



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

22 September 2026



**DEMOCRACY
COUNTS**

POWERED BY MCKINNON



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22nd September 2026

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Regional Development, Communications,
Sport and the Arts
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Dear Sir or Madam,

The Democracy Counts Campaign notes that the Australian Government has released an exposure draft of the Online Safety Amendment (Digital Duty of Care) Bill 2026.

We thank the Government for this opportunity to provide response to the exposure draft.

Please accept this document as a public submission.

Yours sincerely,

TOM MOONEY
Campaign Director
Democracy Counts



1. OVERVIEW OF THE DEMOCRACY COUNTS CAMPAIGN

Democracy Counts is a growing alliance of organisations, civic leaders and Australians who care about protecting Australia's democracy. It is powered by McKinnon, an independent, non-partisan, not-for-profit organisation.

McKinnon was established in 2015 by Dr Sophie Oh and Mr Grant Rule. Its mission is to empower better governments for a stronger Australia. McKinnon believes that real change is possible - but only if we take a long-term view in facilitating the development of political leadership, increasing public sector productivity, creating a thriving democracy, and accelerating policy innovation.

Democracy Counts is campaigning on common-sense, practical, reforms across six priority areas:

1. Civics education and media/digital literacy;
2. Increasing investment into public interest journalism;
3. Regulating social media;
4. Lobbying reform;
5. Electoral funding reform; and
6. Ensuring an impartial and independent public service.

Democracy Counts exists to support Australians and civil society organisations, practitioners, academics and policy makers already active in the democracy 'ecosystem' to achieve reform to renew Australia's democracy by:

- building and supporting an alliance of organisations and Australians who care about Australia's democracy;
- leading public debate and harnessing appetite for the rules around politics and media to be renewed to ensure Australians remain in charge of the decisions that affect them; and
- developing consensus around strategic and implementable policy reforms that will help address the challenges our democracy is facing.

In so doing, Democracy Counts presents policymakers with policy options that are evidence-based, strategic and implementable.

For further information, please visit <https://democracycounts.org.au/> regarding Democracy Counts and www.mckinnon.co regarding McKinnon.

2. EXECUTIVE SUMMARY AND RECOMMENDATIONS

A healthy democracy requires people to start with a shared set of facts, and to be aware of the different experiences and opinions of others. However, algorithms and digital platforms have the potential to lock users in 'echo chambers' and proliferate fake and misleading content, contributing to declining trust in our democracy and democratic institutions.

Better rules for digital platforms can create a better internet for everyone. Digital platforms should provide Australians with a good experience and basic standards to keep their platforms safe, backed by real penalties when they don't meet them.

Democracy Counts welcomes the exposure draft of the *Online Safety Amendment (Digital Duty of Care) Bill 2026 (Exposure Draft)* as an important step in creating better rules for digital platforms, in particular:

- in articulating a digital Duty of Care (s26)
- transparency requirements (ss192 C- J;192 M, N)



While Democracy Counts applauds efforts by the Government to regulate digital harms, particularly to children, we encourage a more explicit focus going forward on the broader impact of social media and digital platforms on all Australians, and related efforts to educate and equip Australians to navigate this modern information environment. The recommendations in this submission therefore have an explicit focus on the implications of digital platform regulation for democracy and democratic resilience.

Recommendations

1. In future, ensuring a digital duty of care explicitly addresses systemic harms that erode democratic trust and resilience, including threats to democratic integrity, such as scams and fake content.
2. That digital platform regulation is partnered with related efforts to educate and equip Australians to navigate this modern information environment and support their current and future civic participation.

3. BACKGROUND AND RESEARCH

Social Media and Democracy

McKinnon's *The State of Australian Democracy* report

McKinnon's [*The State of Australian Democracy*](#) report was released in March 2026 and aims to understand how Australians think about the threats and opportunities for Australian democracy. Drawn from a nationally representative survey of 4057 participants, the research presented in the report:

- examined public perceptions of democracy in Australia, including democratic institutions, systems, actors, and norms; and
- covered a number of topics that may be of interest to this inquiry, including in relation to social media.

A key finding from the report was that only 13% of Australians think people should be able to say and share whatever they want online, with no limitations.

Our research also found that:

- 67% of Australians support the government establishing an agency that has the power to track and remove disinformation campaigns, including foreign interference, from social media platforms (only 12% oppose).
- 64% of Australians support imposing a tax on large social media companies to fund public interest journalism and re-establish local news media (only 10% oppose).

McKinnon has undertaken further research to understand Australians' concerns about the impacts of social media and public attitudes to policy responses and can provide a briefing to the Department upon request.

Related Inquiries

In July 2026, Democracy Counts made a public submission to the review of the *Online Safety Amendment (Strengthening Social Media Minimum) Age Bill 2026*, including recommendations that a long-term, decade long policy vision is needed to safeguard from future digital threats. In September 2026, Democracy Counts made a public submission to the *Joint Select Committee on Artificial Intelligence*, recommending an explicit focus on the implications of AI for Australia's democracy and democratic institutions.



Digital Duty of Care and Transparency

Democracy Counts supports the Government's efforts to articulate a Digital Duty of Care, as well as the Exposure Draft's focus on transparency and the inclusion of a transparency reporting regime and access scheme for approved researchers, (Section 192 C- J, and 192 M & N).

In 2024, the McKinnon and Reset Australia report [Achieving digital platform public transparency in Australia](#) reviewed the public transparency frameworks under the EU's Digital Services Act (DSA) and the UK's Online Safety Act. The report highlighted the importance of annual transparency reports for digital regulation 'that include clear prescriptions around information that must be shared to create meaningful transparency' (p. 20) and metrics for misinformation and disinformation transparency reports to help the public, civil society, and policymakers understand platform safety performance and hold platforms to account.

The report also pointed to the importance of researcher access schemes comparable in scope to EU schemes. The report noted that transparency is a critical part of any regulatory framework that is required to protect Australians from a broad range of digital harms, alongside regulation to make platforms responsible for user safety through a duty of care and empowering regulators to effectively enforce safety online.

We encourage the Government to retain these provisions and ensure the framework supports meaningful independent scrutiny of how platform systems operate in practice, as well as ensure that transparency, researcher-access, and risk-assessment arrangements include advertising, recommender systems, political communication or other socially consequential platform systems to ensure known risks to democracy can be assessed.

Digital Platforms - threats to democracy

Democracy Counts supports section 22 of the Exposure Draft in its coverage of the most serious online harms, particularly to children. Democracy Counts encourages consideration of known democratic threats that are not articulated in the current draft, including threats to democratic integrity including scams, fake content and foreign interference.

Former Australian Electoral Commissioner Tom Rogers AO, in advocating for [whole-of-nation digital resilience](#), has noted that:

Deepfakes matter, but so do half-truths and false claims about election processes that already populate social media feeds. Citizens without tools to handle that terrain are exposed to every form of digital manipulation.

A future focus of the Digital Duty of Care should explore user empowerment tools that give Australians more control over misleading content which present a significant risk to the integrity of Australia's democracy and public trust in democratic institutions. Bad actors using digital platforms for scams or to produce fake content on digital platforms can erode trust in democratic processes, particularly when using impersonations of political figures. For example, this year the National Anti-Scam Centre's Scamwatch reported that Australians [lost \\$7.4m to impersonated public figures](#), with Australia's Prime Minister Albanese at the top of that list. Deep fakes of Australian politicians [are being used by foreign actors](#) to target the Australian public. The *Ad Observatory's 2025 Australian Election Advertising on Social Media: An Australian Ad Observatory Report* also found a number of scams that leveraged political parties' election commitments or impersonation of political figures (deepfakes) to seek funding from social media users (p.7).

Democracy Counts encourages the government to consider known threats to our democracy that proliferate online. Evidence presented to the [Senate Select Committee on Foreign Interference through Social Media](#), for



instance, highlighted the growing role played by coordinated online communities in Australia in influencing political narratives.

In 2024, McKinnon commissioned the report [Truth in Political Advertising Laws Operation and Effectiveness](#) which included the recommendations that:

- Truth in Political Advertising laws should apply broadly to political advertising in all forms, including social media;
- Truth in Political Advertising laws should be clearly expressed to apply to both traditional and online media, and be extended to generative AI; and
- other regulatory measures should be taken to more broadly combat disinformation in elections, such as bans on deceptive deepfakes and transparency measures for generative AI and deepfakes.

Ahead of the 2025 election, McKinnon partnered with the ARC Centre of Excellence for Automated Decision-making on the Australian Ad Observatory, a research project using methods developed and supported by the Australian Internet Observatory to independently observe the political advertising Australians encountered on social media. The collaboration demonstrates the potential of an Australian platform observability ecosystem: national research infrastructure providing independent tools and capability, researchers applying them to public-interest questions, and civil-society partners helping identify and investigate issues of community and democratic concern. The [2025 Australian Election Advertising on Social Media: An Australian Ad Observatory Report](#) noted that 'while de-contextualised and misleading information has long been a staple of political advertising, the online environment is particularly conducive to it, because of the short-form, high turnover, and ephemeral character of social media content' (p. 7).

More transparency around these democratic risks, and better access to this information for researchers, is critical for a safe online environment.

Media and Digital Literacy

Democracy Counts recommends that implementation of the Digital Duty of Care be complemented by sustained and increased investment in media and digital literacy. Section 166B(1)(f), provides the eSafety Commissioner with a function to support, encourage, conduct, accredit and evaluate educational and community awareness programs relevant to online safety. Stronger obligations on digital platforms are an important part of creating a safer online environment, but they must be accompanied by efforts to equip Australians with the skills to navigate that environment critically and safely. As [Squiz Media founder and managing director Claire Kimball explains](#), online safety regulation is the “fence around the swimming pool”, but media and digital literacy are the “swimming lessons.”

There is an increasing need for digital and media literacy as Australia’s digital information environment becomes more complex. The 2026 [News and Young Australians](#) research found that most young Australians are not confident they can identify misinformation online, and social media is now where the majority of Australians get their news. While the Digital Duty of Care can strengthen the responsibility of platforms to identify, prevent and mitigate harmful content and conduct, media and digital literacy can help users stay protected and critically assess and identify trusted sources.

Prioritising media and digital literacy in the Australian Curriculum is a core recommendation of the Joint Standing Committee on Electoral Matters, and a key focus of the National Media Literacy Strategy. Democracy Counts recommends the government explore opportunities to work with organisations already developing practical media-literacy tools.

Democracy Counts has [supported Squiz Media/SquizKids in rolling out the Newshounds program](#) ‘Stop, Think and Check’ to all primary schools in South Australia, as part of a four-year partnership with the South Australian government. Practical media literacy programs designed to help children identify misinformation



and better understand how news is created and shared is vitally important to Australia's future democratic health. While a strong Digital Duty of Care can take a step in the direction of creating a safer online environment, education is critical in ensuring citizens can not only identify mis- and disinformation, but that they have a working appreciation for bias, balance, and accuracy in reporting.