

Online Safety Branch
Content Division
Department of Infrastructure, Transport, Regional Development and Communications
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Dear Online Safety Branch,

Thank you for the opportunity to provide a submission on the exposure draft of the Online Safety Bill. I am an independent sex worker based in New South Wales. I have two sources of income - one is offering in-person services to clients, and the other is selling adult content online. As you can understand, with COVID-19 having an unprecedented impact on the sex industry, my focus over the last 12 months has had to shift towards the selling of online content in order to keep my business running while doing the right thing in terms of public health. I use the internet both to advertise my services as an in-person sex worker and to sell adult content that I have produced.

History of online laws causing harm to sex workers

I understand the need for safe spaces online and I applaud efforts to protect people from the very real dangers of harmful content on the internet, but I have to say that the process of looking through the exposure draft of the Online Safety Bill and putting together this submission has felt hauntingly reminiscent of mine and my peers' experiences with FOSTA-SESTA in the United States in 2018. FOSTA-SESTA (Fight Online Sex Trafficking Act and Stop Enabling Sex Traffickers Act) was another Bill put forward under the guise of improving people's safety. Instead of the reduction in sex trafficking promised by the Acts, sex workers across the globe (including Australia) were forced off the Internet and onto the streets, sometimes into the arms of pimps, and, ultimately, faced an increase in exposure to violence. A large number of my friends found themselves in vulnerable positions, having to accept jobs they otherwise would not, having to drop their prices while suffering an increase in expenses, or simply losing their entire source of income. It may have made sex trafficking less visible, but it hasn't done anything to reduce how often it occurs.

Similarly, the Online Safety Bill may purport to create a safer environment for Australian citizens, but, as is so often the case, it may have the opposite effect for the most marginalised members of the country if it is passed without amendments. If the Online Safety Bill goes through in its current state, sex workers will be hurt. In 2014 the United Nations estimated there were 20,500 sex workers in Australia. I assume that number is now higher given the impact COVID-19 has had on the gig economy and the financial security of ordinary Australians, but that is at least twenty thousand people living in our country who will be hurt by this, and made less safe. I have to wonder why my safety is not equally prioritised with that of other Australians in this Bill.

Conflation of sexual material and harmful content

I find it concerning that this Bill seems to assume an equivalence between consensual sexually explicit material and violent or harmful content. Sexual content is not inherently harmful. The *Basic Online Safety Expectations* mean that websites will have to take steps to ensure that minors cannot access Class 2 content. We have seen, from the impacts of FOSTA-SESTA, that this

results in websites banning sexual (or even nude) content altogether, which takes away the ability for sex workers to advertise, to connect with their peers, share important safety information, and to help one another. Other businesses are able to use social media and online platforms to advertise. In Australia sex work is mostly either decriminalised or legalised, so we should not be subjected to discriminatory regulations that render us unable to advertise or access industry resources. Restrictions on advertising are a method of criminalising the sex industry.

Sex workers are a target

I love my job. I was lucky enough to have been able to choose any career I wanted and I have chosen something I love. But, like any job, it isn't perfect - I face serious stigma and discrimination on a regular basis, and as a white straight-passing cis-woman, I know that what I deal with is nothing compared to many of my peers. It is not easy to be a sex worker. There is a common misconception that the decriminalisation or legalisation of an industry erases the discrimination faced by those within it, but the reality is that sex workers in Australia are often targeted and vilified. The fact that this Bill appears to encourage users to report both our advertising and our work (that we have poured money and time into creating) as being harmful is incredibly concerning.

Deplatforming has a devastating impact on sex workers

Last year my Instagram account was suddenly deleted for breaching the site's 'community guidelines', despite the fact that I had never posted nudity nor solicited on the site. With the deletion of my account went my connection to a number of peers and message threads containing important safety information that I will never be able to retrieve, as no opportunity to appeal has been presented. I live in a somewhat regional area, this was in the middle of a lockdown period, and private sex work is isolating by nature. There are a number of locations on the internet where sex workers share tips, support one another, and provide/receive safety information. There is no solicitation in these spaces, no advertising, and certainly no minors. I rely heavily on these spaces and recently a number of them have disappeared, simply because we are sex workers and laws like FOSTA-SESTA have taken away our rights to digital citizenship.

Sex workers must be part of this conversation

I, like my peers, already take steps to ensure that minors are not viewing my content. My website has a splash screen that asks users to confirm that they are over the age of consent in their jurisdiction before it will allow them to view the rest of the website, my Twitter account (my main form of advertising) is marked as containing sensitive content, meaning that in order to view my posts users must be logged in to an age-verified Twitter account, and all of the third-party websites I use to sell my adult content have age-verification procedures in place, and are behind paywalls. I formally advertise on websites that are specifically designed for the adult industry and thus are clearly marked as not being appropriate for minors.

Please ensure that sex workers are a part of this conversation. Online spaces are essential for our safety & wellbeing, and yet the *Online Safety Bill* in its current state seems to suggest we are less deserving of that than other Australians.

Thankyou for your time,
Jenna Love