Online Safety Amendment (Digital Duty of Care) Bill 2026

An ANROWS submission to the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

September 2026

ANROWS

Recommendations

1. *Make gender an explicit and central dimension of the Digital Duty of Care for adults and children, and require platforms to assess and mitigate gendered and intersectional harms.*
2. *Explicitly recognise technology-facilitated gender-based violence, including coercive control, stalking, surveillance, sexual extortion, impersonation, doxxing, image-based abuse and misuse of generative AI.*
3. *Require online services to assess cumulative, contextual and cross-platform harm.*
4. *Adequately resource the eSafety Commissioner to scrutinise risk assessments, require remedial action, evaluate outcomes and enforce non-compliance.*
5. *Establish mandatory, trauma-informed, accessible and culturally safe complaints and remediation standards.*
6. *Invest in prevention approaches, including Respectful Relationships Education alongside platform regulation.*

Introduction

Australia's National Research Organisation for Women's Safety (ANROWS) welcomes the opportunity to provide feedback on the Online Safety Amendment (Digital Duty of Care) Bill 2026 – exposure draft.

We support the action being taken by the Australian Government to protect children, young people and adults from online-related harms, and welcome the shift of responsibility towards a duty of care requirement for online services.

This submission supports the introduction of the Bill. However, it also outlines areas that require strengthening. This includes making gender a central and explicit dimension of the duty of care, recognising race and other intersecting characteristics, and strengthening the Bill's role in preventing gender-based technology-facilitated abuse.

To ensure the success of the Bill, this submission outlines recommendations for implementation and integration with the ongoing commitment of the Australian Government to end gender-based violence.

Area of focus

ANROWS supports the Bill's proposed shift from a predominantly reactive, content-focused framework to a preventative and enforceable Digital Duty of Care. This requires online services to identify and mitigate foreseeable risks arising from their design, systems and operation – placing responsibility on the services best-positioned to prevent harm, rather than relying primarily on individuals to report abuse after it has occurred.

We see the introduction of this Bill as a useful addition for addressing and combatting harms caused by misogyny and hate experienced online, including the now well-documented and far-reaching impacts of the 'manosphere', i.e., online communities that reinforce rigid ideas about masculinities and how men and boys should relate to women (Pfitzner et al., 2026) along with gender-based technology-facilitated abuse.

An eSafety Commissioner report (2025b) found that one in three adults surveyed had seen online hate in the previous year, while almost one in five had personally experienced it. A further survey reported

that 63% of children had seen or heard content associated with harm online in the past 12 months (eSafety Commissioner, 2026a).

Technology-facilitated abuse can involve harassment, monitoring and control, emotional abuse and threats, sexual and image-based abuse, impersonation, stalking and surveillance. It is commonly intertwined with offline abuse and may be used to extend coercive control across devices, accounts and platforms.

ANROWS recognises that there is currently a lack of consistency in definition and measurement of technology-facilitated abuse nationally, and a need to coordinate efforts to understand and target technology-facilitated abuse across agencies and departments. We play a role in contributing to evidence generation, synthesis and translation that can assist in guiding broader efforts to identify and respond to technology-facilitated abuse and online harm.

ANROWS supports the proposed obligation in Section 26 for a person responsible for an online service to ensure, so far as is reasonably practicable, a safe online environment. The associated requirements to manage design features, undertake written risk assessments and take effective measures to address identified risks create an opportunity to prevent harm at a systemic level. This is a significant improvement on a framework that has largely relied on expectations, complaints and content removal.

These changes recognise that online harms do not arise only from individual items of content. Platform architecture, commercial incentives, recommender systems, contact and account functions, moderation systems and default settings can create or amplify opportunities for abuse.

Strengthening the Bill

While ANROWS supports the introduction of the Bill and the focus on a duty of care, more work is required to strengthen and refine aspects to ensure the most effective outcome of safety for women, children and marginalised communities and cohorts that are more likely to be targets of online hate and abuse.

Recommendation 1: Make gender an explicit and central dimension of the Digital Duty of Care for adults and children, and require platforms to assess and mitigate gendered and intersectional harms.

The Bill's definition of harm must be strengthened to ensure that both adults and children are protected from harm related to gender along with sex, sexual orientation, race, ethnicity, disability, age or religion. The current draft of the Bill *25D(c)* outlines harm to children only as including material or conduct that encourages or promotes hostile attitudes towards women or gender equality. This is the only mention of gender in defining harm, and there is no mention of race or other intersectional social dynamics that often underpin digital harm.

ANROWS recommends that the Bill explicitly address the recommendations made by the Statutory review of the Online Safety Act 2021, that the minimum requirement for a duty of care include harms related to a person or group of people's protected characteristics, such as sex, gender, sexual orientation, race, ethnicity, disability, age or religion (Rec 5).

In particular, online narratives within the manosphere are shown to justify, excuse, minimise or dismiss violence perpetrated by men and boys. (Gotell and Dutton, 2016) The manosphere is known

to use narratives that blame women, LGBTIQA+ people and migrants for problems experienced by boys and men. (eSafety Commissioner, 2026b) Research by the eSafety Commissioner further found that adults who identify as sexually diverse, Aboriginal and/or Torres Strait Islander, with disability, and/or linguistically diverse backgrounds are more likely to be targeted with online hate. (eSafety Commissioner, 2025a)

Online harms do not occur in separate categories, and people experience abuse based on multiple intersecting characteristics simultaneously. Centralising gender and explicitly recognising intersectional harms are important directions to ensure success of this Bill in its intent to protect children, young people and adults from online harm.

Recommendation 2: Explicitly recognise technology-facilitated gender-based violence, including coercive control, stalking, surveillance, sexual extortion, impersonation, doxxing, image-based abuse and misuse of generative AI.

Recommendation 3: Require online services to assess cumulative, contextual and cross-platform harm.

Proposed Section 25E of the Bill recognises that harm may result from a combination of material and conduct, which provides a foundation for recognising cumulative abuse. We recommend that this be clarified to ensure that online services assess conduct cumulatively across time, accounts, devices and services.

Technology-facilitated abuse can include harassment, monitoring and control, threats, stalking and surveillance, impersonation, sexual and image-based abuse, and misuse of accounts, devices and location functions. (eSafety Commissioner, 2023) This type of abuse often forms a wider pattern of coercive control or domestic, family and sexual violence that also occurs offline. (Flynn et al., 2022; Powell et al., 2022)

Platform design features can facilitate and amplify abuse, such as contact discovery, account recovery, location sharing, disappearing content, recommendation systems, blocking, notifications and the ability to create multiple accounts. (Flynn et al., 2022; eSafety Commissioner, 2026b)

Technology-facilitated abuse is frequently cumulative, patterned and contextual. (Flynn et al., 2024; eSafety Commissioner, 2025) An individual incident may appear relatively minor when assessed in isolation but contribute to serious harm when combined with repeated harassment, monitoring, threats or offline violence. (Powell et al., 2022)

Platforms may apply content or complaint thresholds to each incident separately, without considering the relationship between the parties, earlier reports, escalation or attempts to evade safety measures. (Flynn et al., 2024) This creates a risk that abuse will not meet an intervention threshold until the pattern has escalated significantly. (Flynn et al., 2024; eSafety Commissioner, 2025)

Technology-facilitated abuse commonly crosses platform boundaries. A person may obtain an image or personal information through one service, manipulate it using another service, circulate it through messaging or social media, and use search or recommendation systems to increase its visibility. (eSafety Commissioner, 2026b)

Perpetrators may move between services or create new accounts to circumvent blocking, account suspension or other safety controls. (Flynn et al., 2022) Each platform may hold only one part of the

relevant evidence. As a result, no individual provider may recognise the full pattern or its seriousness. (Flynn et al., 2024)

Focus on implementation

Recommendation 4: Adequately resource the eSafety Commissioner to scrutinise risk assessments, require remedial action, evaluate outcomes and enforce non-compliance.

Recommendation 5: Establish mandatory, trauma-informed, accessible and culturally safe complaints and remediation standards.

To support the success of this Bill, ANROWS recommends the Australian Government invest in ongoing implementation and regulation. This reflects the need to resource the ongoing capacity for effective oversight and regulation. The recommendations made by the 2024 statutory review of the Online Safety Act 2021 outline that the eSafety Commissioner will require legal teams, and information technology infrastructure to ensure ongoing oversight, including risk assessments and transparent validation.

As this is an evolving area with regular introduction of new technology, ANROWS supports consideration of mechanisms to implement and review progress while addressing what the 2024 review named 'sticky issues'. (Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 2025)

To be effective, compliance must mean more than having policies, reporting tools or automated moderation systems. A provider should be able to demonstrate that its measures reduce the incidence, recurrence, discoverability and amplification of harm.

ANROWS supports the inclusion of annual risk assessments and recommends that annual transparency reports be required for all online services and published on their own website or platform, to demonstrate action taken to reduce harm.

ANROWS supports the proposed reduction from 48 to 24 hours before the eSafety Commissioner may issue specified removal notices. The requirement that harmful content be responded to by online services and platforms more quickly will support reduction of harms.

The resourcing required for this work includes stakeholder engagement, including victim-survivors of gender-based technology-facilitated abuse, to develop minimum standards for trauma-informed, accessible and culturally safe complaints and dispute resolution that work for the people they are intended to support.

All processes should be available in accessible formats and community languages, accommodating users with disability and children. Rapid escalation of complaints must be available and monitored where there is imminent risk. Providers should give clear information about timeframes, decisions, review options and available supports.

Preventing gender-based violence

Recommendation 6: Invest in prevention approaches, including Respectful Relationships Education alongside platform regulation.

While the Digital Duty of Care amendment is welcome, it must be one component of a broader approach to tackle gender-based technology-facilitated abuse and online harms. Efforts to regulate the digital environment on their own cannot change the attitudes, relationships and social conditions that make harmful messages attractive or influential.

Rigid gender roles, harmful stereotypes of masculinity, and attitudes that condone or justify violence against women are drivers that need to be addressed through primary prevention (Commonwealth of Australia, 2024). The National Plan to End Violence against Women and Children 2022-2032 identifies addressing the underlying gendered drivers of violence as critical. (Department of Social Services, 2022) This is detailed further in *Change the story* as the shared national framework for the prevention of violence against women. (Our Watch, 2021)

Early findings on the impact of the social media ban do not show significant reductions in social media use by adolescents under 16 years. (Barnes et al., 2026) While the impact and learnings from this legislation are still being assessed, this demonstrates that a singular approach to a complex problem is unlikely to be successful.

The Bill sits within a broader system of policies, legislation and action to drive change. The directions in this legislation would be supported by comprehensive approaches to addressing and preventing online harms, including strengthening the Australian Government's commitment to supporting Respectful Relationships Education and consent education programs as whole-of-population prevention. The impact of the legislation can be strengthened through education and awareness-raising that aims to build literacy and skills.

A strong policy response to address online harms, the manosphere and technology-facilitated gender-based violence needs both safer digital oversight alongside sustained and comprehensive prevention approaches.

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Australia's National Research Organisation for Women's Safety Limited (ANROWS) is the country's independent, trusted voice for reliable and informed evidence on domestic, family and sexual violence.

ANROWS was established by the Commonwealth, state and territory governments under Australia's first National Plan to Reduce Violence against Women and their Children (2010– 2022). As an ongoing partner to the National Plan, ANROWS continues to build, strengthen and translate the evidence base that informs the current National Plan to End Violence against Women and Children 2022–2032.

Our work is underpinned by a commitment to producing high-quality, policy-relevant evidence to inform and influence practice, service delivery, and systems reform. Since our establishment, ANROWS has led, contributed to, or commissioned more than 150 research projects. We undertake targeted research both internally and in collaboration with academic institutions and sector partners.

Every aspect of our work is motivated by the right of women and children to live free from violence and in safe, equitable communities. We engage closely with victim-survivors, communities, service providers, governments and policymakers to ensure our work reflects the diversity of lived experiences and supports collective responses.

We are committed to reconciliation with Aboriginal and Torres Strait Islander peoples, and work to recognise and amplify the strength and knowledge that exists in First Nations communities.

ANROWS is a not-for-profit organisation jointly funded by the Commonwealth and all state and territory governments. We are also commissioned from time to time by individual jurisdictions, and competitively tender for research and evaluation work.

We are registered as a harm prevention charity and deductible gift recipient, governed by the Australian Charities and Not-for-profits Commission (ACNC).

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