21 September 2026
Via email: digitaldutyofcare@communications.gov.au

Exposure Draft - Online Safety Amendment (Digital Duty of Care) Bill 2026

Voluntary Assisted Dying Australia and New Zealand (VADANZ) is the peak body for voluntary assisted dying (VAD) health professionals practising across the trans-Tasman. VAD has been legalised in all Australian states and territories, as well as New Zealand. We represent the doctors, nurses, pharmacists and allied health professionals who provide VAD care for dying people.

We write to express our concern that amendments to the *Online Safety Act (2021)* (Cth) have the potential to impede the delivery of safe, high-quality and accessible VAD care in Australia.

The bill imposes a duty of care on online service providers to ensure there is a 'safe online environment'. As clinicians, we applaud this intention. However, we have three key concerns regarding the bill.

First, we are concerned that the **definition of an online service** (Schedule 2, s25A(1)) is so broad as to reach beyond social media platforms and cover any aspect of the internet e.g. internet service providers, search engines, web hosting services etc. Virtual care and the use of online platforms is an integral part of contemporary health care and the delivery of health services. The definition of an online service must be clear that the bill does not apply to legally available health services.

Second, we are concerned that the bill's definition of 'seriously harmful material and conduct' includes that which encourages, promotes, incites or instructs individuals to **consider suicide** or take their own life (Schedule 2, s25C(1)(g).

Since the Federal Court's interpretation of the word 'suicide' in the case of *Carr v Attorney General* to include VAD, there is a risk that this wording will encompass the delivery of legal VAD care. The implications of this could well be an exodus of VAD material from internet services, which would severely inhibit education and public information about VAD and restrict VAD access and services.

While there is a risk arising from the interpretation of the term suicide, there is an even higher risk that a lawful and compassionate form of medical treatment, namely VAD, will be covered by the words: "take their own life".

Third, we are concerned that the word 'consider' (Schedule 2, s25C(1)(g)) is vague and could encompass grief and bereavement resources for those affected by death by suicide, suicide prevention care and even helplines like Lifeline.

The information at risk includes:

- State and territory health department webpages about VAD services

- Advance care planning and end-of-life resources and support services
- Suicide prevention activities, as well as grief and bereavement resources for people affected by deaths by suicide.

Limiting health information restricts a person's opportunity to learn about VAD as an option, and to make informed decisions about their care at the end of life. We expect this is an unintentional consequence and urge that the relevant subsection is reworded to more tightly define the 'seriously harmful material and conduct' it intends to capture.

The erroneous and harmful conflation of VAD and suicide in federal law is already deeply problematic for VAD clinicians, who face prosecution and fines under the Commonwealth Criminal Code if parts of the VAD process are provided by a carriage service (e.g. any electronic communication including telephone, video conference, email and e-scripts) – even if AHPRA and Boards of Australia guidelines and Codes of Conduct have been followed. We hope this undesirable environment is promptly resolved, and at the very least is not exacerbated by this amendment bill.

VADANZ urges;

- that the definition of an online service in (Schedule 2, s25A(1)) be amended to make it clear that it does not apply to legally available health services
- that the wording of the aforementioned s25C(1)(g)(i) is changed, or an explicit exception inserted, to ensure that VAD information and services are not targeted by this bill.

We are grateful for your consideration of our submission. We would be delighted to speak further with the department regarding this important issue. Please do not hesitate to contact us with further questions at admin@vadanz.org.au

Kind regards





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