29 October 2026

The Hon Anthony Albanese MP
Prime Minister

The Hon Anika Wells MP
Minister for Communications

Dear Prime Minister and Minister,

Re: Digital Duty of Care

We are writing to express serious concern about the Online Safety Amendment (Digital Duty of Care) Bill 2026.

We support appropriate action to protect Australians, particularly children, from seriously harmful online material. However, the Bill as presently drafted is much broader than necessary to achieve the goal of protection from genuine serious harm. It will have significant adverse consequences for freedom of religion and freedom of expression.

We urge the Government to withdraw this Bill and return with a more sharply focussed Bill which:

- targets only material which is both widely agreed to be seriously harmful and is very tightly defined,
- in all places requires that any duty and any action to reduce online harm must be balanced against the right to freedom of expression (including freedom of religious expression) and lead to no greater restriction than is necessary on that freedom of expression
- provides transparent notice to content creators/posters as to when content has been restricted and why; and
- provides an effective and speedy legal right of review of decisions to restrict content.

We acknowledge and welcome a number of improvements made since the Exposure Draft, including the removal of the Ministerial power to add new categories of harmful material and the narrowing of the provision concerning criminal offences. However, there remain significant problems with the bill, leading us to call for its complete redrafting.

In particular, we are concerned that:

- **The Bill creates strong incentives for private technology companies to over-censor lawful religious speech.** Online service providers will be required to identify and mitigate risks of harm, backed by very substantial penalties. Where the boundaries of "harm" are uncertain, providers will have a strong commercial incentive to err on the side of removing or restricting content. Religious teaching is particularly vulnerable because it often addresses contested questions of morality, sexuality, gender, marriage, family and religious truth. Lawful teaching should not be suppressed simply because it is controversial or because some people characterise it as harmful.
- **Some of the categories of harmful material remain broad and uncertain.** The Bill moves beyond clearly unlawful or physically harmful conduct and includes various concepts based on non-physical harm, perceived impact and other context-dependent assessments. These tests can be difficult to apply consistently and may depend heavily on how particular ideas or communications are interpreted. At scale, those judgments are likely to be made by automated moderation systems and commercial providers rather than courts, increasing the risk that lawful religious expression will be caught unnecessarily.
- **Religious speech has been omitted from the Bill's express protections for excluded material.** Section 25F specifically protects categories including professional news, scientific, medical, academic and historical research, and certain literary, artistic and educational material. Religious teaching and discussion are not expressly included. We are concerned that lawful preaching, worship, religious education and discussion of religious doctrine should receive no less certain protection than other forms of lawful expression.
- **The Bill does not require providers to take freedom of religion or freedom of expression into account when deciding what action is "appropriate".** The statutory factors in section 26A are directed toward reducing harm and exposure to harmful material. There is no equivalent requirement to consider the impact of a proposed measure on lawful religious expression, and the Bill expressly provides that cost is not to be taken into account. The statutory incentives therefore operate overwhelmingly in favour of restriction, with no equivalent safeguard against unnecessary censorship.
- **The Bill may apply directly to churches, religious schools, charities and other faith-based organisations that operate websites and online services.** These organisations may themselves be required to conduct annual risk assessments, identify content said to give rise to risks, retain records and take measures to mitigate those risks. For many small religious and community

organisations, these requirements would be practically unworkable. Their websites are often maintained by a single volunteer, intern or part-time staff member, rather than the dedicated legal, compliance and technical teams available to major technology companies. Requiring them to undertake formal risk assessments and ongoing compliance measures designed for major technology platforms would impose a significant and potentially prohibitive burden. We are particularly concerned that a church, school or ministry could be required to assess its own lawful religious teaching as a regulatory risk.

- **There are inadequate safeguards when lawful content is wrongly restricted.** The Bill does not provide a clear statutory right for a content creator to be notified that material has been removed or restricted, to be told why, or to obtain an independent review of that decision. This raises the real possibility that sermons, teaching materials or other lawful religious content could be removed, age-restricted, de-ranked or otherwise suppressed without an effective remedy.
- **The Bill gives the eSafety Commissioner extensive practical influence over how online speech is moderated.** The Commissioner will be able to issue guidance, inspect the algorithms and systems used to restrict or moderate content, require transparency reporting and exercise substantial compliance and enforcement powers. Given the breadth and sensitivity of the subject matter, these powers should be accompanied by clear statutory safeguards for freedom of religion and expression.

We ask the Government to withdraw the Bill and offer a new Bill which deals with our objections and provides explicit and effective protection for lawful religious expression, requires decision-makers and providers to have regard to freedom of religion and expression, ensures that the least restrictive reasonably effective measures are used, and excludes or substantially simplifies the obligations applying to genuinely low-risk religious and community websites.

A more detailed analysis of these concerns, including the relevant provisions and proposed amendments, is set out in the submission of the Anglican Church Diocese of Sydney to the Senate Environment and Communications Legislation Committee.

Yours sincerely,

Rev Mark Wilson
National Ministries Director
Australian Baptist Ministries

Dr Brendan Pratt
President
Seventh Day Adventist Church, Australia

Rt Rev Dr Michael Stead
Bishop of South Sydney
Anglican Church Diocese of Sydney

Rev Dr Stuart Bonnington
Moderator General
Presbyterian Church of Australia

Roger Burgess
National Director
Fellowship of Independent Evangelical Churches

Paul McCarthy
President
Foursquare Australia

Gary Hourigan
National Director
International Network of Churches

Rev Zach Dotson
Church and Nation Committee
Presbyterian Church of Eastern Australia

Ps Justine Simms
National Leader
Full Gospel Australia

Lucinda Dooley
Global Senior Pastor
Hillsong Church