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

Prepared by Our Watch

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Our Watch
Preventing violence against women

Acknowledgement

Our Watch acknowledges the Traditional Owners of the land across Australia on which we work and live. We pay respects to Elders past and present and recognise the continuing connection Aboriginal and Torres Strait Islander people have to land, culture, knowledge, and language for over 65,000 years.

About Our Watch

Our Watch is a national leader in the primary prevention of violence against women and their children. Our organisation aims to drive nationwide change in the culture, behaviours, attitudes, institutions, systems and social structures that drive violence against women.

Our Watch was established in 2013 by the Commonwealth of Australia and Victorian State Government under the *National Plan to Reduce Violence against Women and Children 2010–2022.* Now, all Australian governments are members of Our Watch. We undertake a broad range of primary prevention work, including under the *National Plan to End Violence against Women and Children 2022-2032*.

Guided by our national evidence-based frameworks, *Change the story* (2nd ed 2021)[1], *Changing the picture* (2018)[2], *Changing the landscape* (2022)[3] and *Changing with pride (2026)*[4] we work with governments, practitioners and communities across Australia to address the drivers of violence in all settings where people live, learn, work and socialise.

Overview and purpose

Our Watch welcomes the opportunity to provide a submission to the inquiry on the *Online Safety Amendment (Digital Duty of Care) Bill 2026*. Our Watch is supportive of legislating a Digital Duty of Care that strengthens the responsibilities of online services to prevent and mitigate foreseeable harm. Our Watch views the Digital Duty of Care as presenting a significant opportunity to promote the prevention of violence against women and children.

This submission is limited to comments on **Schedule 2 of the Bill.** Our Watch recommends that the Bill more strongly embeds a primary prevention approach within the proposed Digital Duty of Care, and identifies opportunities to strengthen the Bill for this purpose. The submission also highlights opportunities for the Commonwealth Government to embed primary prevention action alongside this legislation, to reinforce its impact.

Our definition of violence against women is any act of gender-based violence that causes, or is likely to cause, physical, sexual, psychological, emotional, social, cultural, spiritual or economic harm or suffering. It includes sexual violence, coercive control, threats, coercion and technology-facilitated abuse. Violence against women can occur in public or private settings and may involve a single incident or a pattern of behaviour over time.

We recognise that violence against women is part of a broader landscape of gender-based violence. This includes violence against LGBTIQA+ people and communities, which shares many of the same underlying drivers, including gender inequality, rigid gender norms and intersecting forms of discrimination.

Primary prevention and the Digital Duty of Care

Primary prevention applies an upstream model to stop violence before it starts by taking a whole-of-population approach that targets the social conditions that allow violence against women to occur. It is a core pillar under *The National Plan to End Violence against Women and their Children 2022-2032* (the National Plan) alongside early intervention, response, recovery and healing to holistically address violence against women.

Change the story provides the national, evidence-based framework for preventing violence against women, grounded in decades of Australian and international research. It shows that violence arises when gender inequality, sexism and disrespect are normalised, and identifies four gendered drivers of violence as particularly significant:

1. Condoning of violence against women.
2. Men's control over decision-making and women's independence.
3. Rigid gender stereotyping and dominant forms of masculinity.
4. Male peer relations and cultures of masculinity that emphasise aggression, dominance and control.[5]

Online environments are now central to how people (especially, but not solely, young people) form relationships, learn about intimacy, explore identity and socialise. However, they are not neutral environments – they can reinforce and amplify existing gender inequalities, harmful stereotypes and power imbalances that contribute to the continued prevalence of violence against women.

Due to the largely unregulated nature of online platforms, a fast-moving technological environment and the same underlying social conditions that produce and drive gender inequality these environments can replicate the drivers of violence found offline. The introduction of a Digital Duty of Care provides an opportunity to embed primary prevention in online environments and settings to address these drivers.

Governments have an important role to play in primary prevention through legislative and regulatory levers with population-wide impact. The introduction of a Digital Duty of Care is a significant opportunity for the Commonwealth Government to use these levers to embed primary prevention in online environments by stopping the amplification of gender inequalities that drive violence.

While online and digital settings are increasingly recognised as spaces where harm occurs they also present an important setting to positively influence gender norms, attitudes and behaviours in support of gender equality and respectful relationships.

Some research has highlighted that 'new' media have enormous potential to increase access to positive, accurate and non-judgemental information on sexuality, gender and relationships, as well as to increase social connectedness for young people who may otherwise experience marginalisation in their communities.[6]

Recommendations for the Digital Duty of Care Bill 2026

Our Watch's recommendations are focused on Schedule 2 – Digital Duty of Care.

Part 1, Section 3 - Objects of the legislation

The proposed objects at Schedule 2, Part 1, Section 3 of the Exposure Draft establish the overarching purposes through which the legislation will improve and promote online safety, including imposing a Digital Duty of Care on online services.

Including the prevention of violence against women in the objects of the Bill would ensure that gendered harms, and the systems and practices that enable or amplify them, are considered across its implementation. This amendment will strengthen the ability of the Bill to address gender-based violence, in identification of risks, disaggregated reporting, and other important elements in line with other recommendations in this submission.

Explicitly recognising the prevention of violence against women within these objects is consistent with the Commonwealth Government's ongoing commitment to end violence against women, reflected in the National Plan.

Recommendation 1: An amendment to the text of the *Duty of Care Bill 2026* at Part 1, Section 3 to include a sub-clause that states "prevent violence against women".

Division 2, 25D- Seriously harmful material and conduct

There is significant opportunity to strengthen the primary prevention impacts of the Bill by recognising serious harm to the whole Australian population caused by material or conduct that encourages or promotes gender inequality and hostile attitudes to women. At this stage the Bill only recognises the impact of this harm on children. However, evidence shows the negative of impacts of the promotion of gender inequality and hostile attitudes to women for people of all ages.

The relationship between hostile attitudes to women among people of all ages and violence against women

Misogynistic and sexist narratives that promote hostile attitudes towards women and condone gender-based violence can be amplified in online environments. Masculinity influencers and proponents of platforms and networks that discuss men's issues, masculinity and self-improvement spread online misogyny and radicalise young men and boys under the pretence of financial, fitness and self-improvement advice.

At the same time, research undertaken by Jesuit Social Services in Australia, the Man Box shows that men, as well as boys, feel strong social pressure to conform to socially constructed ideas and stereotypes about 'how to be a man' – like needing to act tough, dominant and in-control.[7] The research indicated that 26% of young men (18-30 years) and 22% of older men (31-45 years) endorse or conform to stereotypical and rigid views of masculinity, while 4 in 10 (37%) of young men and 35% of older men perceived social pressure to conform to rigid versions of masculinity.[8]

Young men aged 18–30 who identify with rigid forms of masculinity are 17 times more likely to say they have hit a partner and are 35 times more likely to say they have frequently verbally sexually harassed women or girls in a public place, compared to other young men with broader

ideas of masculinity. Men who hold rigid views of masculinity are not only more likely to use violence, they are also at higher risk of depression and suicide.[9]

Given the significant amount of time Australians spend online, reducing exposure to the promotion of gender inequality and hostile attitudes to women on online platforms is a critical opportunity for primary prevention of violence against women among people of all ages.

The relationship between hostile attitudes to women and extremism

In addition, the explanatory notes of the Bill highlight the link between misogynistic attitudes and violent extremism as part of the rationale to protect children from hostile attitudes and gender inequality. However, evidence indicates exposure to such attitudes impacts on adults as well as children.[10]

Recent Australian research conducted by Sara Meger based on a national survey of 2,307 adults (aged 18 years and over) and 1,122 young people (aged 13-17 years) examined the prevalence of misogynistic attitudes, attitudes permissive of violence against women, and violent extremist attitudes across the Australian population.

Findings indicate that misogyny is a significant predictor of extremist orientations across a range of ideological movements, including incel ideology, religious extremism, white supremacy and right-wing politics. Importantly, however, the findings suggest that these attitudes are not confined to young people.

The research suggests that misogynistic attitudes are not a peripheral issue, but rather a strong predictor of support for a range of extremist beliefs, with certain online environments, including engagement with "manfluencer" content, online dating platforms and online pornography, potentially contributing to the normalisation of misogynistic and violence-permitting attitudes.

Across boys and men, 31-35% agreed that attempts to provide equal opportunities for women had gone too far, while 24-29% agreed that feminism is a hate movement. Looking across generations, Gen Z and Millennial men recorded broadly similar rates of extremist attitudes, suggesting these beliefs are not limited to adolescence.[11]

Collectively, these findings suggest that the relationship between online environments, misogyny and extremist attitudes is not limited to young people but is also significant for adults, and is evident within online spaces commonly used by, and designed for, adults.

Recommendation 2: An amendment to the text at Part 2, Division 2 s25D (1) to expressly include “material or conduct that encourages or promotes gender inequality and hostile attitudes to women” as within the definition of “seriously harmful material and conduct’.

Division 2, 25F – Excluded material

Our Watch is supportive of the inclusion of Part 2, 25F – Excluded Material specifically sections that enable primary prevention activities. Our Watch views this section as balancing the mitigation of harms with the positive potential for online settings to contribute to preventing violence against women.

Section 25F excludes materials such as those produced for educational purposes, promoting public health and safety, and for reducing harms to individuals, from the harm framework established by the Digital Duty of Care.

Online environments represent an important setting for primary prevention of violence against women which is consistent with these purposes. For example, The Line, is a national social marketing initiative supports young people to navigate sex, consent, relationships and respect. The Line's 2025 Comfort Zone campaign reached 134.5 million impressions and 59 million video views.

Young people who saw the campaign reported greater understanding of healthy boundaries (47% vs 38%), greater understanding of controlling behaviours (52% vs 43%), and 88% took at least one action after exposure, including reflecting on relationships or starting conversations about boundaries.[12]

Recommendation 3: Retain the amendments at Part 2, 25 F – Excluded Material specifically sections that enable primary prevention activities.

Division 2, 25B - Online services

Exemptions for online services

The broad exemption power in Part 2, Division 2, s 25B (3-5) is not currently accompanied by clear transparency requirements. Decisions concerning the operation of the Digital Duty of Care should be transparent, evidence-based and capable of ongoing scrutiny. Our Watch suggests inclusion of public reporting requirements for any exemptions to ensure transparency to the broader Australian public.

Recommendation 4: Require exemptions made under Part 2 to be accompanied by publicly available reasons and an evidence-based risk assessment. Exemptions should be periodically reviewed and reassessed to ensure they continue to be justified and proportionate in light of evolving online safety risks, with the outcomes of reviews made public. See for example Articles 34 and 42 of the European Union's *Digital Services Act*.

Division 4, 27 - Risk assessments

Division 4, 27 requires online services to provide written risk assessments of the risk of harm posed by the service in Australia, including, at 27 (2) (a) consideration of the persons who may be affected by those risks, and assessment of the likelihood and potential severity of those risks.

While across Australia gender inequality is the primary and consistent driver of violence against women, it does not operate in isolation. Intersecting forms of structural inequality, including the ongoing impacts of colonisation, systemic racism, intergenerational trauma, ableism, homophobia, transphobia and ageism, shape the disproportionate impact of gender-based violence by contributing to the environment in which gender-based violence occurs.

Risk assessments undertaken to identify potential harms must go beyond an individual approach, and take an intersectional approach to ensure appropriate identification and mitigation of harms at the population-level for all women and gender-diverse people. If the

legislation does not include a specific amendment that identifies the need to consider such intersectional impact and risk, there is a risk service providers will not identify the different and cumulative risks for particular cohorts.

Recommendation 6: An amendment to the text of Division 4, 27 to require online services to identify, as part of risk assessments:

- Any disproportionate risk of harms for particular groups of people arising from the online service,
- cumulative risks for particular groups of people arising from the online service.

Division 5, 28 - Digital duty of care guidelines

Division 5, 28 provides that the Commissioner may publish guidelines to assist persons responsible for online services to meet their Digital Duty of Care. The guidelines will not be binding however, they are intended to give service providers practical information about how they can meet their obligations under the duty, and about eSafety's compliance expectations.

Part 1, Section 166B (1) (r) outlines the functions of the eSafety Commissioner which includes to formulate, in writing, guidelines preventing harm against children and young people.

Given the significant risks of harm resulting from gender-based violence, gender inequality and hostile attitudes to women, individuals responsible for online services may require additional information and training in the form of guidelines, and best practice examples to ensure they are able to follow their digital duty of care.

Our Watch recommends the legislation incorporate an amendment that requires the eSafety Commissioner to provide specific guidance materials to providers on preventing violence against women. This would align with and the first recommendation in this submission to incorporate preventing violence against women within it key objectives.

Recommendation 7: Add a sub-clause to formulate, in writing, guidelines or statements that: support individuals to prevent gender-based violence, gender inequality and hostile attitudes to women under Part 1 Section 166B (1) (r).

Part 12A—Transparency

The effectiveness of the digital duty of care will depend not only on the obligations imposed on by the legislation, but also on whether regulators and the broader community can see how risks are being identified, mitigated and monitored over time. The proposed framework gives the eSafety Commissioner important reporting and oversight functions, which need to be backed by sufficient resourcing and by reporting that makes visible how online harms impact different user groups. This would provide greater visibility of whether particular groups are disproportionately affected by online harms and whether platform safety measures are delivering equitable outcomes.

Recommendation 8: Ensure the eSafety Commissioner has sufficient resourcing to scrutinise, publish and act on unlawful conduct under the legislation.

Recommendation 9: Amend Part 12A, Division 2, 192C to include a subclause to ensure reporting requirements can capture disaggregated information about the prevalence and impacts of online harms including in relation to violence against women and technology-facilitated abuse, and the effectiveness of mitigation measures.

Ongoing commitment to primary prevention action

Online misogyny can reinforce and amplify the drivers of violence against women, but they do not create them in isolation. While regulation can make online spaces safer, it is important to recognise online harm is a socio-technical problem, shaped by the interaction between digital systems and broader social structures. Platform design and governance have a role to play in shaping and amplifying risk. However, technical and regulatory solutions alone cannot fully address gender inequality, harmful gender and social norms, unequal power relations and other drivers that underpin violence against women and children. The Digital Duty of Care cannot sit in isolation of broader prevention efforts across offline settings and systems.

The Second Action Plan under the National Plan presents an important opportunity to build on the foundations already established – strengthening implementation, accelerating scale, and embedding prevention across the everyday settings that shape people's lives both online and offline.

Continued commitment to primary prevention action alongside this legislation will be critical to maximise its potential to prevent violence against women, including through the following:

Recommendation 10: Scale primary prevention action across both online and other settings to change the underlying social conditions that produce and drive gender inequality, disrespect and sexism.

Recommendation 11: Continue to invest in the use of online and digital technologies in prevention strategies to engage audiences more effectively.

Recommendation 12: Expand the evidence base to prevent technology-facilitated gender-based violence by continuing and expanding the eSafety Commission's Preventing Tech-based Abuse of Women Grants Program.

Our Watch welcomes the opportunity to provide further advice or assistance. please contact **Dr Sanjugta Vas Dev, Director of Government Relations, Policy and Evidence** at sanjugta.vasdev@ourwatch.org.au.

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[1] Our Watch. (2021). Change the story: A shared framework for the primary prevention of violence against women in Australia (2nd ed.). Melbourne, Australia: Our Watch.

[2] Our Watch. (2018). Changing the picture: A national resource to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children. Melbourne, Australia: Our Watch.

[3] Our Watch, & Women with Disabilities Victoria. (2022). Changing the landscape: A national resource to prevent violence against women and girls with disabilities. Melbourne, Australia: Our Watch.

[4] Our Watch & Rainbow Health Australia, ARCSHS. (2026). Changing with pride: A national framework to prevent violence against LGBTIQA+ people. Melbourne, Australia: Our Watch.

[5] Our Watch (2021). Change the story. Retrieved from: Change the story: A shared framework for the primary prevention of violence against women in Australia (2nd ed.). (ourwatch.org.au)

[6] Our Watch and Youth Research Collective. (2026). Young people, online worlds and respectful relationships education: What the research tells us. Melbourne: Our Watch.

[7] The Men's Project & Flood, M. (2024). The Man Box 2024: Re-examining what it means to be a man in Australia. Melbourne: Jesuit Social Services. The Men's Project (2025); *The Adolescent Man Box: Findings from a survey with Australian adolescents aged 14-18 years*. Jesuit Social Services: Melbourne

[8] The Men's Project & Flood, M. (2024). *The Man Box 2024: Re-examining what it means to be a man in Australia*. Melbourne: Jesuit Social Services.

[9] The Men's Project & Flood, M. (2024). The Man Box 2024: Re-examining what it means to be a man in Australia. Melbourne: Jesuit Social Services.

[10] Online Safety Amendment (Digital Duty of Care) Bill 2026. Explanatory memoranda (page 55).

[11] Meger, S. (2026). Misogyny, Online Radicalisation, and Youth Extremism in Australia. Research Report. The University of Melbourne, June 2026. Misogyny-and-VE-Research-Report-Final-Web.pdf

[12] Our Watch (2026). The Line: Background and Research.