

To the Online Safety Act Industry Associations Steering Group,

Re: Consolidated Industry Codes of Practice for the Online Industry (Class 1C and Class 2 Material)

Thank you for the opportunity to provide feedback on the Draft Consolidated Industry Codes of Practice for the Online Industry (Class 1C and Class 2 Material) (the Codes).

I am an Australian sex worker of approximately 12 years. I work in-person providing full service escorting, and online creating and selling my own pornographic content. I am very concerned about the risks that the Draft Consolidated Industry Codes of Practice present to me and to my peers.

I resent the attitude that the work that I do is 'harmful' and 'degrading'. As a queer woman, sex worker, and sex educator, I use the internet to source and provide information about sex, share crucial safety information and resources, make connections, provide peer support, and educate. I have lost countless social media accounts due to poorly implemented online regulation, which may not have been intended to capture the non-pornographic content that I post, but regularly does. When I lose an account, not only do I lose a big chunk of my marketing and the countless hours of work I've put into curating the account, but my peers lose access to the educational resources I publish and I also lose access to my community which is so crucial as a sex worker.

I advertise both my in-person and online services online, and as such 100% of my income comes from my presence on social media, free porn sites, and escort advertising sites. This allows me to work independently (rather than for someone else at a brothel or agency), allows me to screen my clients before I meet them, a luxury available to me because of access to communications technology. Free overseas porn sites that are unlikely to comply with The Codes, such as Pornhub, are crucial to many of us independent content creators, because paywalled sites, such as OnlyFans, do not have internal traffic, so we rely on external sites to drive traffic to our paid sites. Many independent performers also earn revenue directly from these more mainstream sites by allowing ads on their content, or offering subscriptions and paid videos through the site itself. Given the nature of the porn industry in Australia, most of us are independent performer-producers, and there are a handful of small studios, some of which operate as co-operative styles.

The National Classification Scheme itself presents a host of issues with the categorisation of acts. As someone who ejaculates when orgasming, the inclusion of 'golden showers' as Class 1C material means that by showing what happens to my body when I have a pleasurable experience and orgasm, I am producing 'seriously harmful material', which is frankly a disturbing way of describing a woman having an orgasm.

I am also confused why candle wax, golden showers, bondage, spanking and fisting are considered inherently harmful acts when these are practiced with regularity by both BDSM practitioners and people in their own homes, and do not lead to harm when performed correctly. Performed incorrectly, however, as someone who does not have access to online sexual education resources may do, they can present a risk.

Sex work is work and it is important. By pushing us off the internet you take away our access to resources, information, and community, and reduce the safety strategies we are able to use in our everyday work. The Code as it stands creates more risks, not less, for the work I do to pay the bills.

The main topics of importance to me are:

How do I challenge Code overreach during my everyday work? Currently the codes lack any accountability or procedural fairness for me when internet service providers, social media platforms and others regulated by the codes remove my content. I want to know if, why and when my content is banned, shadow banned or removed, and a reasonable amount of time to respond, and a transparent method of arbitration between myself and the party that triggered or actioned the take down.

How do I express discontent when Terms & Conditions prohibit me because I am a sex worker? Currently the draft Codes don't mention that company practices must align with Anti-Discrimination protections. I would prefer not to have to report companies via anti-discrimination laws; mounting such a case would be onerous and lengthy. Surely the Codes should have that expectation built in, and companies be fined by the eSafety Commission if their Terms & Conditions are discriminatory.

What aspect of sexual expression is protected by the Codes? The language in the Codes as they currently read comes across as puritanical and anti-sex. That may not be the intention of onlinesafety.org.au, but it is definitely the outcome. The pendulum needs to swing back towards the centre and take a more measured, less emotive approach to adult sexual expression online. Removing the terms 'high impact' and 'seriously harmful' is important. The more clinical '1C' and '2A' (as per the Act) are preferable. Companies should not be able to create new categories or names for online porn content, and the Commissioner should not be free to invent new words either.

Will my business and website need to comply, or not? It is unclear to me if the Codes are intended for large multinational businesses, or if I too am included. This could be more clear.

Thank you for taking the time to consider my concerns,
Jenna Love