

22 November, 2024

To: the Online Safety Act Industry Associations Steering Group

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

Introduction

The Lutruwita/Tasmania Sex Worker Project welcomes the opportunity to provide feedback on the draft Consolidated Industry Codes of Practice for the Online Industry (Class 1C and Class 2 Material). Our submission highlights concerns regarding the potential unintended consequences of these Codes on local sex workers' ability to advertise online. While we have also endorsed the submission of Scarlet Alliance, the way the Codes are going to disadvantage Tasmanian sex workers is unique and deserves particular attention. The Lutruwita/Tasmania Sex Worker Project has had a presence in urban and regional locations across the state for almost two decades, and we are well placed to provide advice, consultation and foresight on this topic.

Sex work in Lutruwita is not decriminalised. Sex workers can only work indoors and independently/privately or in groups of two without risking arrest. The *Sex Industry Offences Act 2005* prohibits street-based solicitation and sex work, fixed-site brothels and any form of sex work business involving the management of sex workers. Online advertising is the only viable way for sex workers to connect with clients that does not attract criminal prosecution. The Codes present an urgent risk for the livelihood of our community.

1. Over-capture of Sex Worker Online Advertising

Sex workers in Lutruwita/Tasmania rely exclusively on online advertising to support themselves and their families.

The proposed Codes risk "over-capturing" sex worker advertising by imposing stringent measures on platforms hosting such material. This could lead to:

- Platform censorship: Platforms may overcompensate to ensure compliance, inadvertently removing legitimate advertising that is crucial for sex workers' livelihoods.
- Increased precarity: Limiting advertising options will push sex workers into unsafe working conditions, increasing their vulnerability to harm.
- Inequitable impact: The enforcement measures may disproportionately affect sex workers in Tasmania, who already face systemic barriers, marginalisation, and intersectional oppression. This is due to a criminalisation of the Tasmanian sex

industry, which includes extensive legal restrictions and leads to sex workers' experiencing discrimination, stigma, lack of safe workplaces and culturally relevant healthcare.

We strongly recommend that the Codes explicitly exclude advertising for in-person sex work services from being classified as class 2 material, and ensure compliance measures do not disproportionately harm sex workers' ability to advertise online. A more targeted approach will prevent exacerbating vulnerabilities of the sex worker community, while aligning with the stated objective of protecting online users without unnecessary overreach.

2. A Flawed Approach to Addressing Children's Exposure to Online Pornography

Scarlet Alliance is a founding member of the Sexual and Reproductive Health Collaborative Group, a newly established working group advocating for comprehensive sex and media education in schools across Lutruwita/Tasmania¹. It includes government departments, NGOs and health service organisations. The group has adopted the World Health Organisation understanding of sexual health:

*"a state of physical, emotional, mental and social well-being in relation to sexuality; it is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained, the sexual rights of all persons must be respected, protected and fulfilled."*²

The Scarlet Alliance Lutruwita Project argues that restricting access to pornography is neither an effective nor a comprehensive solution to preventing harm or improving sexual education for young people. Research consistently shows that age-appropriate, evidence-based sex education is a more effective strategy to equip young people with the tools to navigate online content safely.³ For example:

- Teaching young people critical thinking skills to understand and contextualise online material.
- Fostering healthy attitudes towards relationships and consent.
- Addressing the root causes of harm, including toxic masculinity and gender-based violence.

¹ Tasmanian Sexual and Reproductive Health Collaboration Group (2024). *Strategic Framework 2024 - 2030*.

https://cdn.prod.website-files.com/668cbc53b0f5f67cf88cbe36/6704bb31ba6432f24624b9d6_sexual-and-reproductive-health-collaborative-framework-2024.pdf

² World Health Organisation (nd). Defining Sexual Health. *Sexual and Reproductive Health Research*. [https://www.who.int/teams/sexual-and-reproductive-health-and-research-\(srh\)/areas-of-work/sexual-health](https://www.who.int/teams/sexual-and-reproductive-health-and-research-(srh)/areas-of-work/sexual-health)

³ Mohammed Tohit, N. F., & Haque, M. (2024). Empowering Futures: Intersecting Comprehensive Sexual Education for Children and Adolescents With Sustainable Development Goals. *Cureus*, 16(7), e65078. <https://doi.org/10.7759/cureus.65078>

We urge the eSafety Commissioner and industry groups to shift focus towards comprehensive, evidence-based sex and media education as the cornerstone of mitigating harm to young people online. Restrictive access measures are ineffective and risk being counterproductive. Instead, empowering young people with knowledge and critical thinking skills ensures a more effective and sustainable approach to online safety. In their current form, the Codes risk reducing young people's access to one of the most formative and important sources they can access for sex education; the internet.

Conclusion

We reiterate the need for a nuanced approach to online safety that considers the unintended consequences of over-capturing sex worker advertising and the ineffectiveness of restrictive measures in addressing children's exposure to harmful content. By explicitly protecting in-person sex work advertising and prioritising sex education, the Codes can achieve their objectives while safeguarding the livelihoods, safety and human rights of sex workers.

Thank you for receiving our submission.

Sincerely,

[Redacted signature]

Lutruwita/Tasmania Sex Worker Project
Scarlet Alliance, Australian Sex Workers Association

[Redacted contact information]