken off the internet. As M2M sex workers and the broader LGBTIQ community are more likely to upload and consume fetish porn (Class 1 material), these communities will be disproportionately impacted by Part 9 of the Bill.

¹ Turek EM, Fairley CK, Tabesh M, Phillips TR, Bradshaw CS, Rodriguez E, Chow EPF. HIV, Sexually Transmitted Infections and Sexual Practices Among Male Sex Workers Attending a Sexual Health Clinic in Melbourne, Australia: 2010 to 2018. *Sex Transm Dis.* 2021 Feb 1;48(2):103-108. doi: 10.1097/OLQ.0000000000001283. PMID: 32890334. Table 1

² Selvey, L., Hallett, J., Lobo, R., McCausland, K., Bates, J., & Donovan, B. (2017). *Western Australian Law and Sex Worker Health (LASH) Study. A Summary Report to the Western Australian Department of Health.* Perth: School of Public Health, Curtin University, page 16, Table 4

We consider Part 9 to be an assault on freedom of expression online. As Part 9 is not confined to harmful online content, we believe it has no place in a bill designed to address online harms. We therefore call on the removal of Part 9 in its entirety.

Regards

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