



Telecommunications
Industry
Ombudsman

Digital Duty of Care Exposure Draft

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

Introduction

The Telecommunications Industry Ombudsman (TIO) is pleased to offer our support for this exposure draft of the digital duty of care, a long-awaited reform and key recommendation from the Statutory Review of the *Online Safety Act*, and to share recommendations to strengthen the effectiveness of this important reform.

The TIO is a free, fair and independent external dispute resolution (EDR) service for people, small businesses and not-for-profits who have been unable to resolve their complaint with a phone or internet service provider. We receive a growing volume of requests from people with digital platforms problems who are unable to get the help they need.

An important step forward to strengthen online safety in Australia

We support an online safety framework that requires digital services to undertake risk assessments, mitigate foreseeable harms, and keep people safe in a rapidly evolving technological landscape.

We welcome the inclusion of dispute resolution in the draft legislation, the first step to creating clear standards for a growing consumer problem. While the language in the draft legislation allows for the future establishment of robust dispute resolution standards, we strongly recommend clearer obligations and standards in the legislation now, including participation in an EDR scheme. This popular and practical measure will allow Australian adults and families to engage with the digital duty of care and resolve challenges in its implementation, while reducing the regulatory burden on the eSafety Commissioner. This proposal is supported by a wide range of consumer and online safety groups, academics, think tanks, and industry experts.

We applaud the Australian government for ensuring the whole communications sector is held to a similar standard for online safety in the digital duty of care, including telecommunications and digital services. We caution against inconsistent implementation of consumer safeguards between sectors, which risks creating frustration and confusion for consumers.

Recommendations

1. Require designated platforms to participate in an external dispute resolution scheme, and
2. Set clear minimum standards for dispute resolution and name sectors for participation.

Consumers need access to dispute resolution for digital services

We welcome proposed section 26F, which is the first inclusion of dispute resolution in the *Online Safety Act*. Alongside regulators, consumer groups, academics and Parliamentarians, the TIO has been calling for dispute resolution for digital platform users, who currently have no avenue to resolve complaints when the platforms are unresponsive or unable to assist users to their satisfaction.



Since January 2023, the TIO has received over 2,500 requests for help from digital platform users, which we are unable to provide. These complaints include people who have been locked out of email, cloud storage and social media accounts for allegedly breaching community standards, without clear explanations or avenues for resolution.

Case study: Lisa's social media account was flagged for breaching community standards

After Lisa's social media account was hacked, the page was suspended for an unspecified community guidelines breach. Her appeal was rejected and the account was permanently deleted. The account contained years of family photographs and was her primary way of keeping in touch with relatives interstate.

Lisa was directed to automated support channels that did not address her circumstances and could not escalate to a human. Unable to resolve the problem and feeling isolated from her support networks, she contacted the TIO for help.

Case study: Accidental social media ban lockdown

Jamila had a social media account linked to her child's account. Following the introduction of the social media age restrictions, her child's account was locked and Jamila was inadvertently locked out of her own account as well. She attempted to contact the platform but received no response. Unable to regain access to her account, she contacted the TIO for help.

**Names of all parties changed for privacy reasons.*

People who contact us describe exhausting online forms, chatbots and email channels, receiving automated or generic responses without clear explanations or processes, and being unable to escalate to human support. In the absence of formal avenues to escalate their complaint, consumers describe contacting anyone they think might be able to help them, including the Communications Minister, their federal and state politicians, the Australian Competition and Consumer Commission (ACCC), the Australian Small Business and Family Enterprise Ombudsman (ASBFEO), and are left fatigued and without resolution.

This clearly ineffective approach shows the need for much stronger dispute resolution options for digital platform users.

The digital duty of care should set minimum standards for dispute resolution

The draft legislation empowers the eSafety Commissioner to require participation and other essential features and does not preclude stronger standards in the future. However, we are concerned that the language of the exposure draft does not set minimum standards for dispute resolution beyond being "available equally to all Australians". A bad faith interpretation of this requirement could establish a process that is "equally" onerous to access.

We recommend specifying clear minimum standards, including external dispute resolution, and participation for key digital service types now.

These dispute resolution standards should explicitly ensure processes are:

- Free to use and easy to find,
- Accessible without requiring an account or to be logged in to the service,
- Accessible to people with disability, experiencing vulnerability, and people with limited digital literacy,
- Clear about what the process entails and what evidence is needed,
- Clear about reasons for decisions and resolution timeframes,
- Able to escalate to a human representative when automated pathways have been unsatisfactory, or the matter is urgent or complex, and
- Includes escalation to an external dispute resolution pathway when the two parties are unable to resolve the matter.

Minimum standards for dispute resolution should bring digital services closer to consumer expectations of complaint handling in Australia, and into line with other regulated sectors.

Require participation in an independent external dispute resolution scheme in the digital duty of care

An EDR scheme is a practical avenue for consumers to access redress, including restoring account access, ensuring a user's choices about their algorithms are implemented, reversing an incorrect charge, reconsidering a decision, requiring an explanation or directing appropriate compensation. These measures would also benefit families incorrectly impacted by the social media minimum age, who have had no avenue to access help except through the media or the Communication Minister's office.

The need for an EDR scheme for digital platforms has been recognised repeatedly. A key recommendation of the Statutory Review of the *Online Safety Act* called for an ombuds scheme for digital services, in line with the ACCC's Digital Platforms Services Inquiry.¹

This proposal has widespread support. The ACCC found 82% of Australians agree there should be a specialised independent EDR body for users of digital platform services.² Independent research from the Consumer Policy Research Centre reinforced the popularity of this measure.³ Consumer groups including ACCAN,⁴ CHOICE,⁵ and Digital Rights Watch⁶ have called for an EDR scheme for digital platforms users. The Tech Policy Design Institute⁷ and DIGI⁸ have each recognised the benefits of an ombudsman for digital platforms.

¹ Rickard, D (2024) [Report of the Statutory Review of the Online Safety Act 2021](#), p.15

² ACCC (2025) [Digital platform services inquiry. Final report](#), p.69

³ CPRC (2026) [Someone To Turn To](#), p.6

⁴ ACCAN (2025) [Growing digital platforms issues necessitate communications ombudsman](#)

⁵ CHOICE (2025) [Why your complaints about Meta and Google aren't being resolved](#)

⁶ Digital Rights Watch (2026) [Digital Duty of Care Submission Guide](#)

⁷ Tech Policy Design Institute (2026) [Digital Duty of Care Policy Spotlight](#), p.6

⁸ Sharples, S (2026) [The staggering cost of social media account lockouts revealed | news.com.au](#)

Problems with digital platforms are impacting people from all walks of life, including public figures whose likenesses are used to sell fraudulent financial advice using deepfakes. The scale of this problem has led to other proposals such as calls for a private right of action, which we support.

An ombuds scheme is a key consumer protection that delivers fair and reasonable outcomes for consumers and drives industry improvement through systemic issues identification. The bill should be amended to provide for the designation of a recognised EDR scheme.

The draft legislation should specify sector participation in dispute resolution

The language of the exposure draft authorises the eSafety Commissioner to designate digital services to provide dispute resolution. We understand this is currently only intended to cover social media services.

We receive requests for help with a wide range of digital platforms that intersect with the digital duty of care, including email, cloud and search engine services. Creating piecemeal dispute resolution standards for digital platforms risks creating further confusion for already frustrated consumers. We recommend the draft legislation be amended to name services that should provide dispute resolution services, retaining a later instrument to include or remove service types as appropriate.

These recommendations align with international best practice for online safety

The European Union's Digital Services Act (DSA) establishes clear obligations on platforms to provide free and accessible internal complaints processes, requiring they are handled in a "timely, non-discriminatory, diligent and non-arbitrary manner".⁹ The DSA enables complaint escalation to out-of-court settlement bodies, which provide independent review of platform decisions, noting that these are non-binding. Setting clear minimum standards for internal dispute resolution would align with existing international practices.

Establishing an ombuds scheme to handle digital platform complaints would improve on the EU's approach by aligning dispute resolution with Australian industry ombuds schemes, including binding decisions and participation, and enforcement by regulators.

An ombuds scheme reduces burden on regulators

We support strengthening the eSafety Commissioner's powers to investigate, enforce compliance, and strengthen reporting standards. Regulatory enforcement is essential, but it serves a different purpose to dispute resolution and often offers no individual consumer redress. Short of grievous online harms to children and adults that the Commissioner continues to handle, an independent EDR scheme is the most direct avenue consumers have to access redress and hold platforms to account when they fail to meet their obligations.

⁹ EU Digital Services Act [Article 20, Internal complaint-handling system](#)

We support the proposed transparency requirements, including publication of complaint data. As we have seen with the social media minimum age, the platforms can be obstructive in meeting their obligations. An EDR scheme provides a valuable feedback loop for regulators and government to understand how the legislation is directly impacting people.

Obligations under the digital duty of care should be consistent across sectors

We support the government's recognition that consumer protections must span the full communications sector, demonstrated by the inclusion of telecommunications services in the *Online Safety Act*, and in the erasure right in forthcoming privacy reforms.

People experience communications as an interconnected ecosystem, and inconsistencies in consumer safeguards make it harder to understand when help is available, and how to access it. Consumer protections should be implemented consistently, including the application of obligations under the digital duty of care to telcos.

Ensuring the digital duty of care offers real outcomes for people

The digital duty of care is a powerful step to move online safety regulation from reactive content removal towards sector accountability and safety by design. The effectiveness of this landmark reform depends on whether it actually keeps people safer online.

An independent ombuds scheme sits at a critical intersection with industry, consumers and government to provide practical support, uplift compliance, and report on complaints. This practical and popular measure benefits Australians, and would allow the government to implement coherent and effective standards to strengthen online safety in line with the Statutory Review of the *Online Safety Act*, and in line with consumer expectations.

We welcome further conversations with the Department, the eSafety Commissioner, industry and the government to strengthen this important online safety reform, and assist in its effective implementation.