

**SUBMISSION TO THE DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT,
COMMUNICATIONS, SPORT AND THE ARTS**

Exposure Draft: Online Safety Amendment (Digital Duty of Care) Bill 2026

Submitted by: Working Women's Centre Australia (WWCA)

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Working Women's Centre Australia (WWCA) welcomes the opportunity to respond to the exposure draft of the Online Safety Amendment (Digital Duty of Care) Bill 2026. WWCA supports the introduction of a digital duty of care in principle and joined the Australia Institute's open letter to the Prime Minister calling for stronger protections to ensure Australians are kept safe online.¹

WWCA supports women across Australia experiencing discrimination, sexual harassment, bullying, violence and other workplace issues. Increasingly, these harms occur through, or are intensified by, online platforms and digital technologies. Online abuse can affect women's safety, wellbeing, reputation and participation at work, limiting professional opportunities and diminishing women's ability to engage fully in public and working life. As a result, online safety reform has direct implications for women's equality and economic security.

This submission focuses on two priority reforms. First, the Bill's protections should extend to all Australians rather than limiting key protections to children. Second, individuals should have access to direct remedies alongside the enforcement powers of the eSafety Commissioner.

1. Online harm follows women into their workplaces

Through our frontline work, WWCA sees that the line between online harm and workplace harm is increasingly blurred. Abuse that occurs online can affect women's working lives, professional reputations and career opportunities. In other cases, the abuse is workplace conduct from the beginning, carried out through email, messaging platforms, or social media rather than face-to-face.

This experience is reflected in research conducted by the eSafety Commissioner.² One in three women surveyed reported experiencing online abuse in a work context, with higher rates among women with public profiles, women with disability, LGBTIQ+ women and younger women. Women reported avoiding leadership opportunities, avoiding contentious topics, and reducing their public visibility in response. These are not merely personal consequences. They represent a measurable reduction in women's participation in professional and public life.

The trend is especially concerning given emerging evidence about the relationship between online environments and hostility towards women. A University of Melbourne study of 1,122 teenagers and 2,307 adults found that hostile attitudes towards women were the strongest predictor of support for violent extremism. Among boys aged 13 to 17, 31.8 per cent believed efforts towards gender equality had gone too far, while 24.7 per cent believed feminism should be resisted with violence if necessary.³ These attitudes have significance far beyond digital spaces. The beliefs being shaped online today will influence future workplaces, workplace cultures, and women's experiences of safety and inclusion at work for years to come.

In practice, online abuse may involve targeted harassment, threats, coordinated pile-ons, or repeated unwanted contact through social media, messaging services, or email. Where platforms fail to respond effectively after abuse has been reported, the burden typically falls on the person targeted. Women

¹Australia Institute, "Message to PM: Digital Duty of Care laws don't go far enough to keep Australians safe" (2026) australiainstitute.org.au.

²eSafety Commissioner, "Women in the Spotlight: How Online Abuse Impacts Women in Their Working Lives" (2022) esafety.gov.au.

³University of Melbourne, "Young people more likely to hold hostile attitudes towards women, study finds" (Newsroom, August 2026) unimelb.edu.au.

may withdraw from public-facing work, curtail their professional engagement online, take leave, or step back from roles that require visibility. The practical effect is that women change their behaviour while the abuse remains.

2. Extend the Bill's protections to all Australians, not only children

WWCA supports a regulatory approach that places clear, enforceable obligations on digital platforms to prevent reasonably foreseeable harm. Responsibility for addressing online harms should not fall solely on individuals who are expected to manage abuse after it occurs. Digital platforms design, amplify, and profit from systems that shape user behaviour and engagement and should bear corresponding responsibility for preventable harms arising from those systems.

The internet is increasingly characterised by misogynistic, racist, and homophobic content. The issue is not whether platforms should shield people from every harmful idea or regulate lawful disagreement. Rather, platforms should be required to act on identifiable harms, including harassment, threats, abuse, and incitement, particularly where the conduct has been brought to their attention. Platforms should also be required to address design features that they know contribute to the spread and amplification of harmful content.

The exposure draft already recognises that content fostering hostile attitudes towards women can cause real and foreseeable harm. Section 25D(1)(c) requires providers to protect children from content that fosters hostile attitudes towards women or gender equality.⁴ That recognition should not end when a person turns 18. The same content contributes to abuse directed at adult women and reaches adult men through the same recommendation systems that research links to rising hostility towards women.⁵

The Australian Human Rights Commission has separately identified algorithmic recommender systems that profit from polarisation as a driver of misogyny and hate.⁶

For many women, the resulting harm is not separate from work. Online abuse can affect professional reputation, workplace participation, career progression, and economic security. The workplace consequences are often significant, regardless of where the abuse originated.

The Bill already treats design features such as recommender systems, endless feeds, and engagement-based notifications as potentially harmful.⁷ However, protection against these features is limited to children. Adults are protected only against specified forms of harmful content and conduct, rather than against the systems that influence and amplify what users see.

This distinction may be appropriate in relation to certain categories of content, but it is less persuasive in relation to platform design features that operate in the same manner regardless of a person's age. The engagement-maximising systems associated with the promotion of hostile attitudes towards women among younger users are the same systems that can amplify harassment, abuse, and intimidation directed at adult women. The mechanism does not fundamentally change because a user turns 18.

Recommendation 1

Extend the Bill's protections so they apply to all Australians, not only children, by:

- extending section 25D's protection against content that fosters hostile attitudes towards women to adults;

⁴Online Safety Amendment (Digital Duty of Care) Bill 2026, Exposure Draft (8 September 2026) ss 25B, 25C, 25D, 25E, 25F, 25G, 26B [infrastructure.gov.au](https://www.infrastructure.gov.au).

⁵University of Melbourne (n 3).

⁶Hugh de Kretser, "President's Message – September 2026", Australian Human Rights Commission (2026) [humanrights.gov.au](https://www.humanrights.gov.au).

⁷Bill (n 4).

- extending section 25B's protection against harmful design features to adults, and clarifying that the provision applies to AI systems that generate, recommend, or amplify content;
- requiring engagement-maximising features such as autoplay and infinite scroll to operate on an opt-in rather than default basis for all users. This is consistent with the AHRC's own call for opt-in requirements for algorithmic recommender systems.⁸

3. Give individuals a direct right to redress

The eSafety Commissioner has described the current online environment as having never had “looser guardrails” or being “more toxic”.⁹ Yet under the exposure draft, the responsibility for enforcement rests almost entirely with eSafety. While the Bill provides for substantial civil penalties, penalties are only effective when there are practical pathways to enforcement.

The scale of the challenge is significant. In the year to 30 June 2026, eSafety received approximately 108,000 complaints. Only two per cent resulted in a removal notice, and only a small number of matters proceeded to legal action.¹⁰ Penalties of any size have limited practical effect if a single regulator with finite resources remains the only avenue through which accountability can be pursued.

This approach differs from many established regulatory frameworks. In workplace relations, anti-discrimination law, consumer protection, and work health and safety systems, regulator enforcement exists alongside mechanisms that allow individuals to seek remedies where they have suffered harm. A worker affected by a breach of duty can often pursue their own claim while regulators continue to play an important enforcement role. There is no compelling reason online safety should operate according to a fundamentally different model.

Comparable jurisdictions are increasingly adopting approaches that combine regulatory oversight with direct avenues for redress. Singapore's Online Safety (Relief and Accountability) Act provides individuals with the ability to seek orders and compensation for serious online harms.¹¹ In the United States, action taken against Meta resulted in substantial penalties and court-ordered reforms relating to harmful design features affecting children.¹² These developments demonstrate that strong regulatory enforcement can coexist with mechanisms that empower affected individuals to seek remedies directly.

WWCA supports a model that combines robust regulatory oversight with meaningful avenues for individuals to obtain redress when they suffer reasonably foreseeable harm.¹³ Such an approach would improve access to justice, strengthen accountability, and reduce reliance on a single regulator to address widespread and systemic online harms. The Australian Human Rights Commission has made the same recommendation, calling for individuals to be empowered to take legal action if they suffer harm from a breach of the duty.¹⁴

Recommendation 2

Provide individuals and communities with a direct avenue to seek remedies where they have suffered harm arising from a breach of the digital duty of care, alongside eSafety's enforcement powers. This

⁸Australian Human Rights Commission (n 6).

⁹Royal Commission on Antisemitism and Social Cohesion, *Transcript of Proceedings* — Hearing Block 3, Day 4 (2026) asc.royalcommission.gov.au.

¹⁰eSafety Commissioner, *Legal proceedings involving eSafety* (2026) esafety.gov.au.

¹¹Ministry of Law, Singapore, *Online Safety Commission and Online Safety (Relief and Accountability) Act 2025 to Start on 29 June 2026* (2026) mlaw.gov.sg.

¹²New Mexico Department of Justice, *Court Orders Meta to Pay \$942 Million and Overhaul Protections for Children on Facebook and Instagram in Landmark New Mexico Ruling* (2026) nmdoj.gov.

¹³Australia Institute (n 1).

¹⁴Australian Human Rights Commission (n 6).

would align online safety regulation more closely with established workplace, anti-discrimination, and consumer protection frameworks.

Recommendation 3

Extend future consultation timeframes to allow meaningful participation by community organisations. A two-week consultation period is insufficient for reforms of this scale and significance.

Conclusion

WWCA supports the introduction of a digital duty of care and welcomes the Government's efforts to strengthen online safety. However, meaningful protection requires the framework to apply to all Australians and to include practical pathways for individuals to obtain redress when harm occurs. These reforms are particularly important for women, whose workplace participation, safety, and equality are increasingly shaped by online environments.

This is a crucial time in feminist and worker history. If we do not act and reign in the tech giants, the feminist advances we have made will erode.

WWCA would welcome the opportunity to discuss these recommendations further.

This submission has been endorsed by:

