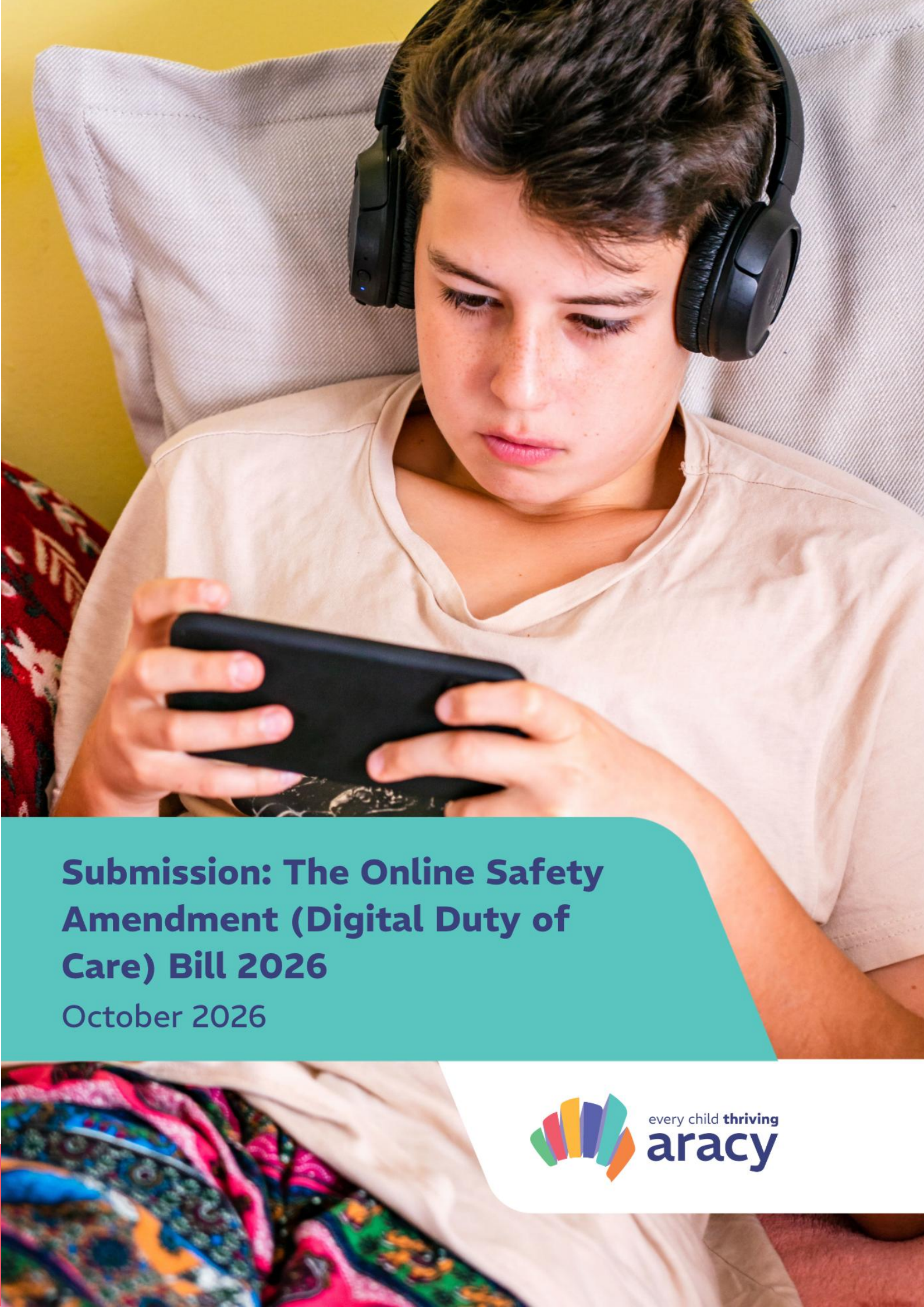


Submission: The Online Safety Amendment (Digital Duty of Care) Bill 2026

October 2026

every child thriving
aracy

30 October 2026

Committee Secretary
Senate Environment and Communications Legislation Committee
Department of the Senate, PO Box 6100, Parliament House, Canberra ACT 2600

Submission: Inquiry into the Online Safety Amendment (Digital Duty of Care) Bill 2026

ARACY, the Australian Research Alliance for Children and Youth, welcomes the Online Safety Amendment (Digital Duty of Care) Bill 2026, and supports its timely passage. Every child and young person in Australia should be able to learn, connect and belong online. The spaces we build around our children shape how they grow. We strongly support a duty of care model. A toy maker cannot sell a product that harms a child. A food producer cannot sell one that makes a child sick. Online services should be held to the same standard.

This submission updates ARACY's 22 September 2026 submission on the exposure draft. It sets out what ARACY supports in the Bill as introduced, and where we recommend it be strengthened for children and young people. Our fuller evidence base and the lived-experience material that informed it are set out in that earlier submission. ARACY is content for both submissions to be published in full.

ARACY is a national not-for-profit working to improve the wellbeing of children and young people aged 0 to 25. We define holistic wellbeing through The Nest, Australia's most widely-used, evidence-based, wellbeing framework for children and young people. The Nest defines wellbeing across six interconnected domains: Valued, Loved and Safe; Material Basics; Healthy; Learning; Participating; and Positive Sense of Identity and Culture.

This submission draws on Australian and international evidence and amplifies the voices of children and young people who stand to benefit from a legislated Digital Duty of Care.

Funded by the Australian Government Department of Health, Disability and Ageing through the Health Peak and Advisory Bodies Program, ARACY's Young and Wise lived-experience research in 2026 consulted 53 young people across five priority communities: young people living in rural, regional and remote areas; young people who self-identified as LGBTIQA+, culturally and

linguistically diverse, or neurodivergent; and Aboriginal and Torres Strait Islander young people. In addition, we ran a workshop with nine young people aged 13 to 18 on the Children's Online Privacy Code exposure draft.

What ARACY supports and recommends

ARACY welcomes the Bill's introduction on 15 October 2026. We particularly support the strengthened duty: services must take appropriate action and effective measures to keep users safe, and cost cannot be a reason not to act (sections 26 and 26A(3)). We ask the Committee to retain this. We also support the requirement for services to assess and mitigate risks (section 27), and the Commissioner's new powers to hold services to account, including to act faster on cyberbullying of children and to remove "nudify" apps.

1. Operationalising the Best Interests of the Child

ARACY supports the new object of acting in the best interests of Australian children online (section 3(b)).

The Explanatory Memorandum expects services to consider children's best interests when designing and operating services children can use, but the operative provisions do not yet require it, including in risk assessments, mitigation measures and the Minister's and Commissioner's decisions.

Impact on wellbeing: under The Nest, children's sense of being Valued, Loved and Safe, and Participating, depends on more than a stated intention.

We recommend that the best interests of the child be a primary consideration for services when assessing, mitigating and reporting on risks to children (sections 26A and 27, and in transparency reporting), and for the Minister and Commissioner when exercising powers under the Duty of Care framework. This is consistent with Article 3(1) of the Convention on the Rights of the Child.

2. Supporting Identification of Emerging Harms

ARACY supports keeping the list of harms to children open through section 25E(1)(f), which the Explanatory Memorandum confirms is not exhaustive, while changes to the harm lists remain a matter for Parliament.

Impact on wellbeing: new risks to children's Learning, Healthy development, and Positive Sense of Identity and Culture can emerge more quickly than legislation can be amended. An open category only protects children if services and regulators have clear guidance on how to identify and assess

emerging harms, including harms that accumulate over time rather than arising from a single piece of content or interaction.

We recommend that the Commissioner's guidance explain how services should identify, assess and respond to emerging and cumulative harms under section 25E(1)(f), including from AI chatbots and companions, and that the Commissioner seek and have regard to the views of children and young people when advising the Minister on emerging categories of harm under section 28C.

3. Design Features and Compulsive Use

ARACY supports the duty to protect all children from harms associated with design features (section 25C(1)(b)(ii)), and the specific protections for under-16s on social media (sections 25C(1)(c) and 25G). The Explanatory Memorandum recognises that addictive, disordered or problematic use can arise from features designed to maximise engagement, and that children and adolescents are more vulnerable to it.

Impact on wellbeing: Compulsive or dysregulated use has the potential to affect children's sleep, learning, relationships and healthy development, and may contribute to other harms over time. While the Bill addresses design features associated with these risks, it is less clear how services will be expected to identify, assess and respond to compulsive or dysregulated use in practice.

We recommend that the Commissioner's guidance make clear that every online service must protect all children under 18 from harms associated with design features, not only social media services for under-16s. It should explicitly address how services identify, assess and mitigate risks of compulsive or dysregulated use and of unsafe contact with other users, including in generative AI services. This should include consideration of cumulative harms that emerge over time through repeated exposure and engagement. Guidance should also make clear that children are protected from endless feeds, feedback counts and disappearing content whether or not they are logged in, as the under-16 protections apply to these features only when they require an account (section 25G(4)).

4. Age Assurance for Pornography

ARACY supports the new age assurance and access control duties for pornography (sections 27D to 27F), which keep an existing industry code protection in place as the codes are repealed.

Impact on wellbeing: These measures may help reduce children's exposure to pornography and support healthy development. Age assurance should form part of a broader approach to protecting children online, alongside safer design, effective risk management and the other protections established through the Digital Duty of Care framework.

We recommend the Commissioner's guidance clarify that age assurance complements, rather than replaces, a service's broader responsibility to identify, assess and mitigate risks to children. Guidance should also promote privacy-preserving approaches, including that the choice of at least two methods (section 27D) always includes one that does not rely on identity documents or biometric data, and address the risks of exclusion or misclassification, particularly for children and young people who may face barriers to standard forms of age verification.

The recommendations below build on these four points and update our 22 September submission to match the Bill as introduced.

Summary of Recommendations

Recommendation 1: Children's Best Interests, Rights and Participation
1.1 Make children's best interests a primary consideration for services, the Minister and the Commissioner.
1.2 Require decision-makers to seek and have regard to the views of children and young people.

Recommendation 2: Transparent and Testable Risk Management
2.1 Make child impact a named part of risk assessments, and make transparency meaningful, accessible and accountable.

Recommendation 3: Future-Proofing for AI, Design Features and Emerging Risks
3.1 Ensure services identify, assess and respond to emerging and cumulative harms.
3.2 Address risks arising from design features, including compulsive or dysregulated use.

Recommendation 4: Accessible, Effective and Trusted Safeguards
4.1 Make complaints age-appropriate, accessible and trusted.
4.2 Make plain language a standard, for the Commissioner and for services.
4.3 Protect children through the transition to the new Digital Duty of Care framework.

Recommendation 5: Implementation that Supports Children, Young People and Families
5.1 Clarify how the Duty of Care and the Children's Online Privacy Code interact, including privacy-preserving and proportionate approaches to age assurance.
5.2 Review the effectiveness, impacts and unintended consequences of the framework.

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5.3 Support parents, caregivers and educators so children do not carry responsibility for navigating digital life alone.

Framing: protect what works, not only what harms

The Digital Duty of Care represents an important shift towards prevention and platform accountability. It rightly places responsibility for the risks services create or amplify on those services and their business models, not on children and families, who should not have to navigate risk as the price of being online. As it is implemented, we encourage a focus not only on reducing risks of harm, but also on supporting the conditions that help children and young people thrive online. Young people consistently told us that digital spaces also deliver connection, identity, culture, learning, mental health support and civic participation. Under The Nest, this covers all six wellbeing domains required for children and young people to thrive.

A duty built only to stamp out harm will measure its own success incorrectly. We recommend the objects and the Commissioner's guidance recognise that children and young people have positive digital lives worth protecting and growing, consistent with the Convention on the Rights of the Child, which Australia has ratified. The Statement of Compatibility with Human Rights in the Explanatory Memorandum already recognises children's right to access information under Article 17, and says the duty should protect children from harm while preserving their right to access information and ideas and to participate online. Article 12 of the Convention also gives children the right to have their views heard on matters that affect them. The digital duty of care should also support children's ability to access the trusted information, learning opportunities, communities of belonging and sources of support that contribute positively to their wellbeing. We support the Bill's exclusion of public health and harm-reduction material from the harm lists (section 25F), and ask that guidance make clear services should not over-restrict trusted health and mental health information, or content created by and for LGBTIQA+, First Nations and other young people in priority communities.

We also ask that the Bill be read across the whole life course. Children's digital lives now begin in the early years, before they have accounts of their own, through family sharing, connected toys, wearable technologies and educational technology. Protections pitched only at adolescents will miss younger children. At the other end, protection drops sharply at 18, although development continues into early adulthood.

ARACY supports the timely passage of this Bill. It shifts responsibility for online safety towards the services that design children's digital environments, and can protect children while supporting their participation, development and wellbeing. Online safety and participation should go hand in hand. Our recommendations focus on making the duty work for children in practice: embedding their best interests, building their views into implementation, and using the 12-month transition to get the guidance right.

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