



A Digital Duty of Care

The evolution of proposals for duty of care in digital policy in Australia

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Rys Farthing



AUSTRALIAN
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Executive Summary

This policy briefing reflects discussions held at a roundtable of 16 experts from academia and civil society exploring the opportunities and challenges presented by the introduction of a duty of care (DDoC) in Australia's *Online Safety Act*.¹ The event was held under the Chatham House Rule in late Nov 2025. The discussion noted optimism around the introduction of a DDoC and saw it as a welcome next step. The discussion covered three key areas intended to ensure the proposed reforms deliver effective, positive changes.

Firstly, a DDoC needs to be seen as part of broader, systemic reforms. The DDoC is a welcome and much needed policy reform, and can deliver impactful change. To do this, proposals need to avoid a narrow focus on content harms and systems adjacent to content harms. The scope must be intentionally broad in scope, deep in impact and inclusive of all technologies, such as AI and immersive tech.

Secondly, a DDoC was discussed as a positive intervention from four different angles: as a human rights intervention that could redress rights violations online; as a child rights intervention where it can help advance children's right to protection; as a gender-based intervention that could address tech facilitated violence against women and girls, and; as a democratic intervention where it can help address concerns around information integrity. However, these capacities would only be realised effectively *if* a duty of care comprehensively addresses all digital and tech platforms systems and processes.

Lastly, a DDoC should not be a standalone measure, and a host of other digital reforms will also be necessary. Many of these have already been outlined, or are under way, and would act to sharpen the capacity of a DDoC to deliver positive change for Australians.

The discussion concluded that:

- The proposal for the introduction of a DDoC is welcome and necessary. The *Online Safety Act* should be reformed to include a DDoC.
- The formulation of a DDoC should be broad and comprehensive, moving above and beyond a focus on content harms.
- Broader reforms around a DDoC also need consideration to enhance user safety online, including the Statutory Review of the *Online Safety Act*, reforms outlined in the *Privacy Act Reform Report*, proposals within the ACCC's *Digital Platforms Inquiry Final Report*² potentially through ex-ante Codes and AI guidelines and frameworks.
- Proposals for accompanying dispute resolution mechanisms should look at the experience in the privacy space around the development of a tort for privacy, and the functionalities of similar ombuds services to build efficiency.

¹ Commonwealth of Australia, *Online Safety Act 2021*, <https://www.legislation.gov.au/C2021A00076/latest/text>.

² ACCC 2025 *Digital Platforms Inquiry Final Report* <https://www.accc.gov.au/about-us/publications/serial-publications/digital-platform-services-inquiry-2020-25-reports/digital-platform-services-inquiry-final-report-march-2025>

Contents

Introduction	1
Issues and opportunities presented by a Digital Duty of Care	3
A DDoC needs to be seen as part of broader, systemic reforms.	3
Different perspectives on the proposals and how they align on the need for broader reforms.	6
Making a Digital Duty of Care impactful	8
Conclusions & Recommendations	10

About the organisations

The Australian Child Rights Taskforce is a civil society coalition of over a hundred organisations and individuals committed to the protection, promotion and fulfilment of the rights of all children and young people in Australia.

Human Rights Law Centre is one of Australia’s leading human rights charities, with our focus to advance systemic change across racial and socioeconomic equality. They take fearless human rights action for a fairer future for everyone.

The Alannah & Madeline Foundation is a national not-for-profit organisation dedicated to keeping children and young people free from violence and trauma wherever they live, learn and play.

ChildFund Australia is an independent international development organisation that works to reduce poverty and protect children in many of the world’s most disadvantaged communities. This includes in digital contexts.

Project Rokit is a youth-driven movement against bullying, hate and prejudice. They empower school students to challenge bullying in school, online and beyond.

Dr Rys Farthing is a Professorial Research Fellow at the News and Media Research Centre (N&MRC) at the University of Canberra, and the primary author of this paper. The N&MRC advances public understanding of the changing news and media landscape, and advocates for a media system that builds trust, inclusivity and diversity.

Introduction

This policy briefing reflects discussions held at a roundtable of 16 experts from academia and civil society in November 2025, where we explored the opportunities and challenges of introducing a duty of care into Australia's *Online Safety Act*.³ The event was held under the Chatham House Rules, and this briefing presents an overview of the discussion.

The genesis for the Government's proposal for a Digital Duty of Care ('DDoC') emerged from the 2024 Statutory Review of the *Online Safety Act*,⁴ finalised in October 2024 and released in February 2025, which recommended that:

Australia adopt a singular and overarching duty of care that encompasses due diligence, and is underpinned by safety by design principles, risk assessment and mitigation.

Under this formulation, a single overarching duty of care⁵ would ensure risk assessments and risk mitigations were undertaken, focussing on technology providers' and platforms' systems and processes, and push the focus of Australia's *Online Safety Act* beyond content, into key risk areas (such as contact, conduct and contract). It was formulated here as a way to introduce a more preventative, upstream regulatory approach. This duty of care is intended to 'focus' regulatory efforts on addressing key harms, including:

- harms to young people
- harms to mental and physical wellbeing
- instruction or promotion of harmful practices, such as eating disorders & suicide
- threats to national security and social cohesion
- illegal content, conduct and activity.

The idea of a duty of care in the digital world is popular in public policy discourse in Canberra. An initial recommendation that the *Online Safety Act* 'incorporate and formalise a statutory duty of care towards users' was offered by the House of Representatives Select Committee on Social Media and Online Safety in March 2022.⁶ This was reiterated in November 2024 when the Joint Select Committee on Social Media and Australian recommended that that:

Government introduce a single and overarching statutory duty of care onto digital platforms for the wellbeing of their Australian users, and requires digital platforms to

³ Commonwealth of Australia, *Online Safety Act 2021*, <https://www.legislation.gov.au/C2021A00076/latest/text>.

⁴ Delia Rickard PSW 2024 *Report of the Statutory Review of the Online Safety Act* <https://www.infrastructure.gov.au/sites/default/files/documents/report-of-the-statutory-review-of-the-online-safety-act-2021-february-2025.pdf>. Noting that these build on earlier suggestion from the House of Representatives Select Committee on Social Media and Online Safety *Social Media and Online Safety 2022* https://parlinfo.aph.gov.au/parlInfo/download/committees/reportrep/024877/toc_pdf/SocialMediaandOnlineSafety.pdf;fileType=application%2Fpdf

⁵ For an explanation of this concept, see Rys Farthing & Lorna Woods 2024 *A singular duty of care* <https://thepolicymaker.appi.org.au/the-dangers-of-pluralisation-a-singular-duty-of-care-in-the-online-safety-act/>

⁶ Online Safety *Social Media and Online Safety 2022* https://parlinfo.aph.gov.au/parlInfo/download/committees/reportrep/024877/toc_pdf/SocialMediaandOnlineSafety.pdf;fileType=application%2Fpdf

*implement diligent risk assessments and risk mitigation plans to make their systems and processes safe for all Australians.*⁷

These recommendations reflected an ongoing campaign from civil society to ‘overhaul’ the *Online Safety Act* to adopt a systemic approach, using a duty of care model to do so.⁸ The aim of these reforms was to attempt to widen the focus of Australia’s existing online safety framework, to move beyond the narrow focus on content currently embedded within the *Act*, through the introduction of an overarching duty of care to address a more comprehensive set of risks focussed on platforms’ & providers’ systems and processes.⁹ The intent of this campaign was recently confirmed at an event in Melbourne in October 2025, where 20 civil society organisations came together to identify the most pressing issues relating to children’s digital rights in Australia, and concluded a robust, wide-ranging and enforceable DDoC was the central policy issue for improving children’s digital experiences.

The Government’s reaction to these calls from parliament and civil society has been positive. In November 2024 Ministerial commitments were given to implement some form of duty of care.¹⁰ These commitments were offered at the same time as Australia’s social media minimum age restrictions were being proposed and legislated at speed, and were seen as a way of offering a commitment to a more systemic approach to digital regulation as *well* as the ‘emergency handbrake’ approach of age restrictions. The commitments were welcomed by civil society,¹¹ but there was little shape offered around the proposal — until now.

One year after the initial commitment was provided, in November 2025, the Department of Infrastructure, Transport, Regional Development, Communication, Sport & the Arts released a short consultation survey around the proposals for a DDoC. The survey is short and succinct,¹² and outlined the shape of some of the ongoing thinking within the Department. The survey focus raised both excitement and concerns about the ‘shape’ of the proposals, and prompted this roundtable discussion. A summary of the discussion points is provided below.

⁷ Joint Select Committee on Social Media and Australian Society, 2024 *Social Media: The Good, the Bad, and the Ugly* https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Social_Media_and_Australian_Society/SocialMedia

⁸ See for example Reset.Tech Australia, ACRT, HRLC, AMF, CPRC, & ChildFund 2024 *A duty of care in Australia’s Online Safety Act* <https://au.reset.tech/news/briefing-a-duty-of-care/>

⁹ See for example Lorna Woods & Rys Farthing 2024 *A singular duty of care in the Online Safety Act* <https://thepolicymaker.appi.org.au/the-dangers-of-pluralisation-a-singular-duty-of-care-in-the-online-safety-act/>

¹⁰ Minister Rowland 2024 *New Duty of Care obligations on platforms will keep Australians safer online* <https://minister.infrastructure.gov.au/rowland/media-release/new-duty-care-obligations-platforms-will-keep-australians-safer-online> (Note the commitment was given before the Statutory Review report was publicly released)

¹¹ See for example Reset.Tech Australia 2024 *Welcoming a duty of care* <https://au.reset.tech/news/welcoming-a-digital-duty-of-care/> or HRLC 2024 *Proposed duty of care for platforms welcome* <https://www.hrlc.org.au/news/2024-11-14-duty-of-care/>

¹² Perhaps understandably, given the last digital consultations run by the department around the Social Media Minimum Age Restriction attracted 15,000 submissions and the Misinformation and Disinformation bill before that 23,000 submissions

Issues and opportunities presented by a Digital Duty of Care

A DDoC needs to be seen as part of broader, systemic reforms

The DDoC is a welcome and much needed policy reform, and there was agreement that policy movement on the DDoC is the next and necessary step in creating a safer digital world for Australians.

A DDoC can deliver much more impactful change when it is implemented as a broad, systemic reform. While the consultation document most likely does not reflect the breadth of thinking around the DDoC, the narrowness of the approach communicated in the document still raised some concerns that the full capacity of a DDoC might be unnecessarily curtailed.

Perhaps understandably, the consultation notes that a DDoC will start with the types of content already addressed by the *Online Safety Act* (OSEA, non-consensual image based abuse etc) and then extend this in three ways:

1. Adding new types of content and content harms under the purview of the Act, such as hate speech, pile ons, dangerous challenges, violent porn etc.
2. Adding a number of features under the DDoC, which appear again to be features associated with content harms such as AI chatbots that produce dangerous content or content recommender algorithms. We note that there are few exceptions that move away from content harms and into conduct harms, notably extended use and addictive design features.
3. Including a dispute resolution system that may address a range of issues, such as account closures as well as content harms and terms of service violations.

As it is presented, there is a risk that a DDoC may end up having a “Christmas tree” effect on the *Online Safety Act* — that is, decorating the Act with more and more content types as “baubles”, rather than delivering a root and branch reform that could transform the Act into a truly systemic piece of regulation. Regulation that focuses on all the systems and processes that create risk will ultimately be more effective.

By starting with a focus on content and content harms, these proposals risk repeating the limitations of the approach of the current *Online Safety Act*. Not all harms come from content, and serious issues around commercial and conduct harms may end up becoming lost in the process. A DDoC has the capacity to improve outcomes in the digital world precisely because it has the capacity to shift regulatory focus from ex post mechanisms associated with content types, towards a focus on the design and operation of systems ex ante harms.

This would be a genuine shift in approach. The *Online Safety Act* has been the regulatory space for addressing ‘content harms’, while commercial harms seem to be under an ACCC remit, some societal harms falling under the banner of broadcasting issues and there seems to

be a desire for harms from AI seem to be spread across a whole of Government model, reading from the recently released AI plan. Implementing a DDoC is an opportunity to reconcile the gaps produced by this policy siloing. A DDoC has the capacity to deliver a more unified approach for digital regulators at large where it is broad.

Beyond the concerns about the unnecessary curtailing of a DDoC, three further substantive issues were raised:

- A number of these types of content lack consistent definitions under Australian state and federal law — for example, hate speech. Without serious definitional work, a DDoC will face genuine difficulties and may face real challenges around political communications. A DDoC needs to keep a focus on serious harms when it comes to speech that may have a political nature. Shoehorning a distinct and important policy and public discussion around ‘what should constitute illegal hate speech across the country’ into the *Online Safety Act* may not be helpful. It may reduce public confidence in the Act and its regulation and in turn reduce democratic outcomes in the long term.
- It was also unclear how, within these content categories, a DDoC would function differently to the Basic Online Safety Expectations (BOSE). We may end up in a place where we have enforceable, industry drafted codes addressing some content harms under the BOSE, and other approaches to other content harms using a DDoC. This may produce unhelpful and unintentional inconsistencies.
- A DDoC would be less likely to enliven constitutional concerns with a broad focus on systemic harms and less of a focus on content that is considered part of the implied freedom of political communication. Recent analysis suggests the value of focussing risk assessments — or priority areas — on broad harms. This improves corporate accountability by examining for harms to children, commercial harms like scam advertising, monetisation programmes, addictive-like designs and dark patterns.¹³

Concerns were also raised about the scope of the application of the DDoC, and the reliance on industry classifications as a targeting mechanism. Applying a DDoC to industry classifications rather than focussing on functionalities raises two major concerns:

- Firstly, industry definitions can be challenged or ‘skirted’ where platforms can self identify leading to regulatory arbitrage;
- Secondly, the dynamics of market reforms mean that new industry groupings can and will appear that sit ‘outside’ specific industry classifications. New industries and technologies can create risks but fall outside existing regulatory frameworks simply because industry classifications are outdated.

¹³ Reset.Tech’s last update to the policy guidelines addressed the issue, reviewing proposals put forward in a Private Members Bill in the last parliament, see Reset.Tech Australia 2025 *Five necessary elements of platform regulation* <https://au.reset.tech/news/5-necessary-elements-for-digital-platform-regulation-updated/>

Instead, regulation would be more effective if it focuses on the functionalities of a service and the risks it can create, and less about whether it is called a ‘social media platform’, an ‘AI chatbot’ or an ‘online gaming platform’ and so on.

Avoiding industry classifications and seeking a broad remit may also have geopolitical benefits. It is difficult to make an argument that these regulations will present an unfair trade barrier for American platforms if they are applied across a breadth of industries and technologies that are not necessarily dominated by US entities.

While the discussion focussed on the multiple ways to improve the effectiveness of a DDoC, as is inevitably the case when policy experts and academics gather, the overall consensus was that a DDoC was a welcome, timely policy intervention.

Thinking about the original concept of a duty of care in the digital world¹⁴

The original concept of a duty of care in the online space was around creating a regulatory framework that focuses less on content and more on the systems and processes of platforms. The design and functionalities of platforms’ systems can promote types of content (such as the way content recommender systems work, or content moderation systems), but if the main focus is on classifying types of content to regulate, the cross-harm effects of systems are often overlooked. The main concern through a duty of care was intended to be ‘what are the values’ that are built into the way systems on platforms work. Exploring the impact of design and operations of systems in creating risks has more impact than addressing content types themselves. There is an analogy here with workplace health and safety – regulators around occupational health and safety would not start from regulating around ‘preventing a broken leg’ and working backwards to mechanisms to prevent broken legs. Instead, a duty of care reverses this process and focuses on risky contexts that create various sorts of injuries (including, but not limited to broken legs). The focus is on product safety and testing.

¹⁴ As derived Lorna Woods & Will Perrin 2019 *Online harm reduction – a statutory duty of care and regulator*
<https://carnegieuk.org/publication/online-harm-reduction-a-statutory-duty-of-care-and-regulator/>

Different perspectives on the proposals and how they align on the need for broader reforms

Four different perspectives were unpacked in this discussion, which all aligned on the capacity of a DDoC to improve user safety where it is broadly implemented. All began from the premise that a DDoC is a welcome policy intervention.

The proposals from a human rights perspective

A DDoC is compatible with a human rights framework, and can help to advance rights by redressing rights violations and power imbalances between people and platforms. However, the underlying principles are central to the realisation of rights, and to advance rights, a DDoC would need to be premised on rights-based principles. This includes ensuring that providers, platforms and emerging technologies have to consider the harms that they enable, and not be limited to regulating content.

There are five principles for human rights complaint regulation that a DDoC should sit within:¹⁵

1. Human rights law and principles are the foundation
2. Digital platforms should have a legal duty to make sure their products, systems, and services do not cause harm. That is, a DDoC needs to consider the risks providers and platforms generate across their entire service; monetisation and design are all fair game
3. Content removal powers have a role to play in limited circumstances, but only as part of a broad, comprehensive regulatory framework
4. Users should have control over how providers and platforms collect and use their data
5. Court oversight is essential in a comprehensive regulatory framework, to help ensure the regulators aren't asked to make decisions they are not empowered to.

A focus on applying a DDoC to content types would be a concern. A DDoC exists in a suite of policy reforms that needs to work to keep people safe online.

The proposals from a child rights perspective

A DDoC has been a longstanding ask from a number of children's organisations as a way to advance children's rights in the digital world. To uphold the best interests of the child online, a DDoC would need to address currently known issues — such as already illegal content like CSAM — but would also need to address the more 'sticky' opaque systems at play to further advance children's rights. For example, without addressing systems, risks such as manipulative design or addictive design features won't be addressed. What would be needed is a DDoC enhanced by guidance that gets into the details about what design features or systems functionalities need to be addressed.

¹⁵ Drawn from HRLC 2024 *Principles for Digital Platform Regulation* <https://www.hrlc.org.au/app/uploads/2025/04/2410-Principles-for-Digital-Platforms-Regulation-Report.pdf>

There is also a fundamental inconsistency between adopting a more ‘limited’ approach to a DDoC and the Government’s broader approach to child wellbeing. For example, governments already expect that child focussed businesses like early learning centres and schools to keep children safe — physically and digitally — whenever they are on school time. Yet a decision to limit the DDoC to specific harms only allows digital businesses to operate without the same broad level of ‘duty of care’ to children.

From a children’s rights perspective, a DDoC that places the onus for ‘protection’ onto providers and platforms themselves makes sense. While they may have the ability to operate complex platforms, children and young people cannot reasonably be expected to foresee complex, hidden digital risks or to self-manage them.

Further, the traditional support mechanisms provided by schools, teachers and parents may be insufficient. Parents lead busy lives, have very mixed levels of digital literacy, and are often ill-equipped, and current curriculum, teacher training and resourcing also do not go far enough to ensure holistic support for children. Digital literacy and school-based prevention are essential, but they cannot substitute for a clear, enforceable DDoC on online businesses whose products either target or are likely to be accessed by children.

The proposals from a gendered perspective

A DDoC could be a central measure in holding platforms and providers to account for the harms they generate. However, limiting a DDoC to content and content aligned systems will not necessarily deliver the policy reforms necessary to address the underlying systems and structures, and won’t create pathways to the gender-sensitive resolutions women and girls need. Tech facilitated gender based violence has not been systematically built into the existing *Online Safety Act*, so a DDoC limited to harms already addressed could replicate the omission.

The proposals from a democratic outcomes perspective

From a democratic perspective, the digital world raises a different set of concerns around information integrity. Ensuring that dialogue and debate do not become polarised is important for a healthy democracy, and while a DDoC is welcome, it would not necessarily address this challenge. Specifically, there are two key challenges that Australian digital regulation faces:

1. There is overall a lack of enforcement mechanisms and issues around ‘onshoring’ platforms. Until these are resolved, regulation may only function through a consent model with industry.
2. Public awareness and appetite for change is necessary to enhance democracy and create the right conditions for the right policy response. If there are gaps or limitations in the proposed policy response, there needs to be public awareness and appetite to address these gaps. Democratic policy making (and politics) will follow only where there is public debate about the issues.

Making a Digital Duty of Care impactful

A DDoC is not intended to be a stand alone measure, and will need to be implemented alongside other digital reforms for intended impact; policies addressing AI, competition, privacy and user safety. Many of these related and necessary measures have already been outlined, or are under way, and would act to amplify the capacity of a DDoC to deliver positive change for Australians, such as:

- Broader reforms as outlined in the Statutory Review of the *Online Safety Act*,¹⁶ which would support a DDoC by increasing transparency about online safety mechanisms and impacts, and improve regulatory powers. Without some of the supportive proposals in Rickard's review, a DDoC may be ineffective.
- AI frameworks. The Government's recently announced AI Plan specifies that AI will also be regulated under existing laws and regulations, such as copyright and privacy. That is, existing legal frameworks will need to do more 'heavy lifting'. Ensuring that a DDoC addresses AI and other emerging technologies is one way to future proof this approach.
- Ongoing reforms to the *Privacy Act* could also help reduce adjacent personal security risks and privacy risks, with some of the undelivered elements of the *Privacy Act Reform Report*¹⁷ also able to drive upstream changes that deliver benefits for Australians.
- Broader reforms under the remit of the ACCC's *Digital Platforms Inquiry Final Report*¹⁸ could also help introduce a culture of accountability across the digital sector, potentially through ex-ante Codes that could address unfair systems and processes, such as the use of dark patterns.

In particular, the capacity of risk assessment and risk mitigation exercises were discussed as one way to ensure that platforms take preventive, proactive measures to enhance user safety. The initial formulation of duty of care in the online space noted that platforms would need to undertake risk assessment and risk mitigation activities in order to discharge their duty of care to their users.¹⁹ Undertaking risk assessments, especially for new features, products or businesses, was seen as one way of embedding proactive care into the ecosystem.

These risk assessments would also increase transparency with regulators, and the public release of these risk assessments — or summaries — would also help enhance public transparency. Australia does not have data access requirements, nor researcher access schemes to enable public interest research into the way platforms systems and functions operate. This creates a meaningful transparency gap that also needs addressing.

¹⁶ Delia Rickard PSW 2024 *Report of the Statutory Review of the Online Safety Act* <https://www.infrastructure.gov.au/sites/default/files/documents/report-of-the-statutory-review-of-the-online-safety-act-2021-february-2025.pdf>

¹⁷ Office of the Attorney General 2023 *Government Response: Privacy Act Review Report* <https://www.ag.gov.au/sites/default/files/2023-09/government-response-privacy-act-review-report.PDF>

¹⁸ ACCC 2025 *Digital Platforms Inquiry Final Report* <https://www.accc.gov.au/about-us/publications/serial-publications/digital-platform-services-inquiry-2020-25-reports/digital-platform-services-inquiry-final-report-march-2025>

¹⁹ As derived Lorna Woods & Will Perrin 2019 *Online harm reduction – a statutory duty of care and regulator* <https://carnegieuk.org/publication/online-harm-reduction-a-statutory-duty-of-care-and-regulator/>

Alongside these reforms, a dispute resolution service — or ombuds — could help deliver positive changes. The proposals for an ombuds service outlined in the Statutory Review of the *Online Safety Act*,²⁰ and by the ACCC's *Digital Platforms Inquiry Final Report*,²¹ appear to be more broad than what is noted in the consultation paper.²² However, there was broad support in the discussion for a meaningful dispute resolution service. There was discussion around the willingness of the Telecom Industry Ombudsman to expand to cover digital platforms,²³ and a general discussion around the capacity of enhancing the existing TIO remit rather than establishing a new ombuds from scratch. At one end of the scale a dispute resolution system may be effective for small or simple challenges, but at a certain point more complex issues may best be handled by the judiciary.

“Duty of Care” is usually associated with the tort of negligence. In that context, it is focused on bilateral disputes. This cannot address the systemic, one-to-many nature of algorithmic harms. However, creating a statutory tort is part of recent parliamentary drafting experience. There was discussion around the recent emergence of tort requirements in privacy law via the *Privacy and Other Legislation Amendment Act 2024*. This has been done before, and is possible within the online safety space as well.

Lastly, the challenge of a DDoC when it came to preventing ‘bad actors’ on digital platforms was discussed. While a DDoC would place accountability on providers and platforms, this would not prevent all bad actors from engaging in harmful conduct.

However, a DDoC can create less conducive conditions for harm to flourish, and minimise the risk of harm overall. For example, risk assessing providers’ and platforms’ monetisation programmes can reduce the incentives for those producing inflammatory content that incites violence for monetary gain. It could also prevent the viral spread of child cyberbullying incidents by not algorithmically amplifying them in content recommender systems. It will not necessarily challenge the content nor behaviour of bad actors, but it can mitigate the harms caused by this.

These issues are not simple, nor does simplification do them justice. There was a general consensus that more discussion among civil society, and led by civil society, could help create the conditions necessary to support informed, democratic policy making processes around a DDoC.

²⁰ Delia Rickard PSW 2024 *Report of the Statutory Review of the Online Safety Act* <https://www.infrastructure.gov.au/sites/default/files/documents/report-of-the-statutory-review-of-the-online-safety-act-2021-february-2025.pdf>. N

²¹ ACCC 2025 *Digital Platforms Inquiry Final Report* <https://www.accc.gov.au/about-us/publications/serial-publications/digital-platform-services-inquiry-2020-25-reports/digital-platform-services-inquiry-final-report-march-2025>

²² Acknowledging the complexities of drafting a public consultation paper, we need to note again that consultation paper most likely does not address the full breadth or scope of thinking within the Department

²³ TIO 2025 *Tio welcomes ACCC's call for external dispute resolution service* <https://www.tio.com.au/news/tio-welcomes-acccs-call-external-dispute-resolution-digital-platforms>

Conclusions & Recommendations

- The proposal for the introduction of a DDoC is welcome and necessary. The *Online Safety Act* should be reformed to include a DDoC.
- The formulation of a DDoC should be broad and comprehensive. Specifically:
 - A focus on risks associated with content alone will not be sufficient. Commercial, contact, conduct and contract risks need to be considered equally.
 - More systems and processes not traditionally associated with content, such as monetisation systems and advertising systems, also need to be covered.
 - DDoC must include all technology and digital providers as well as AI and other emerging technologies.
 - Reflect a human-rights based approach, both at its core and in specific guidance.
- Broader reforms around a DDoC also need consideration to enhance user safety online, including:
 - The broader proposals around a DDoC, as outlined in the Statutory Review of the *Online Safety Act*²⁴ need to be implemented. As per these proposals, the DDoC should encompass due diligence and be underpinned by safety by design principles, risk assessment and mitigation.
 - Reforms outlined in the *Privacy Act Reform Report*,²⁵ with commitments given to implementing 'tranche 2' of the *Privacy Act* reforms.
 - Broader reforms under the remit of the ACCC's *Digital Platforms Inquiry Final Report*²⁶ potentially through ex-ante Codes could also address unfair systems and processes, such as the use of dark patterns.
 - AI guidelines and frameworks that seek to embed and advance a DDoC across platforms and providers.
 - Ensuring adequate support for children, parents and educators to enhance digital wellbeing.
- Proposals for a dispute resolution system should look at the experience in the privacy space around the development of a tort for privacy, and the functionalities of similar ombuds services to avoid reinventing the wheel.

²⁴ Delia Rickard PSW 2024 *Report of the Statutory Review of the Online Safety Act* <https://www.infrastructure.gov.au/sites/default/files/documents/report-of-the-statutory-review-of-the-online-safety-act-2021-february-2025.pdf>

²⁵ Office of the Attorney General 2023 *Government Response: Privacy Act Review Report* <https://www.ag.gov.au/sites/default/files/2023-09/government-response-privacy-act-review-report.PDF>

²⁶ ACCC 2025 *Digital Platforms Inquiry Final Report* <https://www.accc.gov.au/about-us/publications/serial-publications/digital-platform-services-inquiry-2020-25-reports/digital-platform-services-inquiry-final-report-march-2025>