

Submission on the exposure draft of The Online Safety Act Amendment (Digital Duty of Care) Bill 2026

22 September 2026

**TEACH US
* CONSENT**

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Introduction:

Teach Us Consent welcomes the opportunity to make a submission to the exposure draft of The Online Safety Act Amendment (Digital Duty of Care) Bill 2026.

Teach Us Consent supports the Digital Duty of Care Bill, and specifically acknowledges the introduction of:

- a digital duty of care,
- identifying content harmful to children, especially misogynistic content,
- user empowerment tools,
- additional powers to the eSafety Commissioner; and
- approved researcher and data access schemes.

We propose a primary recommendation to ensure that the empowerment tool for algorithmic recommendation seeks users' free and informed choice for their default feed and some additional recommendations for stronger accountability.

This submission is grounded in the context of the distinct and worsening trajectory of sexual violence in Australia, and an understanding that social media platform design has contributed to this.

Teach Us Consent recognises the value of a digital duty of care and especially the value of giving people meaningful choice over what they see online. However, we also recognise there is more work to be done to ensure platforms are safer for all people, especially young Australians.

Our organisation's submission is informed by our direct work with young people and children aged 13-25 through mass digital consent education, youth-focused research and our Youth Advisory Group(s). In addition to youth engagement, a robust evidence base, ongoing sector consultation, including with tech and social media companies, and Teach Us Consent's Expert Advisory Board contribute to our knowledge base immensely. Collectively, this shapes the policies we call for.

About Teach Us Consent:

Teach Us Consent Global Limited is a youth-led, registered Australian charity committed to pioneering consent education to foster healthy relationships and prevent normalised sexual violence, particularly among young people.

In 2025, Teach Us Consent launched the Fix Our Feeds campaign, calling on the Australian Government to require social media platforms to offer an opt-in model for algorithmic feeds, bringing the principle of affirmative and informed consent to people's online experiences. The campaign has drawn over 15,000 signatories to date and has attracted broad cross-sector support, including from public health experts, gender-based violence researchers, men and masculinities experts, prominent world leaders, and young people.

Teach Us Consent continues to advocate for legislative, policy and cultural change alongside mass digital education, with the goal of eradicating normalised sexual violence.

Support for the draft Bill:

The Digital Duty of Care Bill proposes a range of reforms that ultimately require tech platforms to ensure a safe online environment for Australians.

Teach Us Consent supports the broad intent of this Bill and especially welcomes:

- **The introduction of a digital duty of care.** An overarching duty of care is a necessary shift that puts the onus on platforms to be accountable for the spaces they create and for the safety of users on them.
- **The requirement for risk assessments.** Identifying and managing design features that may cause users harm, such as content recommender systems and endless scroll features, are important proactive measures aligned with a digital duty of care.
- **Identifying content harmful to children, especially misogynistic content.** Identifying misogynistic content as harmful for children is a positive step towards preventing gender-based violence and addressing the online manosphere, which is driving misogynistic radicalisation of boys and men for the purpose of profit. Teach Us Consent notes that platforms should also be accountable to protect First Nations people, people from culturally and linguistically diverse communities, and people with disability, as marginalised communities often bear the greatest harm online.
- **User empowerment tools.** These measures, if designed well, could allow Australians to have meaningful choice over the content they see online, achieving the objective of Teach Us Consent's Fix Our Feeds campaign. We emphasise the need for considered wording so that this tool requires platforms to seek users' choice for their default feed.
- **Additional powers to the eSafety Commissioner.** These new powers will make online spaces safer, especially for children, by enabling the eSafety Commissioner to get 'nudify' apps and websites taken down and to act faster on harmful material, including child cyberbullying content.
- **Approved researcher and data access schemes.** This measure will increase transparency by requiring online services to share data on whether they are effectively meeting their duty of care obligations.

Primary recommendation:

Teach Us Consent welcomes the Government's commitment on 8th September 2026 to give Australians choice over their social media algorithms. We understand that the user empowerment tools to enact this choice will be drafted separately and urge the Government to consult closely with Teach Us Consent on their design. Noting the drafting process ahead, we will outline policy considerations to ensure the tool is "opt-in", meaning that the platform must seek the user's affirmative consent, and outline additional recommendations for the digital duty of care.

1. User empowerment tool for algorithmic recommendation must seek users' free and informed choice

Research consistently demonstrates that recommendation algorithms actively amplify harmful content to young users, often within minutes of initial exposure. This includes self-harm, disordered eating, and sexually explicit content being recommended, as well as misogynistic and "manosphere" content with adverse effects on social media users generally, and on minors in particular.

Addressing this pattern is at the core of what Teach Us Consent's Fix Our Feeds campaign is seeking to change - an opt-in model that requires platforms to obtain active consent before accessing users' behavioural data to serve them algorithmically curated content.

With the user empowerment tool yet to be drafted, the time to get this detail right is now. The Government's 'My Feed, My Way' announcement on 8 September 2026 outlines that this tool will require social media platforms "to send a notification to new and existing users offering them a choice over their

default feed”.

We believe this is consistent with an affirmative consent approach because platforms must actively seek users’ consent to choose their default feed.

To ensure that we have a genuine choice model, the tool must be designed so that the user:

- is actively prompted, through a push notification or other proactive measure,
- is able to easily change their default feed preference at any time,
- has their preference saved when closing and re-opening the app,
- is able to use all app features without any disincentive; and
- is not prompted or encouraged to enter a recommendation feed if a following-driven feed is chosen.

With these components, it is possible to provide Australians with meaningful choice within the proposed user empowerment tool. User choice on a default feed is about how content is presented to the user, and it would look slightly different on each online platform.

For example, on Instagram and Facebook, choosing a following-driven feed means users would see content from the accounts and hashtags they follow rather than by algorithmic recommendation with hyper-personalised content from accounts they don’t follow. This is how Instagram and Facebook used to be.

On YouTube, users could still search for anything they want, and the order of the results may still be algorithmically determined (as there are safety and benefits to algorithms that we appreciate). However, if you had your recommendation algorithm off, when you finish watching a video, it would not automatically recommend and play the next video. The video would end, and you would have to actively search again. The ‘Home’ screen would open as the ‘subscription’ screen, and suggested videos when opening the website or app would be curated based on accounts the user subscribes to.

On TikTok, if a user chooses not to have their recommendation algorithm on, then the feed would automatically open and stay on the ‘following’ tab, and the ‘For You’ page would not be in the user interface.

On X and Threads, posts could be shown only by accounts that the user actively follows, as Twitter used to be.

On Snapchat, if the user had recommendation content turned off, then the ‘spotlight’ function would not be on the user interface.

Choosing a following-driven feed may be less popular on platforms often used to engage with content creators like YouTube and TikTok, however, it comes back to embedding affirmative consent so it’s the user’s choice what they see online.

To make the reform stronger, Teach Us Consent has been advocating for a full opt-in model, where the default feed is following-driven, and you have full control over whether you opt-in to a recommendation-driven feed.

Opt-in brings the same standard of consent to our online experiences that we expect in every other part of our lives: ask first. It makes it so the choice belongs to the individual from the very beginning.

Opt-in algorithms would fundamentally provide a safer entry point into social media for 16-year-olds, curbing the rates at which they are force-fed harmful content when they sign up for the first time. We don’t have to accept invasive, addictive design as the cost of being online.

The antithesis of this, an opt-out model, still means that Big Tech holds all the power and assumes the user's consent. It would allow recommendation algorithms to force-feed Australians content as the default and put the burden on the individual to go looking for the setting to turn it off.

We've seen opt-out legislation fall short in the European Union. Under the EU's Digital Services Act (DSA), very large online platforms and search engines, including LinkedIn, TikTok, Facebook, Instagram, X and YouTube, must give users an 'easy way' to opt-out of personalised, profiling-based recommendation-driven feeds, allowing them to switch to an alternative display method.

However, the DSA's approach does not address the underlying problem it is trying to solve. Because it operates as an opt-out rather than an opt-in model, personalised recommendation remains on by default, and the opt-out setting does not persist between sessions. This means that users must actively opt-out again every time they reopen the app, and the relevant controls are difficult to locate within the interface. Instead of providing people with genuine choice, key aspects of the platform, like direct messages, stories, and viewing your own profile, are disabled when users 'opt-out' of the recommendation-driven feed.

Limiting app features and reverting settings are forms of technological coercion and malicious compliance, which pressure users into having a recommendation-driven feed even if they tried to say no.

An opt-out model leaves too much room for platforms to technically comply while denying an individual free and meaningful choice and compromising the usability of the platform.

Teach Us Consent advocates for a strong opt-in model where the default feed is following-driven, and Australians have a genuine choice whether platforms can use their personal data to shape what they see online. If designed right, this measure will support users' affirmative and informed consent and restore choice, transparency, and safety to our digital lives.

Additional recommendations:

While Teach Us Consent supports the draft Bill, we have identified some areas for improvement to increase accountability. Public support in Australia for stronger accountability mechanisms is significant, and well ahead of what is currently proposed. Polling commissioned by [The Australia Institute](#) and conducted by YouGov in September 2026 found that 93% of Australians believe online platforms should be legally required to provide a safe online environment, 83% believe companies that facilitate illegal or dangerous content should be fined, and half believe executives of offending companies should face prison time in addition to a fine.

2. Establish a private right of action and make executives accountable

The effectiveness of the Digital Duty of Care will depend on its enforcement. Individual accountability for executives and a clear path to redress through an ombuds scheme are stronger mechanisms than a regulator alone imposing fines.

Recently in the US, we've seen how a private right of action can create systemic change in how platforms function and what they offer to users. In August 2026, 29 US states took Meta to trial over allegations that it intentionally designed Instagram and Facebook to be addictive. This resulted in a USD\$18 billion [settlement](#) and a commitment to address these features for under-18s. Infinite scroll, autoplay, recommendation systems, notifications and other addictive features aren't neutral. They are product decisions, and if these products continue to be designed in ways that harm users, the executives responsible for these products should be made liable.

Teach Us Consent calls for a private right of action, which would make executives accountable and give individuals harmed by a breach of the Digital Duty of Care a clear and direct path to redress.

3. Make penalties for non-compliance a percentage of a company's global revenue

Companies captured by this legislation that do not comply should be subject to stronger maximum penalties, as a percentage of the company's global revenue.

The Bill proposes that companies will face up to \$109 million in penalties for non-compliance. Tech companies have astronomically high profits and very large profit margins. Any loss in revenue due to product regulation will still result in a significantly profitable company and business model. For tech companies with revenue in the billions of dollars, this will be regarded as the cost of doing business. Instead of the fine being a set amount, it should be a percentage of the company's global revenue. The [EU](#) is considering fines up to 6% of a company's global revenue, [New Zealand](#) is proposing up to 10%, and Canada is proposing fines of up to 3%.

Conclusion:

Teach Us Consent supports the draft Bill as a first step in making tech platforms accountable for creating safe online environments for Australians. To ensure that 'My Feed, My Way' provides Australians with genuine choice about the content they see online, platforms must actively seek users' consent to choose their default feed, allow this to be changed at will, and not disincentivise the following-driven feed. To increase accountability, a private right of action should be established to make executives accountable and give individuals harmed by a breach of the Digital Duty of Care a path to redress, and penalties for non-compliance should be tied to a company's global revenue.

Australia is world-leading on online safety, and we were the first in the world to begin regulating the online sphere. Getting these reforms right would let that momentum continue and set a global standard.

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