



22 September 2026

Digital Duty of Care Consultation

Department of Infrastructure, Transport, Regional Development, Communications,
Sport and the Arts

Via email: digitaldoc@infrastructure.gov.au

Dear Secretariat,

**Submission on Exposure Draft – Online Safety Amendment (Digital Duty of Care)
Bill 2026**

Youthlaw welcomes the opportunity to make this submission in response to the exposure draft of the *Online Safety Amendment (Digital Duty of Care) Bill 2026 (Bill)* and the proposed digital duty of care (**Digital Duty of Care**).

About Youthlaw

Youthlaw is Victoria's specialist community legal service for young people under the age of 25. We provide free legal help to young people experiencing homelessness, family violence, poverty, mental health issues and drug and alcohol misuse. Youthlaw has direct experience working with young people affected by online harms including cyberbullying, harassment, image-based abuse, discrimination and criminal law matters, and has observed the significant impact of platform design, content moderation practices and inadequate safety mechanisms on young people in Victoria.

Recommendations

Youthlaw supports the Bill and Digital Duty of Care to ensure online service providers identify and reduce online harms young people are experiencing, and recommends:

1. **Recommendation 1:** The Australian Parliament should pass the Bill and implement the proposed Digital Duty of Care framework.
2. **Recommendation 2:** The Digital Duty of Care framework should expressly include doxxing as a recognised online harm young people are experiencing.

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Support for the proposed Digital Duty of Care

Youthlaw supports the introduction of a Digital Duty of Care, including changes to the *Online Safety Act 2021* (Cth) to:

1. Introduce a Digital Duty of Care
2. Give the eSafety Commissioner additional powers to remove certain types of content, links and applications, and
3. Repeal industry codes and industry standards which currently form part of the *Online Safety Act 2021* (Cth).

We support Digital Duty of Care requirements that people responsible for online services:

- Provide a safe online environment for Australians, so far as is reasonably practicable
- Manage design features of online services, including algorithms and endless content feeds, and
- Conduct regular risk assessments and take effective measures to address risks.

Youthlaw regularly works with young people who have attempted to address online harms directly with social media companies, but have found existing platform reporting pathways ineffective in removing harmful content. In some cases, content removal occurs only after young people have already been harmed, including significant impacts on their mental health and physical safety. The proposed framework appropriately shifts the focus towards identification of foreseeable risks and proactive measures to reduce them, with a structural focus on systems and processes.

Youthlaw further supports the emphasis on protecting young users, as children and young people are often disproportionately affected by online harms and have limited ability to protect themselves from risks created by service design.

Young people harmed by unregulated doxxing

Doxxing involves publishing a person's personal information online without their consent, and can expose them to substantial harms. Personal information may include a person's name, photographs or images, address of their home, school or workplace, social media accounts or contact details.

Youthlaw is increasingly receiving requests for legal information and advice from young people in Victoria about what legal action they can take to address doxxing, particularly where posts identify where a young person lives, goes to school or works. While queries frequently relate to posts in neighbourhood Facebook groups or crime reporting forums,

Youthlaw has also heard from young people impacted by doxxing on other social media platforms including TikTok, Snapchat and Instagram.

Doxxing can have severe consequences. In Youthlaw's legal and social work practice experience, we see how doxxing can be discriminatory and disproportionately target young people from culturally and linguistically diverse communities or in out of home care. In practice, personal information about a young person is often posted alongside unsubstantiated allegations of wrongdoing, exposing young people to harassment and abuse, stalking, exclusion from education or employment and significant psychological distress. For example, social media posts identifying a young person by name, photo, where they live and what school they attend, alongside allegations that the young person has committed serious crimes, and encouraging other users to locate and harm the young person and 'make them pay'.

Expressly include doxxing in the Digital Duty of Care

In some circumstances, doxxing can constitute a criminal offence.¹ However, harm often occurs immediately after information is published, long before legal or regulatory intervention is available. Young people may experience bullying, threats to their safety, violence, or exclusion from school or social activities, as a result of online allegations, even where no criminal charges have been made or proven in court.

The Digital Duty of Care covers the following two tiers of harmful material and conduct:

1. "Seriously harmful material and conduct" (s 25C); and
2. Material and conduct "Harmful to children" (s 25D).

The Minister can expand both lists via a disallowable legislative instrument, providing a mechanism for the framework to expand as new harms emerge. While doxxing may be covered by these provisions, neither definition expressly includes doxxing. In some circumstances, harmful doxxing could fall outside the harms expressly covered by the Digital Duty of Care.

Given the prevalence and potential seriousness of doxxing-related harm, Youthlaw believes that doxxing should be explicitly listed as a form of harm covered under the Digital Duty of Care. This would provide greater clarity to regulated entities and encourage the development of systems and processes specifically tailored to prevent and respond to such conduct.

¹ See, e.g., *Criminal Code Act 1995* (Cth) ss 474.17, 474.17C, 474.17D or 474.15; *Crimes Act 1958* (Vic) ss 20, 21 or 21A; or *Children, Youth and Families Act 2005* (Vic) s 534.

For example, social media companies would be required to take proactive measures such as:

1. Proactive detection of posts containing personal identifying information
2. Rapid review and removal pathways for doxxing content, particularly for children and young people
3. Enhanced moderation of community groups where doxxing commonly occurs
4. Safeguards to prevent the spread of identifying information, and
5. Reporting requirements regarding doxxing complaints and responses.

These measures are consistent with the proactive and preventative approach underpinning the proposed framework.

In summary, Youthlaw supports the Bill and recommends that the Digital Duty of Care expressly includes doxxing as a recognised online harm.

If you would like more information about the matters outlined in this submission, Youthlaw welcomes the opportunity to provide evidence at any upcoming hearings on the Bill.

Please contact our CEO Lee Carnie (they/them) at lee@youthlaw.org.au to discuss this submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lee Carnie' with a stylized flourish at the end.

Lee Carnie

CEO