

8 July 2026

Submission - Review of Class 1A and Class 1B Material (Unlawful Material Codes)

To Online Safety

Submitted by the Eros Association Inc.

Introduction

The Eros Association is Australia's industry association for adults-only retail, wholesale, media and entertainment. For more than 30 years, Eros has represented businesses involved in the sale, distribution and provision of adults-only products, publications, media and services across Australia.

Eros welcomes the opportunity to provide this submission in response to the *Review of Class 1A and Class 1B Material (Unlawful Material Codes)*.

Capture of Lawful Material

Lawful online content, including educational information about sexual health and wellness, consent, sexuality, drug user harm reduction and sex work has been subject to censorship, removal, and led to accounts being shadow banned.

Clearly safeguards are necessary to detect, restrict and remove the most serious forms of online content captured by the *Phase 1 Class 1A and Class 1B Online Safety Codes*. However, those safeguards must also include appropriate protections against the over-capture of lawful content. Regulatory and platform moderation measures should be proportionate, transparent and targeted to demonstrable harm, ensuring that lawful material is not inadvertently removed, censored or subject to reduced visibility ("shadow banning") by platforms and other online service providers.

Regulatory Alignment and Clarity

A national Digital Duty of Care framework is currently being developed, while the *Online Safety Act 2021* and Australia's National Classification Standards are also under review.

Amendments to *Class 1A and Class 1B Material (Unlawful Material Codes)* should be developed in parallel with these reforms to minimise duplication, inconsistency and unnecessary regulatory burden for industry, consumers and regulators.

Stakeholder Engagement and Public Awareness

Although many Australians are aware of recent social media age-restriction measures, awareness of the broader online safety framework is likely to be limited. Many end users may be unaware of the online safety codes and how they affect social media services, search engines, app stores, hosting providers and carriage service providers.

The Australian Government should expand public education and stakeholder engagement to improve awareness and understanding of online safety legislation and regulations. Greater transparency and public participation will support informed policy development and help Australians better understand how these frameworks affect their online experiences and rights.

Conclusion

Eros supports effective measures to detect and remove the most serious unlawful online material. However, these measures must be proportionate, transparent and carefully targeted to avoid restricting lawful content or imposing unnecessary regulatory burdens. We encourage the Australian Government to ensure the *Class 1A and Class 1B Online Safety Codes* are aligned with broader regulatory reforms, informed by meaningful stakeholder consultation, and implemented in a way that protects both online safety and fundamental rights.

Eros thanks you for the opportunity to provide this submission and welcomes ongoing consultation regarding online safety reform.

Graeme Dunne

General Manager, Eros Association

manager@eros.org.au