



Friday 30 October 2026

Committee Secretary

Senate Standing Committees on Environment and Communications

PO Box 6100

Parliament House

Canberra ACT 2600

Submitted via

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/DigitalDutyofCare48P

To the Senate Environment and Communications Committee,

Re: Submission on the Online Safety Amendment (Digital Duty of Care) Bill 2026

Thank you for the opportunity to provide feedback on the Online Safety Amendment (Digital Duty of Care) Bill 2026. This submission builds on our [September 2026 submission](#) to the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts on the exposure draft, and responds to the Bill as introduced on 15 October 2026.

About Scarlet Alliance

Scarlet Alliance is a peer-run organisation, and we take pride in our work being done by sex workers, for sex workers. Every staff member, committee member, and volunteer is a current or former sex worker, ensuring our advocacy, programs, and decisions come directly from lived experience.

Our work is grounded in our values of accountability, autonomy, collectivism, participation, solidarity, and transformation. We fight for equality and social, legal, political, cultural, health and economic justice for past and present workers in the sex industry. As the national peak body for sex workers in Australia, our members include sex worker organisations and projects, and individual sex workers across Australia. Together, we create a powerful national voice that uplifts and defends the rights of all sex workers.

Scarlet Alliance is also a signatory to the joint [case studies document](#) submitted to this inquiry by health, harm reduction, sex worker and civil liberties organisations and researchers. We draw on those case studies throughout this submission.

Thank you for considering our submission. Scarlet Alliance would welcome the opportunity to give evidence at the Committee's public hearings on 9 and 10 November 2026, and to discuss any of these points further.

Warm regards,

Jenna Love

Interim Chief Executive Officer

Scarlet Alliance

SCARLETALLIANCE.ORG.AU

PO BOX 854 | Newtown NSW 2042, Australia

ABN 86 612 112 065 | **ARBN 149 618 137**



SUBMISSION ON THE ONLINE SAFETY AMENDMENT (DIGITAL DUTY OF CARE) BILL 2026

Sex workers are stakeholders in internet regulation. A duty that penalises platforms for leaving content up, but never for taking lawful content down, will be met by removing more of our advertising, our safety information and our community spaces.

Governments must commit to a robust human rights-based approach rather than purely tech-based 'solutions' to complex societal issues.

DIGITAL SECURITY; THE SMART SEX WORKERS GUIDE. NSW. 2021, [pg 24](#)

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BACKGROUND

Scarlet Alliance supports the objective of making online services safer. Sex workers experience serious online harms, including the non-consensual sharing of our images, doxxing and outing, and harassment from clients, intimate partners and others. We want platforms to be accountable for these harms.

The Bill introduced on 15 October is a substantial improvement on the exposure draft. The Government acted on several issues raised by Scarlet Alliance and other submitters during the exposure draft consultation, including removing 'illicit drug use' from the definition of seriously harmful material, and introducing a category of excluded material, covering health promotion, harm reduction, educational and artistic content, that falls outside both the 'seriously harmful' and 'harmful to children' definitions (ss 25D(2), 25E(2)).

However, our central concern remains. The Bill retains the *Online Safety Act's* model of mandated platform governance, in which platforms decide what people in Australia can see and say. Platforms face penalties of up to \$109.2 million for failing to remove or restrict harmful material. They face no penalty for removing lawful material, are not required to weigh human rights, and are not required to offer any review of decisions to remove content or suspend or remove accounts. Platforms already remove sex worker content, sexual health information and harm reduction alerts without any legal requirement to do so. Under this Bill, the rational response is to remove more.

Scarlet Alliance does not accept that removing and restricting content is the most effective way to make internet users safer. Governments could require platforms to act quickly on doxxing, harassment and non-consensual image sharing, give users meaningful control over recommender systems, stop algorithms amplifying pile-ons and abuse, explain their moderation decisions, offer human review and publish what they remove and why. The Bill already contains some of these tools: user empowerment tools (s 27A), the Commissioner's power to examine how algorithms work (s 28A), published information about moderation (s 192L) and stronger powers to remove intimate images.

In the Bill, these tools only apply if the Minister or eSafety Commissioner chooses to use them. The duty itself, which applies to every online service, measures safety by how much harmful material users are exposed to. Removing and restricting content is the simplest way for platforms to show they have met it. Our recommendations would rebalance the duty, so that platforms are judged on how well they protect users and their rights as much as what content they remove from view.

RECOMMENDATIONS

1. Amend the Bill's objects clause to include protecting the human rights of internet users in Australia, including freedom of expression, privacy, non-discrimination and access to health information.
2. Add human rights considerations such as freedom of expression, privacy, non-discrimination and access to health information to the matters to be taken into account in deciding whether action or measures are 'appropriate' or 'effective' under s 26A.
3. Ensure that 'prescribed online services' under s 27G include all major social media platforms, and require these services to have complaint and dispute processes that deal with appeals against content removal,



content restriction (including reduced visibility) and account suspension, with notice, reasons and access to human review.

4. Require risk assessments under s 27 to identify and mitigate the risk that a service's safety measures will remove or restrict excluded material (s 25F) and other lawful material.
5. Amend the discretionary power in s 192L to specify that the eSafety Commissioner must require major platforms to publish, as a matter of routine, disaggregated data on content removals, restrictions and account suspensions, including removals of excluded material.
6. Add a consent qualifier to sexual violence and gender-based violence in the definition of seriously harmful material (s 25D(1)(c) and (h)).
7. Replace 'pornography' and 'material that describes or depicts specific fetish practices or fantasies' in s 27D with definitions equivalent to class 1C, class 2A and class 2B material under the industry codes, which are anchored in the *Online Safety Act's* existing definitions of class 1 and class 2 material, rather than introducing new, undefined terms.
8. Apply the s 25F exclusions to the age assurance obligation in s 27D, so that sexual health, harm reduction, educational and artistic material is excluded from material that can be restricted behind mandatory age checks.
9. Amend the Bill's objects clause to specifically include the expectation stated in the Explanatory Memorandum that protecting children must not restrict adults' access to lawful material and communications.
10. Apply the privacy protections required for social media minimum age assurance (ss 63DA, 63DB and 63F) to all age assurance required under the Act, including s 27D, so that adults verifying their age to access lawful material are protected from mandatory identification, unnecessary data collection and the retention or reuse of their information.
11. Explicitly include within the Bill's text the Explanatory Memorandum's statement that the digital duty of care is not intended to undermine end-to-end encryption, and that the duty does not require services to monitor private communications.
12. Limit the use of sock puppet identities (ss 205H to 205K) to detecting and removing unlawful seriously harmful material of the kind described in s 25D, and require the Commissioner and approved researchers to report each use, including whether it led to detection or removal.
13. Require the eSafety Commissioner to work with sex worker peer organisations to ensure that the image-based abuse scheme responds appropriately and sensitively to sex worker complainants.
14. Establish an oversight body to monitor the implementation and impacts of the digital duty of care, including non-government organisations, the eSafety Commissioner and the Department, with meaningful participation from sex workers, people who use drugs and other affected communities, including LGBTQ+, youth, First Nations and disability rights organisations.
15. Require the eSafety Commissioner to consult affected community organisations, including sex worker organisations, before making rules on risk assessments (s 27(4)), complaint and dispute processes (s 27G(3)) and published information (s 192L).



HUMAN RIGHTS PROTECTIONS

The digital duty of care will shape what information people in Australia can find, share and rely on online. Access to that information underpins our rights to health, work and equal treatment, which should make human rights protections central to the Bill's design.

Yet, the Bill contains no express protection of human rights. This approach stands in contrast with comparable overseas legislation. For example, the European Union's Digital Services Act requires very large platforms to assess risks to fundamental rights, and the *Online Safety Act 2023* (UK) imposes duties regarding freedom of expression and privacy.¹

Instead, s 26A of the Bill sets out matters to be taken into account in deciding whether a platform's actions are 'appropriate' and 'effective' for complying with the digital duty of care. These include:

- the extent to which the action achieves a safe online environment,
- how harmful the material is,
- how much the action reduces the risk of users encountering it,
- the impact on the security of the service, and
- whether the action is proportionate to the likelihood and degree of harm.

The human rights of service users are not taken into account. This means that a platform that removes far more lawful material than required will still be acting 'appropriately' and in compliance with the digital duty of care.

While the Explanatory Memorandum argues that the Bill protects freedom of expression by focusing on a service's 'systems and processes' rather than restricting 'individual pieces of content,' this distinction does not hold in practice. The digital duty of care requires platforms to meet their obligations primarily through content moderation. The required 'systems and processes' facilitate the removal of individual posts, ads and accounts.

Similarly, the Minister has described the Bill as being about what platforms do, not what people say.² However, with penalties of up to \$109.2 million, no consideration of human rights factors and no consequence for removing lawful content, the impact of the Bill is that platforms will respond by restricting or removing what people say.

Recommendation 1 would make the protection of human rights an object of the Act, so that it informs how the duty is interpreted and enforced.

Right to freedom of expression

Article 19 of the *International Covenant on Civil and Political Rights (ICCPR)* protects the right to seek, receive and impart information.³ Because the Bill does not require platforms to consider the human rights of service users when complying with duty, platforms are not required to consider the right to freedom of expression.

¹ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and Amending Directive 2000/31/EC (Digital Services Act) [2022] OJ L 277/1, art 34(1)(b); *Online Safety Act 2023* (UK) c 50, ss 22, 33.

² Anika Wells, Minister for Communications, 'Address to the National Press Club' (Speech, National Press Club of Australia, 15 October 2026) <https://minister.infrastructure.gov.au/wells/speech/address-national-press-club>.

³ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 19 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.



Right to privacy

Article 17 of ICCPR protects against arbitrary interference with privacy and correspondence.⁴ While the Explanatory Memorandum states that the digital duty of care is not intended to undermine users' reasonable expectations of privacy, including by dismantling end-to-end encryption, this commitment is not included in s 26A, or anywhere else in the Bill.

Right to work

The right to work, and to just and favourable conditions of work, is protected by articles 6 and 7 of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*.⁵ Sex workers are recognised as workers under Australian law, and for many of us, online spaces are part of our workplaces. We use internet technologies to advertise, screen clients, share safety information and network with our communities. Platforms already remove lawful sex work advertising, shadowban our content and close our accounts, reducing our incomes and undermining our access to safety strategies and health information.⁶ A digital duty of care that incentivises over-removal will undermine conditions for sex workers in Australia.

Right to health

Article 12 of the ICESCR protects the right to the highest attainable standard of physical and mental health, which includes access to health information.⁷ Sexual health education, HIV prevention, abortion information and drug checking alerts are already being removed by platforms through incorrect classification as 'adult content', 'sexual solicitation' or 'promoting drug use'.⁸

Like all health promotion activities, sex worker peer education increasingly relies on tech platforms for information distribution. When platforms remove or restrict this content, whether to comply with their own policies or to manage their obligations under the duty, the information does not reach the people who need it. The people most impacted by a lack of health information in online spaces are those with the fewest alternatives, including people in rural and remote communities, young people, LGBTQ+ people, Disabled people, and people who use drugs.

⁴ Ibid art 17.

⁵ *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) arts 6–7

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

⁶ See, e.g. Danielle Blunt and Ariel Wolf, 'Erased: The Impact of FOSTA-SESTA and the Removal of Backpage on Sex Workers' (2020) 14 *Anti-Trafficking Review* 117 <https://doi.org/10.14197/atr.201220148>;

Danielle Blunt et al, *Posting Into the Void: Studying the Impact of Shadowbanning on Sex Workers and Activists* (Report, Hacking//Hustling, 2020) <https://hackinghustling.org/posting-into-the-void-content-moderation/>;

Danielle Blunt and Zahra Stardust, 'Automating Whorephobia: Sex, Technology and the Violence of Deplatforming' (2021) 8(4) *Porn Studies* 350 <https://doi.org/10.1080/23268743.2021.1947883>;

Carolina Are and Pam Briggs, 'The Emotional and Financial Impact of De-Platforming on Creators at the Margins' (2023) 9(1) *Social Media + Society* 1 <https://doi.org/10.1177/20563051231155103>.

⁷ ICESCR (n 5) art 12;

Committee on Economic, Social and Cultural Rights, *General Comment No 14 (2000): The Right to the Highest Attainable Standard of Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)*, 22nd sess, UN Doc E/C.12/2000/4 (11 August 2000) [11], [12(b)(iv)] <https://digitallibrary.un.org/record/425041>.

⁸ Scarlet Alliance and signatories across the health promotion and harm reduction sectors (including researchers, industry bodies, community and peer organisations and sexual and reproductive health organisations) have submitted a document outlining case studies of content removal across platforms to this inquiry: *Case Studies Of Tech Platform Over Reach Into Public Health And Safety Content, Australia* (28 October 2026) <https://scarletalliance.org.au/case-studies-of-tech-platform-over-reach-into-public-health-and-safety-content/>.



Right to non-discrimination

Articles 2 and 26 of the ICCPR protect equality before the law and the right to equal protection against discrimination.⁹ The Explanatory Memorandum's discussion of discrimination considers only the different treatment of adults and children. It does not consider whether the duty will discriminate against other protected groups whose lawful content is already disproportionately removed. **Recommendation 2** would add each of these rights (freedom of expression, privacy, non-discrimination and access to health information) to the matters platforms must take into account under s 26A.

DISCRIMINATION AND OVERCAPTURE

DISCRIMINATION AGAINST SEX WORKERS ONLINE

Platform terms and conditions routinely exclude sex workers and sex work content. Several Australian jurisdictions, including Victoria, Queensland and the Northern Territory, protect sex workers from discrimination.¹⁰ None of those protections reach a platform's moderation decisions.

When Scarlet Alliance raised this with the Department during consultation on the exposure draft, we were advised that discrimination by online platforms is a matter for the Attorney-General, not the Minister responsible for the duty. We do not accept this division. The digital duty of care creates the regulatory pressure that will drive platform moderation in Australia for years to come. If it rewards over-removal and provides no mechanism for consideration of anti-discrimination protections (at either a Commonwealth or state/territory level), it will deepen discrimination against sex workers and against other communities whose lawful content is already disproportionately removed, including First Nations peoples, LGBTQ+ people, people with disability, people from non-English speaking backgrounds and women.¹¹

THE EXTENT OF THE OVERCAPTURE PROBLEM

The term 'overcapture' describes when content that should not be restricted gets caught by the mechanisms used to target restricted material. The digital duty of care is enforced only in one direction. A platform that leaves harmful material up risks penalties of up to 60,000 penalty units. A platform that removes lawful material faces nothing. Platforms continue to categorise content themselves, at scale and mostly through automated systems, and the Bill provides no right of appeal against their decisions. The excluded material set out in s 25F is a

⁹ ICCPR (n 3) arts 2, 26.

¹⁰ *Equal Opportunity Act 2010* (Vic) s 6(la);
Anti-Discrimination Act 1991 (Qld) s 7(l);
Anti-Discrimination Act 1992 (NT) s 19(1)(ec).

¹¹ Samuel Mayworm et al, 'Content Moderation Folk Theories and Perceptions of Platform Spirit among Marginalized Social Media Users' (2024) 7(1–4) *ACM Transactions on Social Computing* 1 <https://doi.org/10.1145/3632741>;
Carolina Are, "'Dysfunctional' Appeals and Failures of Algorithmic Justice in Instagram and TikTok Content Moderation' (2025) 28(11) *Information, Communication & Society* 1997 <https://doi.org/10.1080/1369118X.2024.2396621>;
Aisha Down, 'Meta Shuts Down Global Accounts Linked to Abortion Advice and Queer Content', *The Guardian* (11 December 2025) <https://www.theguardian.com/global-development/2025/dec/11/meta-shuts-down-global-accounts-linked-to-abortion-advice-and-queer-content>.



definition, not a protection. It tells platforms what they are not required to act against. It does not oblige them to leave that material up, or give anyone whose 'excluded material' is removed a way to get it back. Where platforms cannot reliably tell which users are children, or which content falls within the open-ended category of material that 'may cause serious harm to children', the duty requires restriction of this content for everyone.

The joint case studies document submitted to this inquiry sets out examples of content that would fall within s 25F but is already being removed. These include:

- A post by Women's Health NSW from the Children by Choice reproductive health and abortion conference, showing artistic and scientific representations of vulvas, was removed from LinkedIn without notice. LinkedIn later conceded the removal was an error, by which time the post's timeliness had passed.
- The National Association of People With HIV Australia's (NAPWAH) 'Can't Pass It On' campaign, explaining that people with HIV on effective treatment cannot transmit HIV sexually, was rejected as an ad by Facebook and suspended on YouTube. A repost by an epidemiologist was removed by TikTok as 'misinformation', and the appeal failed.
- Pill Testing Australia warnings from the government-funded Prompt Response Network removed from Instagram and Facebook, and banned by TikTok. This included a warning about strong MDMA and nitazenes (a synthetically produced opioid more potent than fentanyl) ahead of Canberra's Spilt Milk festival in December 2025 being removed three days prior to the event, with a subsequent appeal rejected.
- Vixen, Victoria's sex worker organisation, had its Instagram account suspended and then permanently disabled in less than 24 hours in May 2026. Its posts about a monthly catch-up for trans and gender diverse sex workers, and a notice that its office was closed for drop-in on certain days, were removed for 'adult sexual solicitation'.¹²

Each of these is health promotion, harm reduction, educational or community material. None was protected in practice, and in each case the organisation bore the cost of trying to restore it. Community organisations do not have the resources to document every takedown or pursue every appeal, and many withdraw from social media altogether.¹³

Recommendations 3, 4 and 5 would give the excluded material category some practical effect: providing a right to human review for people whose content or accounts are removed or restricted; risk assessments that address the risk of over-removal; and routine public data on removals, including of excluded material.

Further, the definitions of material that 'encourages, promotes, incites or instructs sexual violence or gender-based violence' (s 25D(1)(c) and (h)) also contain no consent qualifier, so depictions and descriptions of consensual kink can be categorised as seriously harmful material and removed for all users. **Recommendation 6** would add nuance to this definition, to ensure that discussions and depictions of lawful and consensual kink sexuality are not considered to be 'seriously harmful' to adult internet users.

AGE-ASSURANCE AND UNDEFINED TERMS

¹² Scarlet Alliance et al (n 8).

¹³ Kath Albury et al, 'Not Safe for Health?: The Impacts of Platform Policy and Regulation on Australian Digital HIV Outreach' (2026) *Communication Research and Practice* 1 <https://doi.org/10.1080/22041451.2026.2708574>.



Age assurance is the process of checking a user's age, for example through identity documents or facial age estimation, before allowing them to access certain material.

Separately from the digital duty of care requirements, s 27D introduces an age-assurance requirement, replacing the age assurance requirements in the industry codes. This is the Bill's most direct restriction on adults' access to lawful sexual content.

Section 27D requires online services, where there is a reasonably foreseeable risk that a child could access or be exposed to 'pornography' or 'material that describes or depicts specific fetish practices or fantasies', to implement age assurance measures (methods for determining or assessing a user's age) and access control measures (measures that prevent a user who has not undergone age assurance from accessing the material). A breach carries a penalty of up to 60,000 penalty units.

Neither of the triggering terms is defined. While they broadly map onto the definitions of class 1C and class 2 material in the *Online Safety Act* and current industry codes and standards, they are not the same. Further, the s 25F exclusions for health, educational and artistic material that apply to the digital duty of care do not apply to the age assurance requirement. **Recommendations 7 and 8** would replace the undefined terms in s 27D with definitions equivalent to class 1C, class 2A and class 2B material under the industry codes, and apply the s 25F exclusions to the age assurance requirement.

Even with clearer definitions, in practice, the likely result is that every adult must verify their age before they can see material that *could* meet these terms on any service, and that sexual health information, kink education and sex worker content will be placed behind age checks for all users. The Explanatory Memorandum states that protecting children should not otherwise restrict adults from accessing lawful material. **Recommendation 9** would crystallise that expectation in the Bill.

Section 27D also departs from the existing frameworks for how age assurance is carried out. Under the current codes, 'appropriate' age assurance measures must be demonstrably reasonable, taking into account human rights including freedom of expression and privacy. Providers must consider whether a measure complies with privacy law, whether its impact on privacy is proportionate, and how to minimise the collection of personal information.¹⁴ In contrast, s 27D requires 'appropriate' age assurance measures without defining what makes a measure appropriate, and contains no privacy safeguards. This means that both the age assurance measures required under s 27D could rely on government identification or biometric data.

This is also in contrast to the social media minimum age provisions, where platforms are prohibited from requiring government identification without offering a reasonable alternative, and required to destroy age assurance information once used.¹⁵ Using the approach already legislated for the social media minimum age provisions, **recommendation 10** would extend this approach to all age assurance mechanisms required under the *Online Safety Act*.

PRIVATE COMMUNICATIONS AND SURVEILLANCE

¹⁴ eSafety Commissioner, *Consolidated Industry Codes of Practice for the Online Industry (Class 1C and Class 2 Material): Head Terms* (9 September 2025) ss 2.1 (definitions of 'access control measures' and 'appropriate'), 5.1(b)(iii), 5.1(c)(iii)–(iv), (vii) <https://www.esafety.gov.au/industry/codes/register-online-industry-codes-standards>.

¹⁵ *Online Safety Act 2021* (Cth) ss 63DB, 63F.



The Bill exempts private communications between adults from the digital duty of care, but the exemption is narrower and less certain than it first appears.

Section 26B provides that the digital duty of care ‘does not require any action to be taken in relation to lawful communications occurring in private solely between consenting adults’. The Explanatory Memorandum narrows this by stating that large group chats or servers are not considered private, and that unlawful communications are not covered.

A platform can only know whether a communication is lawful, private and solely between consenting adults by examining it. Neither the Bill nor the Explanatory Memorandum says where the line between a private group chat and a large one falls, so platforms will decide for themselves when a group chat becomes too large to be private.

The industry codes being repealed contain express limits on privacy and encryption. They specify that providers are not required to build systematic weaknesses into encrypted services, create new decryption capabilities, render encryption less effective, or monitor private communications between end-users.¹⁶ The Bill contains none of these limits. While the Explanatory Memorandum states that the duty is not intended to undermine users’ privacy, including by disabling or dismantling end-to-end encryption, this does not appear in the Bill. Combined with the removal of privacy from the s 26A factors, the private communications exception in s 26B offers little certainty. **Recommendation 11** would put the Government’s stated intention, and the protections already in the codes, into the law.

SOCK PUPPET IDENTITIES

‘Sock puppets’ are accounts created under false identities to observe or test how a platform operates. The Bill allows the Commissioner and approved researchers to assume false identities to create accounts on services, observe, download and record material, and engage with services and users under these false identities. The Commissioner must publish only an annual statement setting out its priorities and summarising its activities ‘in general terms’. There is no reporting requirement for approved researchers, and no requirement that any use of the power relate to unlawful or seriously harmful material.

Covert observation of online community spaces engages the rights to privacy and freedom of association, and undermines the trust those spaces depend on. **Recommendation 12** would limit the power to its stated purpose and make its use visible.

¹⁶ *Consolidated Industry Codes of Practice for the Online Industry (Class 1C and Class 2 Material)* (n 14) s 6.1(a)–(d).



NON-CONSENSUAL INTIMATE IMAGE SHARING

Scarlet Alliance supports the Bill's strengthened removal notice powers. These include link deletion notices requiring search engines to stop linking to intimate images (s 82), higher penalties for posting intimate images without consent and for failing to comply with removal notices (ss 75(1) and 80), and the inclusion of posting, or threatening to post, an intimate image without consent within the definition of seriously harmful material (s 25D(1)(e)).

The value of these provisions to sex workers depends on whether we can access the scheme at all. An image is an 'intimate image' under s 15 of the *Online Safety Act* only if it was shared in circumstances in which an ordinary reasonable person would reasonably expect to be afforded privacy. In practice, eSafety has interpreted this test to exclude images made in the course of sex work. In our submission on the exposure draft, we set out the barriers sex workers have faced in having complaints about intimate images, doxxing and harassment accepted by eSafety. These include a case in which eSafety declined to act on images of a sex worker that her former employer continued to display after she withdrew consent, on the basis that an ordinary reasonable person would not expect privacy in those circumstances.¹⁷ Those barriers remain. **Recommendation 13** would ensure the scheme can respond appropriately and sensitively to sex worker complainants.

¹⁷ Scarlet Alliance, Scarlet Alliance Submission to the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts on the Exposure Draft - Online Safety Amendment (Digital Duty of Care) Bill 2026 (22 September 2026) 7-8.
<https://scarletalliance.org.au/app/uploads/2026/10/Scarlet-Alliance-Digital-Duty-of-Care-Submission-Sept-2026.pdf>



28 October 2026

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Chair and Committee Members

Re: Inquiry into the Online Safety Amendment (Digital Duty of Care) Bill 2026

Thank you for the opportunity to provide a response to the Online Safety Amendment (Digital Duty of Care) Bill 2026.

The Sex Workers Outreach Project NSW (SWOP NSW), a member of Scarlet Alliance, has delivered peer-led services to sex workers in NSW for more than 35 years. Our work seeks to ensure sex workers have equitable access to health, safety, human rights and workplace protections.

SWOP NSW endorses the submission of Scarlet Alliance, Australia's national peak body for sex workers. As a peer-run organisation representing sex workers and sex worker organisations across Australia, Scarlet Alliance brings an important national, peer-led perspective to the potential impacts of the proposed legislation on sex workers.

SWOP NSW relies on online platforms, including social media, to provide health and safety information, engage with sex worker communities, promote sex worker pride and challenge stigma. Measures that result in the removal, restriction or reduced visibility of lawful sex worker content can undermine health promotion, peer education, community connection and access to safety information. These impacts must be considered in the design and implementation of online safety regulation. These concerns are also raised in Scarlet Alliance's submission.

For these reasons, SWOP NSW supports Scarlet Alliance's submission and its call for the rights and safety of sex workers to be properly considered within the proposed Digital Duty of Care framework.

SWOP NSW would be available to provide evidence to the Senate inquiry specifically in relation to peer-led health promotion and the potential public health impacts of restricting lawful sex worker content online, should this assist the Committee.

Kind regards



Kerrie Jordan

Chief Executive Officer
SWOP NSW | Sex Workers Outreach Project NSW