Submission on the Exposure Draft—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. All Australian governments are members of Our Watch, including the Commonwealth Government. Our Watch values its ongoing partnership with the Commonwealth Government to support primary prevention policy and delivery. We undertake a broad range of primary prevention work, including under the *National Plan to End Violence against Women and Children 2022-2032*.

Our Watch aims to drive nationwide change in the culture, behaviours, attitudes, institutions, systems and social structures that drive violence against women. Guided by our national evidence-based frameworks, *Change the story* (2nd ed 2021)[1], *Changing the picture* (2018)[2], and *Changing the landscape* (2022)[3], 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 feedback on the Exposure Draft of the *Online Safety Amendment (Digital Duty of Care) Bill 2026* (the Exposure Draft), which represents a significant opportunity for the primary prevention of violence against women.

Our Watch welcomes the Commonwealth Government's continued focus on online safety through a Digital duty of care that strengthens the responsibilities of online services to prevent and mitigate foreseeable harms.

Our submission is focused on Schedule 2 of the Exposure Draft. It recommends that the Bill more strongly embeds primary prevention within the proposed Digital duty of care, and highlights opportunities to strengthen the Bill to prevent violence against women. It also highlights opportunities for the Commonwealth Government to embed primary prevention action alongside this legislation to maximise its potential to prevent violence against women.

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

The Commonwealth Government has demonstrated strong leadership and commitment to preventing violence against women and children through the second *National Plan to End Violence against Women and Children 2022-2032*. The National Plan rests on four pillars – prevention, early intervention, response, and recovery and healing – to holistically address violence against women. Our Watch is Australia's leader under the prevention pillar.

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. *Change the story*, Australia's shared framework for the primary prevention of violence against women demonstrates how violence against women is driven by gender inequalities. Change the story identifies the following 4 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.[4]

Addressing these gendered drivers across our society is critical for preventing violence against women before it occurs.

While across Australia gender inequality is the primary and consistent driver of violence against women, it does not operate in isolation. It is important to recognise that gender inequality intersects with other forms of inequality including impacts of colonisation, systemic racism, intergenerational trauma, ableism, homophobia, transphobia and ageism, to shape women's experiences of violence.

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, and contribute to the continued prevalence of violence both online and offline.

Online environments have also given rise to specific forms of violence, known as technology-facilitated abuse, that occur online or through digital technologies. This includes image-based abuse and deepfakes, online sexual harassment, digital dating abuse, technology-facilitated sexual violence and assault, doxing, intimate partner cyberstalking, and technology-facilitated coercive control.

While both women and men are affected by technology-facilitated abuse, like other forms of violence against women, data indicates that women are significantly more likely than men to experience technology-facilitated abuse perpetrated by a man (77% compared to 43.9%).[5] Technology-facilitated abuse also affects young people, with girls nearly three times as likely as boys to experience online sexual victimisation before age 18.[6]

Online environments are therefore an important setting for primary prevention of violence against women, including but not limited to technology-facilitated abuse.

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, and misogynistic messages are spread, they can also be used to disrupt and combat these narratives. Online environments also present an important setting to influence gender norms, attitudes and behaviours in support of gender equality and respectful relationships.

For Australia's ongoing efforts to prevent violence against women, it is important that this legislation maintains a balance between mitigating the harms caused, and opportunities created, by online services.

Recommendations relating to specific elements of the Exposure Draft

Our Watch's recommendations are focused on Schedule 2 – Digital duty of care.

Objects of the legislation

The proposed objects at Schedule 2, Part 1, s 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.

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 to End Violence against Women and their Children 2022-2032. This would help ensure that gendered harms, and the systems and practices that enable or amplify them, are considered across its implementation.

Recommendation 1: An amendment to the text of the Exposure Draft at Pt 1, s 3 to include a sub-clause that states "prevent violence against women".

A harm framework that embeds primary prevention for the whole population

Part 2, Division 2, ss 25B-25G establishes a harm framework within the Exposure Draft that underpins the proposed Digital duty of care.

The framework appropriately recognises a range of serious online harms, including important recognition of the harm to children caused by "hostile attitudes toward women and gender equality" at s 25D.

However, there is a significant missed opportunity to embed primary prevention within the harm framework, in line with the Commonwealth Government's commitment to end violence against women.

Specifically, the Exposure Draft can be strengthened by recognising serious harm to the whole Australian population caused by hostile attitudes to women and gender inequality, as the underlying drivers of violence against women.

Recommendation 2: An amendment to the text at Part 2, Division 2 s 25C(1) to expressly include "material or conduct that encourages, promotes or incites gender inequality and hostile attitudes to women" as within the definition of "seriously harmful material and conduct'.

Mitigating the potential harms of recommender systems and other design features in balance with the potential of online settings for prevention

The Exposure Draft recognises that design features of online services, as defined at Part 2, Division 2, s 25F, are potential sources of harm. Under the Digital duty of care at Division 3 s 26, the Exposure Draft requires online services provide a safe online environment, where design features do not operate for children under 16 and to otherwise "manage design features of the service appropriately". It also provides the Minister with the power to create User empowerment tools that give users greater control over these features, including for example, recommender systems through the My Feed, My Way initiative.

Mitigating the harms caused by design features, including recommender systems, is a positive step toward preventing violence against women. It is a significant opportunity to reduce the promotion of messages that evidence shows drive violence against women and which are promoted by masculinity influencers and the expanded reach of the online manosphere.

There is an opportunity to consider how mitigating the harms associated with design features, including recommender systems, can be balanced with the potential for these same features to support the prevention of violence.

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.**7**

Our Watch encourages the Commonwealth Government to consider how mitigation of the potential harm arising from recommender systems can be balanced with the potential of these systems to support primary prevention. For example, The Line challenges harmful gender norms and promotes respectful relationships in a way that reaches people organically, especially young people, where they are.

Our Watch recognises the potential harms arising from design features such as recommender systems, and the significant positive benefits from reducing their impacts. Our Watch also notes opportunity for balancing the mitigation of these harms with the benefits of online environments as a setting for prevention.

Recommendation 3: In finalising the digital duty of care harm framework, ensure that the legislation preserves the capacity of online environments and platform features to support primary prevention.

Risk assessments

S26A requires online services to provide written risk assessments of the risk of harm posed by the service in Australia, including, at s 26A (2) 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.

There is an opportunity to strengthen the requirements of risk assessments to more explicitly consider intersectionality and the broader social context in which harms such as gender-based violence occur.

Recommendation 4: An amendment to the text of the Exposure Draft at Pt 2, S26 A 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.

Transparency and accountability

The broad exemption power in Part 2, Division 2, s 25A(3-5) is not currently accompanied by clear transparency requirements. Decisions that may narrow the operation of the Digital duty of care should be transparent, evidence-based and capable of ongoing scrutiny.

Recommendation 5: 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*.

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 at Division 1A 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 6: Ensure the eSafety Commissioner has sufficient resourcing to scrutinise, publish and act on unlawful conduct under the legislation.

Recommendation 7: An Amendment Part 12A, Division 1, s192M 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

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.

While not in scope of the Exposure Draft, 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 8: 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 9: Continue to invest in the use of online and digital technologies in prevention strategies to engage audiences more effectively.

Recommendation 10: 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.

Conclusion

The introduction of a Digital duty of care is a significant opportunity for the Commonwealth Government to embed primary prevention in online environments by stopping the amplification of gender inequalities that drive violence against women. However, technical and regulatory solutions alone cannot fully address gender inequality, harmful gender and social norms, unequal power relations that enable violence. We encourage the Commonwealth Government to continue to continue support primary prevention action in both online and offline settings alongside this legislation.

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 (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)

[5] Powell, A., Flynn, A., & Hindes, S. (2022). *Technology-facilitated abuse: National survey of Australian adults' experiences*. ANROWS. https://www.anrows.org.au/publication/technology-facilitated-abuse-national-survey-of-australian-adults-experiences/

[6] Walsh, K., Mathews, B., Parvin, K., Smith, R., Burton, M., Nicholas, M., Napier, S., Cubitt, T., Erskine, H., Thomas, H. J., Finkelhor, D., Higgins, D. J., Scott, J. G., Flynn, A., Noll, J., Malacova, E., Le, H., & Tran, N. (2025). Prevalence and characteristics of online child sexual victimization: Findings from the Australian Child Maltreatment Study. *Child Abuse & Neglect, 160*, 1-12.

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