



Updated Policy Position Paper

This updated Policy Position Paper is for consideration and input by the community prior to the 2025 Australian Internet Governance Forum. It incorporates input from the August consultation. Find out more about the event, this paper and how feedback was included at <https://auiGF.au/>

DEVELOPING A SOCIAL CONTRACT FOR DIGITAL WELLBEING IN AUSTRALIA

Introduction

1. The widespread expansion of the Internet and adoption of digital technologies has fostered innovation, social and economic development and revolutionised the way we live. They have brought convenience to everyday tasks like shopping or paying bills and transformed how we work, learn and stay connected to loved ones. They have supported new ways to create and be entertained and linked Australian businesses and consumers with markets across the world.
2. This rapid transformation has also led to significant new public policy problems and challenges to our individual and collective wellbeing. Issues such as cybersecurity threats, the use of personal data for profit, frequent data breaches, the proliferation of harmful online content, mis/disinformation, and polarising algorithmic echo chambers can cause real harm to individuals and society more broadly.
3. In addition to personal and societal harms, our reliance on digital technologies also has major environmental implications. From extracting the raw materials used in devices to powering and cooling data centres, our

insatiable appetite for connection is driving increased energy consumption, which will only be exacerbated by the increased deployment of generative AI.

4. To ensure technology improves our quality of life, we must strike the right balance between fostering innovation and protecting the public interest. With responsible corporate practices, informed and empowered citizens, and considered digital policies and regulation, technology can continue to develop in a way that promotes environmental sustainability, social harmony, cultural understanding and economic resilience.

5. This paper is designed to generate community discussion and test the following hypotheses:

H1: a Social Contract for Digital Wellbeing would help to cultivate a digital future in which technology serves humanity, rather than the other way around.

H2: a representative group with relevant expertise from the auIGF community should develop an overarching, principles-based Social Contract for Digital Wellbeing in Australia to be presented at the 2026 auIGF.

What do we mean by a Social Contract for Digital Wellbeing?

6. A Social Contract for Digital Wellbeing builds on the philosophical concept of the social contract, or implicit agreement between citizens and the state (or a society and its rulers), regarding the rights and responsibilities of each. Digital wellbeing is not a homogenous or clearly defined concept. It could mean different things to different people, or at different times and different places.
7. For this purpose, a Social Contract for Digital Wellbeing would include not just citizens and governments, but also tech companies and the providers of digital products, services and infrastructure. It would articulate principles as well as rights and obligations that should be upheld so that humans, communities and the natural environment can flourish in the digital world.
8. A Social Contract for Digital Wellbeing could be much more than simply a statement of intent; it could become a powerful tool for guiding advocacy and driving change. It is within our power to shape the future of technology. We do not have to be passive recipients of developments in technology and, across the borderless digital domain, governments should still have the ability to uphold sovereign laws.

What problem does this address?

9. There are many areas in which the policies, practices and corporate behaviours that define our digital landscape could be improved. For example:

- a. A lack of transparency around the collection and use of personal data, including opaque terms of use for products and services, as well as increased tendency towards collection of personal information by default (e.g. retailers requesting date of birth for simple purchases).
- b. Design choices that prioritise polarising content and monetisation of misinformation have the potential to cause harm, including undermining public health or democratic processes.
- c. A lack of transparency around algorithms.
- d. Potential conflicts of competing interests between rights and the development of new technologies (e.g. generative AI and intellectual property).
- e. The entrenched market power of big tech companies has potential to stifle innovation and make it more difficult for Australian companies to compete.
- f. A fragmented domestic digital policy landscape, with different government departments responsible for different elements, with some issues demanding the involvement of multiple departments.
- g. A proliferation of new regulatory initiatives and lack of coordination between departments. This risks regulatory overlap, conflict and increased compliance burden, which may be further complicated by states and territories establishing their own laws.
- h. There may be gaps in our existing regulatory framework in relation to rights' protection:
 - i. In recent years, new laws have introduced powers that can be exercised with lower barriers, such as ministerial authority or administrative directives rather than judicial oversight.
 - ii. While enacted with good intentions to address real harms, these laws present potential risks, including to businesses and civil liberties.
- i. We may need stronger protections for individuals or stronger penalties for businesses.
 - i. Does more need to be done to incentivise businesses or do we need a bigger stick? Are the disincentives for businesses for misuse and mishandling of customer data adequate? Should there be material consequences for wilful or negligent breaches?
 - 1. Material consequences apply in many other circumstances: companies that fail to properly manage their finances are put under administration; directors who become bankrupt are ineligible to sit on boards; doctors who lose their medical

licence or lawyers who lose their practising certificate are ineligible to practise etc.

- j. We may need new mechanisms to address the concentration of big tech market power and encourage competition and Australian innovation.

What outcomes are sought?

- 10. The aim of establishing a Social Contract for Digital Wellbeing would be to promote a balanced and sustainable relationship between technology and society that supports positive outcomes for individuals, communities, businesses and government such as:
 - a. Users are better informed and empowered to engage critically and more purposefully with technology. They are also better equipped to protect themselves from harm.
 - b. Greater user control over digital experiences and the ability to make informed choices about technologies, products and services – and the use of personal data.
 - c. A safer and more inclusive online environment with effective safeguards from harm and fundamental rights upheld.
 - d. Increased social cohesion and increased trust in public institutions.
 - e. Increased consumer trust through transparent and ethical design of products, services and policies (e.g terms of use).
 - f. Socially responsible and environmentally sustainable digital innovation.
 - g. A diverse digital marketplace that fosters competition and consumer choice.
 - h. A predictable and more cohesive policy and regulatory environment that:
 - i. is informed by expert advice and collaboration with all relevant stakeholders
 - ii. provides business certainty and confidence to invest.
 - iii. ensures Australia is competitive in the global digital economy.

What are the consequences of inaction?

- 11. The consequences of inaction could include:
 - a. Threats to sovereignty, democracy, social cohesion, community, environment
 - b. Continued lack of competition

- c. Stifled Australian innovation
- d. Regulatory disharmony

What should be in it?

12. A Social Contract for Digital Wellbeing is about moving beyond individual responsibility, corporate self-regulation or government control to a collective commitment to build a digital future that serves the best interests of Australians. It would articulate:
 - a. **Principles**, such as:
 - i. technology should serve people, not the other way around
 - ii. legislation should be technology neutral
 - iii. public interest is prioritised over private commercial interests
 - iv. checks against technological or government overreach
 - v. just because you can do something doesn't mean you should
 - vi. just because it's not illegal doesn't mean you should do it
 - vii. etc
 - b. **Rights** for individuals, such as privacy, informed consent, and protection from harm.
 - c. **Responsibilities** of technology developers and providers of the products, services and infrastructure we use in the digital world, including accountability, transparency and ethical design.
 - d. **Responsibilities** of governments to establish clear legal frameworks to protect individual rights, promote competition and hold corporations accountable for their impact on society (using existing laws or creating new ones through best practice regulatory design).

What happens next?

13. The role of the auIGF is to help prompt national dialogue that could lay the groundwork for change. The scale and complexity of developing a Social Contract for Digital Wellbeing mean it cannot be achieved quickly or by the auIGF organisers alone. If it is developed with relevant expertise and broad community support, it could become a trusted reference point to support advocacy and influence outcomes.

14. If there is consensus to further pursue this concept, the auIGF Secretariat will call for volunteers to establish a balanced and multi-stakeholder drafting group with relevant experience and expertise to help carry this work forward. This would be done through targeted consultation with a range of experts and stakeholder groups as well as broad public consultation.
 - a. **NOTE:** this paper has not attempted to address issues such as how a digital social contract would be implemented, how collective commitment from stakeholders would be achieved or how the perspectives of First Peoples would be included. These and other issues would need to be explored as part of comprehensive community engagement.
15. The 2026 auIGF provides a target for presentation of a draft and a check point for community discussion and assessment of progress.

Where can we draw inspiration?

16. The following organisations, initiatives and laws may provide insights and ideas to draw on:
 - a. Brazil Marco Civil da Internet 2014 – sets out rights of internet users, government obligations and the obligations and liabilities of companies. Both infrastructure/connection providers and application providers included:
<https://www.cgi.br/pagina/marco-civil-law-of-the-internet-in-brazil/180>
 - b. European Commission Digital Principles:
<https://digital-strategy.ec.europa.eu/en/policies/digital-principles>
 - c. Digital Rights Watch: <https://digitalrightswatch.org.au/about/>
 - d. Tech Policy Design Institute: <https://techpolicy.au/about-us>
 - e. Danish government proposal to extend copyright to personal image and voice:
<https://lsj.com.au/articles/denmark-proposes-copyright-laws-to-protect-against-deepfakes/>
 - f. Taiwan Judicial Reform Foundation Digital Bill of Rights:
<https://www.jrf.org.tw/articles/2788>
 - g. Canadian government guidance on biometric protection:
https://www.priv.gc.ca/en/opc-news/news-and-announcements/2025/nr-c_250811/
 - h. California's Consumer Protection Privacy Act:
<https://oag.ca.gov/privacy/ccpa>

- i. Australian Digital Inclusion Alliance National Approach:
<https://www.digitalinclusion.org.au/position-paper-a-national-approach-to-digital-inclusion>
- j. European Blockchain Services Infrastructure cross border pilot:
<https://hub.ebsi.eu/get-started/start>
- k. Wikimedia Foundation's [policy perspectives](#)