

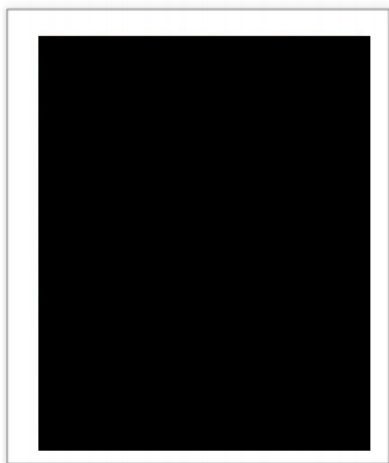
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PUBLIC SUBMISSION

Online Safety Branch, Content Division
Department of Infrastructure, Transport,
Regional Development and Communications
By email

The consequences of the New Part 9 Online Safety Bill – devastating an industry

Submissions on behalf of Madison Ashton aka ‘Christine McQueen’



Under the new Part 9, these classic nude images of Marilyn Monroe and Christine McQueen will be taken down if posted on Twitter or Instagram or an online platform.

I act for Ms Madison Ashton aka Christine McQueen™, arguably Australia’s most glamorous and famous Sex-Glam star. She advertises her services of glamour nude photography, soft porn, previews and movie trailers of her online subscription content and advertising her tour dates across Australia on the platforms such as Twitter, Instagram, Facebook and on her website www.ChristineMcQueen.com.au. Ms Ashton’s Twitter account has 31100 followers and thousands of visitors to her website.



Ms Ashton also uses the online platforms and her website to express and communicate her political views, regarding lobbying and proposed legislation relevant to the banking and adult industry in Australia. The proposed Part 9 burdens Ms Ashton's freedom of communication about government and political matters and the Part 9 is not reasonably appropriate and adapted to serve a legitimate end. The new Part 9 is not likely to survive a legal challenge to its validity.

Ms Ashton's clients include current and retired judges, politicians, scientists, influential business leaders, religious ministers, philanthropists, doctors, and so on. These clients are the 'model citizens' of Australia, and next tier below are the influential clients such as celebrities, actors, lawyers, and importantly the next generation of thousands of teenage boys, Australia's future influencers and leaders. Due to covid-19 and in movement to the times in an online-world, these clients use the Twitter platform and her website to access her content, book a tour date and purchase subscriptions.

With respect to the drafters, the consequences of the proposed amendments have escaped their minds. The proposed legislation has not been adequately contemplated. To put it quite simply, the new Part 9 shares the same spirit of the other Part 9s, Part 9 (in Bankruptcy) and Part 9 (LEPRA police arrest), thus effectively criminalising the advertising of sex glam services, bankrupting an entire Australian industry, promoting use of the dark web, and offending the implied freedom of political speech.

The proposed amendments to the Act is not only a case of simply over-complicating and convoluting laws with existing legislation capturing illegal activity and criminal offences, but effectively becomes a case of 'casting out a large shark net and capturing dolphins'.

The financial and administrative burdens imposed upon social media services, relevant electronic services, and designated internet services, to monitor material will be enormous and most likely to result in a clear ban of all naked images and electronic content. Social media platforms such as Twitter already have in place Rules of enforcement, proactively eradicate offensive content, illegal content, terrorist content, violent extremism, and child sexual exploitation from their platform. These platforms are sophisticated enough to recognise and remove content, our Courts have powers to order take downs and the additional

administering the issue of removal notices and administering the actions of removal will be a catastrophic red tape nightmare with legal challenges thrown in the mix.

Quite simply the proposed implementation of Part 9 will devastate hundreds of thousands of Australians that access and enjoy soft porn, and cripple the complete adult services industry pushing access. It will create a new booming legal industry with the minefield of legal challenges and pushing services to hosting platforms overseas or to the dark web. The last thing we would want is to encourage users to enter the dark web world for content that should be accessible online.

Ms Ashton's content is accessed by the top tier members of society, thus Parliament would not intend to ban such content that is subscribed to, on a regular basis by the model community members.

If the proposed amendments are passed through parliament, Ms Ashton will lose her ability to advertise her trade nationally and to express her views on political and governmental matters will be lost and I anticipate instructions to commence proceedings seeking a declaration the Act is invalid. If the new Part 9 is legislated, as Charles Dickens and Lord Denning would say "the law is an ass".

With respect, we seek some common sense be applied as it is not the intention of Parliament to legislate stupidity, to punish and eradicate an important industry, nor to capture the dolphins in the sharks net.

Yours faithfully


Zali Burrows
Lawyer