

Submission to the Review on Modernising and Harmonising Classification Standards

This submission is made by a group of representatives from Australia's peak bodies for sex workers, drug users, adult stores, porn performers and distributors, and expert academics in the fields of sexualised media. A full list of signers is listed below on page 2.

The submitters are experts in sexual health and education, consent, healthy relationships, and harm reduction. Our organisations have worked for decades representing affected communities' lived experience to government, academia and industry. Media and media classification standards' perpetuation of stigma against these communities, bodies, sexual practices, and drug use are our area of specialty. Additionally, as stakeholders and consultants in ongoing and recent reviews of the Online Safety Act and Digital Duty of Care, the submitters have a deep and complex understanding of how this review will intersect with and impact on other initiatives. Therefore, this submission is uniquely positioned to communicate real and practical impact of proposed changes to the Classification Standards on the businesses, communities and individuals who will be directly impacted.

The Mettlesome report for this Review notes that:

“Community and stakeholder input has highlighted priorities for change: decisions grounded in evidence and potential harm (not moral judgement)”.

We strongly support the overarching recommendation that this Review should lead to a classification system with an improved reliance on *evidence over morality* (C03); this point informs our response to all of the changes.

This submission supports 'modernisation' (C02, C03, C04, C07, C08, C12) of the Classification system. Social understanding of healthy sexual relationships has improved dramatically since these elements of the Classification system were first introduced, and the system must be brought into line with modern research. Consent is now at the heart of social understanding of healthy sexuality.

From this central focus also emerges a commitment to ensuring that people are sufficiently educated about sex to make informed decisions, that they develop the agency to understand their own sexual desires, and that they develop the skills to communicate these to partners. Proposed changes addressing body-shaming, slut-shaming, and stigmatisation of sexual practices and recreational drug use would allow cultural products produced and available in Australia to better promote consent and harm reduction.

However, we strongly oppose 'harmonisation' (C05, C06) of the Classification system. The review cannot create workable 'harmonisation' with parallel and competing regulations because it does not address them: Online Safety Act subordinate legislation, state and territory laws and local government zoning are all outside the scope of the review. The Classification system in its current form is not fit for purpose. It needs reform that encompasses all levels of laws and regulations that impact the way cultural media is

produced, delivered and consumed in Australia. ‘Harmonisation’ cannot be achieved while the stigmatising elements are intact or while the scope of the review ignores competing regulations.

Our full set of responses to the proposed changes are provided in the table below (beginning page 3), and is accompanied by a narrative (beginning page 8).

Our Key Recommendations are as follows:

1. Pause all amendments on classification systems until Digital Duty of Care has been finalised and publicised.
2. If the Review does proceed, decisions should be evidence-based.
3. If an Advisory Committee is created, it must be made of peak representative organisations of affected communities – for example, sex workers, drug users, sexual health educators and sexologists. A complete list of affected bodies is provided below on page 16.
4. If changes are made to classification systems, literature classification categories should be retained separate to the film ratings scheme, for reasons provided below.

Our submission is signed by:

- *AIVL*, Australian Injecting and Illicit Drug Users League, advancing the wellbeing, health and human rights of people who use drugs and have used drugs illicitly in Australia <https://aivl.org.au/>
- *Scarlet Alliance*, National Sex Workers Association <https://scarletalliance.org.au/>
- *Eros Association*, Australia’s leading adult industry body <https://eros.org.au/>
- *SIN*, the Sex Industry Network of South Australia, promoting the health, rights and well being of South Australian sex workers <https://sin.org.au/>
- *Dr Alan McKee*, Professor of Media and Communications, University of Sydney
- *Kim Cums*, indie porn producer <https://kimcums.com/>
- *Cadent*, ethical technology consultancy cadent.au

#	Element	Response
C01	PG13 Rating	We do not offer a response to this proposed change.
C02	Overhaul of classifiable element 'Themes'*	We support this proposed change. We provide more detail below.
C03	Improved reliance on evidence over morality	We strongly support this proposed change. We are opposed to the introduction of an "impact test" in the category X18+ for the reasons set out above. This material is already restricted to adults and does not require extra considerations of impact, which is a subjective measurement.
C04	Interactivity classifications focus on replication	We support this proposed change. We provide more detail below.
C05	MA15→ MA16+	We oppose this proposed change. It would replace a widely-recognised category simply in order to harmonise with a newly-introduced social media ban which is not supported by any evidence base, and lacks the checks and balances and accountability required of federal classification guidelines.
C06	Publications to adopt the rest of the classification system	<p>We strongly oppose this proposed change.</p> <p>While we support the idea of harmonization of all current classification guidelines and systems across Australia, this proposed change is simplistic and ignores most of the guidelines and systems involved. These include:</p> <ul style="list-style-type: none"> • eSafety bans • State bans • Territory zoning restrictions • Local government zoning restrictions <p>However, we would make two significant points in relation to this.</p> <p>Firstly, any project to harmonise this complex nexus would require a full review of all of these contributing elements, as well as seeking agreement from the relevant governments and bodies. We provide more detail above.</p> <p>Secondly, any such project must prioritise those currently existing systems which best align with the principle of evidence over morality. Currently the film system is less evidence-based than the publication system. Simply to change the publication system to align with films would actually represent a step backwards from the stated aims of this review. Simplifying literature categories into film classification will immediately result in increased censorship, and criminalise content currently deemed lawful.</p> <ul style="list-style-type: none"> • Kink and fetish: permitted in Category 1 publications, currently lawful to sell in book stores, wrapped in plastic and appropriately labeled. If also depicting sex acts, they become Category 2 publications, lawful to sell in adult stores.

		<p>However, if classified like films they X18+, banned from sale even in adult stores (due to state and territory laws) except Fyshwick, ACT.</p> <ul style="list-style-type: none"> • Still images: currently treated as publications, meaning fetish and diverse body types are allowed. If rated like films this cultural production would need to be classified and could potentially be refused classification. Instead of content warnings in art galleries for example such works may become illegal. • Adult stores: need consistency and certainty about what they are permitted to sell and promote. The proposal to apply the X18+, R18+ and MA15+ film guidelines to publications would create regulatory limitations on existing lawful stock, place undue burden on Adult stores to curate their shelves, and is a solution looking for a problem. • No one is complaining: keep the current status quo with literature, printed materials and hard-copy photography.
C07	Clarify definitions	We support this proposed change. We provide more detail below.
C08	Reconsideration of sexual content	<p>We strongly support this proposed change.</p> <p>We emphasise that the proposed change should NOT be taken to mean that we should consider consensual BDSM kink as sexual violence.</p> <p>We must place consent at the heart of healthy sexual practice - see McKee et al, 2010, "Healthy Sexual Development: a multidisciplinary framework for research", <i>International Journal of Sexual Health</i>, 22(1), 14-19</p> <p>If we treat consensual BDSM kink as equivalent to sexual violence we erase the importance of consent in healthy sexual practice – see McKee, Alan McKee (2015), "Methodological issues in defining aggression for content analyses of sexually explicit material", <i>Archives of Sexual Behavior</i>, 44(1), 81-87.</p> <p>Changes should include:</p> <ul style="list-style-type: none"> • Allowing representations of consensual kinky sex <p>The current system of X18+ and "RC" (refused classification) means that a wide range of film content; BDSM, wax play, watersports, female ejaculation and orifice fisting is deemed illegal for portrayal in films in Australia. As well as stigmatising such practices, the illegality of depicting these acts also means that negotiation of such scenes and the depiction of consent is unintentionally erased.</p> <ul style="list-style-type: none"> • Removing small breast censorship <p>Sex workers with small breasts and feminine bodies performing in porn are not accommodated by the classifications, implying the two characteristics when combined indicate youth. Lack of facial hair on male bodies, for example, is not regulated in the same way.</p>

		<p>Removing labia censorship R18+ classification is given to any content that depicts genitalia with inner labia sticking outwards. This is a result of guidelines stating 'discreet genital detail' is permitted but not 'genital emphasis'. Penises are censored too, but with an emphasis on arousal, not size. The specific wording is 'realistic depictions of sexual excitement'. The submitters believe penile erections are generally acceptable for Category 1 publications and a flaccid penis could be portrayed in R18+ films. By contrast, 'indiscreet' labia would attract X18+ rating.</p> <p>In addition, we support removal of classification rules that stigmatise recreational drug use. There must be removal of terminology that allow for classification to be based on social judgement, such as ideas about 'morality', 'decency,' 'literary or artistic merit'. These terms imply there are 'normal' and 'abnormal' types of drug use. Instead of such terminology the classification system should be based on the content, such as "Contains drug use."</p>
C09	Classification Advisory Council	<p>We strongly oppose the details of this proposed change in its current form.</p> <p>Regulatory authority over a domain should sit closest to those with practical knowledge of it. When regulation is removed from the intermediate bodies - sex worker peaks, harm reduction orgs, performer co-ops, adult retailer associations and reproductive health educators - and pushed up to either a generalist regulator or a 'general public' consultation dominated by moral entrepreneurs, the function loses its grounding and produces bad rules.</p> <p>The submitters have observed low levels of trust and faith in the Classification system, from many young people, LBGTQAI+ communities, individual sex workers, academics, small businesses, co-op and individual porn producers, distributors and consumers. Concerns around unfair and unwarranted censorship, lack of nuance and the promotion of anti-sex stigma are anecdotally the common complaints.</p> <p>Conversely, the Mettlesome report and Social Research Centre research found a high level of trust in the system. Of interest, however, the same research found that concern about sexual content was only listed as 'moderately' important. The general public believes in the Classification system, and is not overly anxious about restrictions on sexual content:</p> <p style="text-align: center;">Media habits and consumption behaviours</p> <p style="text-align: center;">Australians have clear views on which content warnings matter most to them. Explicit warnings for depictions of sexual violence, self-harm and suicidal themes were found to be 'extremely important' by most adults. In contrast, warnings for scariness, smoking, alcohol, drug use and nudity were seen as less critical. Sexual content, discrimination and warnings for in-game gambling-like content were found to be moderately important. (<i>Mettlesome Report, Concept Testing, Page 13.</i>)</p> <p>These findings are in contrast to observations by the submitters. Performers, producers, distributors and communities engaging directly with the Classification system are frustrated. They are using the system in real life, struggling to see a way through the regulations and unsure how to make content that is compatible and compliant. Affected communities are frustrated with the way the Classification system stigmatises bodies, drug use and sexuality.</p>

		<p>The submitters recommend the Advisory Council should not be made up of the general public., Members of the general public cannot provide the critical advice necessary for good operations of the Classification system. They risk instead contributing uninformed generalisations, detaching the Classification system from practical expertise. The Mettlesome report research shows people with lack of direct engagement or cause to pay attention to the Classification system are not aware of the problems of the Classification system.</p> <p>The Advisory Council must be informed by affected communities' directly involved with the everyday cultural and practical problems generated by the Classification system. For the Advisory Council to provide useful and meaningful input into the Classification system, it must be made up of the relevant peak bodies:</p> <ul style="list-style-type: none"> ● Sexual and Reproductive Health ● Eros ● Scarlet Alliance ● AIVL ● Relationships Australia ● Media Arts Entertainment Alliance ● LGBTIQ+ Health Australia ● Health Equity Matters ● A youth peak body <p>Members of anti-porn groups and people morally opposed to sex work, drug use, sexual education for young people and adult entertainment should cannot be eligible for membership to the Advisory Committee, given the interest in developing an approach based on potential harm rather than moral judgement..</p> <p>If the review were to conclude in favour of a general public committee of some kind, the submitters recommend an Advisory Council of affected community representative peak bodies must still be established.</p>
C10	Single touch Classification	We do not offer a response on this proposed change.
C11	Permit updates to classifications	We do not offer a response on this proposed change.

#	Element	Response
C12	Self-classification as default	We support this proposed change for the reasons detailed above.
C13	Modernise the classification database	We do not offer a response on this proposed change.
C14	Expand use of automated classification tools	We do not offer a response on this proposed change.
C15	Classification website - uniform matrix	We do not offer a response on this proposed change.
C16	Classification website - personalised preferences*	We do not offer a response on this proposed change.
C17	Classification website - unify listings	We do not offer a response on this proposed change.
C18	Classification website - transparent decisions	We do not offer a response on this proposed change.
C19	Classification website - addition of extra community information	We do not support this proposed change in its current wording as it excludes relevant bodies including sex worker and sexual health organisations.
C20	Element icons	We do not offer a response on this proposed change. We note that iconography can have a stigmatizing effect and must be developed in partnership with affected communities and stakeholders.
C21	Quick links to classification listings	We do not offer a response on this proposed change.
C22	Generational education campaign	We do not offer a response on this proposed change.

Narrative to accompany submission

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Weigh Evidence over Anxiety

The Mettlesome report for this Review notes that: “Community and stakeholder input has highlighted priorities for change: decisions grounded in evidence and potential harm (not moral judgement)”. This is a central point.

Moral panic and anxiety about young people’s access to online porn is dominating headlines and crowding out reliable evidence from political conversations about the regulation of cultural representation of sexuality. For the Review to be useful and maintain an evidence-based approach to reform, it must insulate against this moralising and fearmongering.

Moral panic is irrational and obscures evidence. Moral panic is also politically productive for specific actors: politicians seeking visibility, advocacy groups whose funding depends on the panic continuing, platforms seeking liability minimisation through pre-emptive over-moderation, and consultancies whose business model is age-verification infrastructure. These interests are not within the scope of this review, and for good reason. Societal anxiety about representations of sexuality could, but should not, derail the development of a modern Classification system. Classification should provide information and education about content, not be concerned with limiting or judging content.

The biggest current moral panic in Australia about classified material is that the consumption of sexually explicit material causes Intimate Partner Violence against women. This claim is not evidence based. Australia is facing an epidemic of violence against women - one of the biggest threats faced by Australian women is having a male sexual partner. Twenty-eight women were killed in this country by a current or former intimate partner last year¹ and one woman every 11 days as a result of domestic homicide². Evidence and data drawn from

¹ Australian Institute of Criminology, ‘Homicide in Australia 2024–25’, AIC Statistical Report 58 (2026).

² Australian Institute of Health and Welfare, ‘Family, domestic and sexual violence’ updated 23 April 2026. <<https://www.aihw.gov.au/family-domestic-and-sexual-violence/responses-and-outcomes/domestic-homicide>> (accessed 28 May 2026).

these horrifically high numbers in Australia have found the following risk factors are prominent and provable:

- The offender has a history of violence – sexual or non-sexual
- The offender has mental health problems, particularly depression
- The offender has experienced traumatic life events including war, homelessness, incarceration, abuse and neglect as a child, or the death of significant family members
- separation between victim and offender
- offender's being jealous of the partner's relationships with friends or family
- offender's belief in conservative gendered norms such as believing that women shouldn't have a career, or that women should submit to men as the head of household.

This accords with data analysed in the report "What Do We Know About The Effects of Pornography After Fifty Years of Academic Research?" (McKee et al, 2022), the largest-ever global multidisciplinary review of published studies on pornography and healthy sexual development.

Viewing pornography is not a risk factor for Intimate Partner Violence or Domestic Homicide. This evidence is important, because Australia must have to stop that violence; and to do that we have to focus on the real causes of it. Curtailing or liberalising access to adult cultural products in Australia is also important policy, but bears no relationship to the fight to stop violence against women.

The reforms described in the Mettlesome report are promising and appear to be heading in the right direction. They reflect broadly what many porn performers, adult content producers, adult content distributors, sex educators, sex workers and harm reduction campaigners from community organisations have been advocating for many years. The Classification Act is not fit for purpose.

The Classification system regulates cultural production, distribution and consumption within the geographical borders of the Australian continent. It regulates bodies, drug use and sexuality, as acceptable or not, their representation in entertainment and for education purposes, and the stories we tell about them. The system also decides at what age those bodies and certain behaviours are deemed acceptable to consume.

Traditionally, parents are thought of as mediators in control of what young people get access to. In that dynamic sex workers, porn performers, adult content distributors, sex educators, reproductive health organisations and harm reduction advocates are able to engage in public spaces and cultural creation without having to think of the children. In the current world of online access to information, anxiety about what young people are seeing is now accepted as a regulatory problem pushing consequences onto every cultural consumer. Against this backdrop the submitters suggest this review of Australia's Classification system may struggle to gain reasonable consideration.

The Advisory Council must be made up of recognised, representative peak bodies

We assert that institutionalised advice to the Classification system should sit closest to those with practical knowledge of how the system functions. Advice and consultation is best delivered by intermediate bodies - sex worker peaks, harm reduction orgs, performer co-ops, adult retailer associations and reproductive health educators. Without affected communities, advisory infrastructure loses its grounding in lived experience and evidence-based practices. Any move towards a generalist regulator or a 'general public' consultation committee will result in advice dominated by the interests of moral entrepreneurs and risks producing a Classification culture which caters to the moral panic of a vocal minority.

The submitters have observed *low levels* of trust and faith in the Classification system amongst the groups and individuals that we represent. Young people, LBGTQAI+ communities, sex workers, academics, small businesses, co-op and individual porn producers, distributors and consumers, have all expressed concerns around unfair and unwarranted censorship, lack of nuance, and the promotion of anti-sex stigma.

Conversely, the Mettlesome report and Social Research Centre research found a *high level* of trust in the system amongst the general public. Notably, the same research also found that concern about sexual content was only listed as 'moderately' important. So although the general public has faith in the Classification system, it is not overly anxious about restrictions on sexual content:

Media habits and consumption behaviours

Australians have clear views on which content warnings matter most to them. Explicit warnings for depictions of sexual violence, self-harm and suicidal themes were found to be 'extremely important' by most adults. In contrast, warnings for scariness, smoking, alcohol, drug use and nudity were seen as less critical. Sexual content, discrimination and warnings for in-game gambling-like content were found to be moderately important. (*Mettlesome Report, Concept Testing, Page 13.*)

These findings are in contrast to observations by the submitters. Performers, producers, distributors and communities engaging directly with the Classification system are frustrated. They are using the system in real life, struggling to see a way through the regulations and unsure how to make content that is compatible and compliant. Affected communities are frustrated with the way the Classification system stigmatises bodies, drug use, and sexuality.

The submitters recommend against an Advisory Council made up of the general public. Members of the general public cannot provide the critical advice necessary for good operations of the Classification system. They risk instead contributing uninformed generalisations, detaching the Classification system from practical expertise. The Mettlesome report research shows people with lack of direct engagement or cause to pay attention to the Classification system are not aware of the problems of the Classification system.

An Advisory Council must be informed by affected communities' directly involved with the everyday cultural and practical problems generated by the Classification system. For an Advisory Council to provide useful and meaningful input into the Classification system, it must be made up of the relevant peak bodies:

- Sexual and Reproductive Health Australia
- Eros Association
- Scarlet Alliance
- AIVL
- Relationships Australia
- Media Arts Entertainment Alliance
- LGBTIQ+ Health Australia
- Health Equity Matters
- A youth peak body

Members of anti-porn groups and people morally opposed to sex work, anti-drug use, against sexual education for young people in schools or opposed to adult entertainment venues should not be eligible for membership to the Advisory Committee. An Advisory Committee should only be established in order to develop an evidence-based approach rather than one based on moral judgement..

If the review were to conclude in favour of a general public committee of some kind, the submitters recommend an Advisory Council of affected community representative peak bodies must still be established.

The Classification system must urgently address unreasonable standards for bodies and practises

Body shaming, stigmatising and slut shaming aspects of the Classification system need urgent and immediate attention. The Classification system effectively privatises a public good - the symbolic means by which Australian society depicts itself and its members - to a narrow moralistic gatekeeper. Cultural representation is infrastructure. When a system anchored in conservative norms decides which bodies, practices and sexualities can legally exist in cultural form, it is enclosing a commons that should belong to the communities depicted.

- **Small breasts censorship:** Sex workers with small breasts and feminine bodies performing in porn are not accommodated by the classifications, implying the two characteristics when combined indicate youth. Lack of facial hair on male bodies, for example, is not regulated in the same way.
- **Labia censorship:** R18+ classification is given to any content that depicts genitalia with inner labia sticking outwards. This is a result of guidelines stating 'discreet genital detail' is permitted but not 'genital emphasis'. Penises are censored too, but with an emphasis on arousal, not size. The specific wording is 'realistic depictions of sexual excitement'. The submitters believe penile erections are generally acceptable

for Category 1 publications and a flaccid penis could be portrayed in R18+ films. By contrast, 'indiscreet' labia would attract X18+ rating.

- **Portrayals of consent:** The current system of X18+ and "RC" (refused classification) means that a wide range of film content; BDSM, wax play, watersports, female ejaculation and orifice fisting is deemed illegal for portrayal in films in Australia. As well as stigmatising such practices, the illegality of depicting these acts also means that negotiation of such scenes and the depiction of consent is unintentionally erased.
- **Stigmatisation of drug use:** There must be removal of terminology that allow for classification to be based on social judgement, such as ideas about 'morality', 'decency,' 'literary or artistic merit'. These terms imply there are 'normal' and 'abnormal' types of drug use. Instead of such terminology the classification system could just be based on the content, such as "Contains drug use."
- **Body diversity discouraged:** Sex workers, porn producers, performer-producers and porn co-ops are forced to decide between building an Australian cultural brand with diverse body representation, or stay to meet the classifications guidelines. This discriminates against people of colour, trans bodies and women with small breasts.
- **Compliance is expensive:** It costs money to meet the classifications, submit material and get it classified. Compliance is often prohibitively expensive.

The Mettlesome report acknowledges costs of classifying content, and supports self classification (C12) except for some content, not yet explained. We support self classification subject to further explanation of how this would work and only if the restrictions listed above are addressed.

Categories for printed media should remain separate to film ratings

Simplifying literature categories into film classification will immediately result in increased censorship, and criminalise content currently deemed lawful.

- **Kink and fetish:** permitted in Category 1 publications, currently lawful to sell in book stores, wrapped in plastic and appropriately labeled. If also depicting sex acts, they become Category 2 publications, lawful to sell in adult stores. However X18+ films are banned from sale even in adult stores (due to state and territory laws) except Fyshwick, ACT.
- **Still images:** currently treated as publications, meaning fetish and diverse body types are allowed. If rated like films this cultural production would need to be classified and could potentially be refused classification. Instead of content warnings in art galleries for example such works may become illegal.
- **Adult stores:** need consistency and certainty about what they are permitted to sell and promote. The proposal to apply the X18+, R18+ and MA15+ film guidelines to publications would create regulatory limitations on existing lawful stock, place undue burden on Adult stores to curate their shelves, and is a solution looking for a problem.
- **No one is complaining:** keep the current status quo with literature, printed materials and hard-copy photography.

State and Territory Governments

Compliance with the Classification system currently has no material impact on lawfulness of sale or purchase in States and Territories. X18+ films are lawful according to the Classification system but illegal to sell according to state law. Territories technically cannot deem the material illegal but are able to apply restrictions in the form of zoning. In the ACT for example it is illegal to sell X18+ media outside of designated zones (Fyshwick for example). In the Northern Territory sale was restricted in certain locations during the Intervention and then extended by amendment to the Classifications Act in 2011³.

Queensland law criminalises the sale of Category 1 and Category 2 publications. In other jurisdictions Category 1 publications can be sold anywhere wrapped in a plastic bag, and Category 2 publications are restricted for sale in Adult Shops only.

Improvements to the Classification system in practice requires State and Territory governments to reform their laws. This could result in weaponisation and politicisation of the issue and result in harm to affected communities. Public debate could override practicality, anti-porn, anti-drug use and anxiety about youth sexuality would be likely stirred up. Avoiding moralistic outrage would require maturity, sensitivity and open mindedness by State and Territory Governments.

Local Government

The Classification system is federal law, but location controls about the sale of classified material is the responsibility of local governments (in the states)⁴, and the territory governments' (which regulate zoning without local government). To review these powers would stir up the debate about the availability of sexual content in each local council area, potentially provide anti-sex, conservative, anti-drug use and moral-minority voices into the discussion, and give people who neither consume or produce adult content, drugs, sex education material or porn an elevated stake in the reforms.

The Classification system must continue to supersede eSafety subordinate legislation

The Classification System is the superior regulatory governing framework for cultural products in Australia, not beholden or accountable to any part of Australia's online or eSafety frameworks. eSafety and the Online Safety Act do not arbitrate cultural content in Australia. They rely instead on the Classification system, not the other way around. This policy point was resolved recently by the Rickard review of the Online Safety Act, which recommended

³ Parliament of Australia, 'Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011, Assen 29 June 2012
<<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2Fr4737%22>> (accessed 28 May 2026)

⁴ For example see:

Growth Management Queensland, 'State Planning Regulatory Provision (Adult Stores), July 2010
<https://cabinet.qld.gov.au/documents/2010/May/State%20Planning%20Reg%20Provision%20-%20Adult%20Stores/Attachments/Attach%201%20SPRP%20Adult%20Stores_final_%20ENC.pdf> (accessed 28 June 2026)

eSafety regulation of Class 1 and Class 2 material separate from the Classification system.⁵ This recommendation was noted by government but did not gain support.⁶ The Classification system review and future reforms should not revisit this question.

In order for the Online Safety Act 2021 and Industry Codes and Standards to implement recognisably Australian cultural production standards, they need a workable Classification system. Changes to the Classification system as a result of this review should, in effect, impact and thus modernise the implementation of the Online Safety Act 2021. Assessment of restricted material online (including user-generated or non-professional still images) is based on the X18+ and R18+ categories in the Film Guidelines.⁷ In this way the Classification system isn't just defending Federal jurisdiction against another Federal regulator. It is the last mechanism in this space still anchored in Australian democratic process rather than in platform terms of service.

Unfortunately, statements referring to “lawful but awful” content by the eSafety Commissioner indicates an unwillingness to incorporate any modernisation of the Classification system into Online Safety Codes and Standards. Tech platforms regularly block or suppress sexual health and harm reduction content, including content relating to drug safety⁸ and STI awareness⁹, even where the material is clearly educational, lawful and health-promoting. eSafety incorrectly asserts a relationship between ‘mainstream pornography’ and ‘attitudes and behaviours which can contribute to gender-based violence’, has stated that adult content is associated with ‘harmful...risky or unsafe sexual behaviours’ and may be responsible for ‘normalising depictions of sexual violence and degrading sexual scripts about women.’¹⁰ These claims are not reflected in available research or evidence, but unfortunately have informed the creation of eSafety’s own content standards¹¹. These standards don’t use the Classification system to test the ‘lawfulness’ of online content, they instead ask platforms and producers to work on **assumptions** about how and when ‘young’

⁵ Commonwealth of Australia, ‘Report of the statutory review of the Online Safety Act 2021’, October 2024, p120 <<https://www.infrastructure.gov.au/sites/default/files/documents/report-of-the-statutory-review-of-the-online-safety-act-2021-february-2025.pdf>> (accessed 28 May 2026)

⁶ Australian Government, ‘Government Response to the Independent Review of the Online Safety Act 2021’, 14 April 2026, p9 <<https://www.infrastructure.gov.au/sites/default/files/documents/govt-response-to-the-independent-review-online-safety-act-2021.pdf>> (accessed 28 May 2026)

⁷ See ‘Consolidated Industry Codes of Practice for the Online Industry (Class 1C and 2 Material) Head Terms ‘class 2 material’ and ‘publication’ p9-10 <<https://www.esafety.gov.au/industry/codes/register-online-industry-codes-standards>> (accessed 28 May 2026).

⁸ ABC News, ‘Meta censoring posts about illicit drugs, advocates say’, 7 April 2026 <<https://www.abc.net.au/news/2026-04-07/meta-censoring-posts-about-illicit-drugs-advocates-say/106537316>> (accessed 10 April 2026)

⁹ The Guardian, ‘Google blocked STI awareness ads as “adult content”, Senate estimates hears’ (9 October 2025) <<https://www.theguardian.com/australia-news/2025/oct/09/google-blocked-sti-awareness-ads-as-adult-content-senate-estimates-hears>> (accessed 10 April 2026)

¹⁰ eSafety Commissioner, Roadmap for Age Verification and Complementary Measures to Prevent and Mitigate Harms to Children from Online Pornography (Report, March 2023) 24 <<https://www.esafety.gov.au/about-us/consultation-cooperation/age-verification#roadmap-background-report-and-response>>

¹¹ Australian Government eSafety Commissioner, ‘Online Content Scheme Regulatory Guidance,’ January 2025 <https://www.esafety.gov.au/sites/default/files/2025-01/Online-Content-Scheme-January2025_0.pdf?v=1779912074012> (accessed 28 April 2026)

people access the internet and *if* adult material could be posted on the platforms/places identified.

So eSafety in practice operationalises censorship by private transnational platform standards (Meta, Google, payment processors, hosting providers) back through Australian regulation. As a result, Australian classification sovereignty is being eroded - not by eSafety itself, but by eSafety's efforts to convince private transnational power in the form of big tech companies to regulate themselves, even though the internet itself exceeds national authority. 'Harmonising' the regulation of cultural content further in Australia will not resolve that problem and the Classification review cannot be burdened with it.

Additionally, and perhaps most importantly, the Digital Duty of Care will soon become the leading guidance for online censorship in Australia. It will make existing online codes and digital bans irrelevant. It is not yet known what will be included in the Digital Duty of Care. Relevant government departments are likely contending with the failure of the social media ban, and observing the ways big tech businesses are attempting to unravel and avoid the complexities of compliance. They also need workable age-verification. Known methods currently compromise privacy and confidentiality for adults and ask young people to hand over identifying data in return for access to certain information online. These are challenges not of concern for the Classification system, and cannot and should not influence the direction of this review.

Further reading

Elena Jeffreys, "High impact submitters weigh up porn codes" *Pearls and Irritations* 27 November 2024

<https://johnmenadue.com/post/2024/11/high-impact-submitters-weigh-up-porn-codes/>

Zahra Stardust, "'Fisting is not permitted': criminal intimacies, queer sexualities and feminist porn in the Australian legal context" *Porn Studies* 1 no. 3 (2014): 242-59.

Ryan Thorneycroft, "If not a fist, then what about a stump? Ableism and heteronormativity within Australia's porn regulations" *Porn Studies* 7 no. 2 (2020): 152-67.

Alan McKee, Katerina Litsou, Paul Byron and Roger Ingham, *What Do We Know About the Effects of Pornography After Fifty Years of Academic Research* Routledge Focus (2022).