

Introduction

I strenuously object to Section 9 of the drafted E-safety Bill 2020- 2021.

Consensual vs Non-Consensual

Section 9 *conflates both consensual and non-consensual* online adult content which is not an accurate representation of the existing issues it aims to resolve.

This unacceptable generalisation has the potential to unintentionally cause harm to many Australians utilising the internet.

Partial vs Full Nudity

Also, Section 9 conflates partial and/or full nudity shared or distributed online, to be identified as "obscene" and therefore pornography.

I believe that both of the above are extremely problematic and need to be addressed.

Legal Differentiation

Whether purposefully vague or gross overreaching oversights. The loss of legal differential with regards to adult materials, and their intent.

May result in widespread, and ongoing negative impacts for marginalised communities, and the Australia adult industry.

Impacts Will Be Wide Spread

Furthermore, multi-disciplinary occupations and industries across Australia may unintentionally be impacted as well.

Including, but not limited to, online and offline:

- Individuals
 - Sole Trading Business
 - Companies
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- Sexual Education Services & Resources
 - Sex Therapy Practitioners
 - Photographers and Videographers
 - Still & Performance Art
 - Fashion & Product Production/Manufacturing
 - Local Retail and E-commerce
 - Product Sales, Marketing and Advertising
 - Copywriters, Freelance Journalism and Content & Creators
 - IT, Hosting Services, Innovation and Platforms

Essential Independent Educational Resources.

One of the more troublesome obstacles of Section 9. Is that it disallows independent:

Research

Creation

Distribution

Production

Discussion

Assessment

Private Accessibility

Independently researched/produced sexual educational content and resources.

Maintaining and protecting educational resources independent from government agenda. Should remain a top priority and necessity.

Particularly for marginalised individuals and communities such as:

LGBTQI

Body diverse

Age diverse

Access & Disability

Linguistical & Language Diverse

Indigenous Communities

Religious

For example:

Maintaining community/expert resources that maintain, their culturally appropriate sexual education messages to accommodate for men's business and women's business for indigenous Australians.

More Resources The Better!

Furthermore, it should be noted as a consideration for the increase of discussion/accessibility to ongoing education surrounding:

Sex

Adult consent

Intimate safety.

Not creating barriers to these, such as Section 9 would do.

Freedom and Expression

I am deeply concerned about Section 9 and the impacts on freedom of speech and/or right to self-expression for Australians.

Isolation, both physical and via network displacement online for the individuals and groups previously mentioned above is a direct contradiction to promoting sustainable well being for those online.

Mental Health Concerns

By the means of ejecting them from their online ecosystem and support network, a domino effect is sure to follow and will be at the detriment of their wellbeing.

The accountability for our mental health repercussions of Australis newly isolated individuals would fall directly into your duty of care, at the cost to taxpayers in this nation.

FOSTA/SESTA

As time has progressed from the distasteful implementation of USA policy, FOSTA SESTA in 2018. It has become apparent that social media can act in a risk-averse manner with the response to laws like this.

FOSTA SESTA not only proved that censorship of adult content and business online was disastrous due to lack of oof infrastructure placed to support the jobless individuals. It highlights and foretells a story of "social murder" due to oversights just like what Section 9 can be.

Most of all, the intention to reduce trafficking has been assessed as negligence on the communities behalf, as the disproportional impacts fell on already marginalised peoples lacking government support.

This reference clearly explains how the intent of FOSTA SESTA, has been proven ineffective in practice.

Weaponising Image-Based Abuse

Concerns exist already with regards to social media platforms weaponising image-based abuse and not adhering to their own antibullying/anti-discrimination policies with their targeted censorship of disabled and larger bodies.

Vague and ill-thought-through new laws policing consensual nudity under the guise of protecting innocent eyes will inflate this inconsistent and unacceptable problem further.

Once again, isolation may occur online with great impact as Australia is a country with a growing obese population

Fetishism

Section 9 will force social media to remove all fetish content, including non-explicit content such as fashion and art. This is an extremely concerning breach of freedom of speech and self-expression as mentioned above and is a prime example of extreme censorship.

Section 9 has no allowance or flexibility for topics that can be categorised into many topics, not just adult work or material.

Examples may include but are not limited to:

Fine Art

Modern Art

Print and Digital Art

Photography

Videography

Shibari

Kinbasiu

Latex Fashion

Performance Art

Drag

Burlesque

Cabaret

Comedy

Sculptures

Music

Drama

There are many art forms that Section 9 will inadvertently censor without question.

I Feel

I feel that Section 9 is premature and inadequately refined to deal with all of the contesting issues above. This is most certainly due primarily to the Australian Classification system is currently under the review.

I Don't Believe

I Don't believe that this bill represents a consensus of Australian adults when concerning access to consensual adult media online.

Burden Of Proof

Your current draft lacks transparency and objectivity when discussing the collection of data, and why it has been interpreted as you present it.

Furthermore, the allocation of one individual with pre-conceived bias and a subjective negative attitude towards sex should make them ill-equipped to task the role of Online E-Safety Commissioner.

Enforcement

I am also a concern as to how this bill will be enforced?

I am concerned commissioner Julie Grant does not share in Australia's progressive views towards sex and sexuality. She has no insight or former training to be in this role. Her anti-porn, anti LGBTQI and anti-sex work bias will cause great suffering shortly.

What measures will be put in place to ensure that the AI, monitoring and identify perpetrators online are getting it right?

Will this search and censor sexual content be content to unbiased or apply equally to all adult content (past, present and future?)

What is the price for corruption to buy off a pass by without alert or detection?

How will you protect small business online?

What is your planned implementation of new infrastructure to accommodate for all the adult workers without a job overnight?

Australians expect impartial & modern laws.

Section 9 will only disappoint and harm.