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Department of Infrastructure, Transport,
Regional Development, Communications,
Sports and the Arts
GPO Box 594
Canberra ACT 2601
digitaldutyofcare@communications.gov.au

FARE SUBMISSION TO DRAFT *ONLINE SAFETY AMENDMENT (DIGITAL DUTY OF CARE) BILL 2026*

The Foundation for Alcohol Research and Education (FARE) welcomes the Australian Government's proposed introduction of a Digital Duty of Care and supports the move towards greater accountability for online platforms for harms arising from the design and operation of their platforms.

Everyone should be able to enjoy the benefits of digital technologies to work, learn and play. This requires safe digital environments that support people's health and wellbeing. However, when it comes to addictive products like alcohol, digital platforms have designed marketing systems geared toward creating harm. By design, people who purchase harmful and addictive products like alcohol are amongst the most targeted by digital marketing models.¹ Digital platforms develop detailed psychometric profiles, combined with detailed accounts of people's browsing behaviour.² These insights are used to tailor marketing activities, including content and messaging, towards an individual's specific susceptibilities. In the case of alcohol marketing, this ability to exploit people's susceptibilities is particularly concerning because it can disproportionately target people experiencing alcohol dependence.³

FARE supports that *Online Safety Amendment (Digital Duty of Care) Bill 2026* would establish a proactive duty on online platforms to take reasonable steps to prevent or mitigate reasonably foreseeable harms and would require digital platforms to conduct risk assessments and implement mitigation measures to address those risks, including risks associated with the design and operation of algorithms and other recommender features. We also support accompanying transparency and accountability measures, including strengthened powers of the eSafety Commissioner to ensure compliance with the Digital Duty of Care.

Whilst FARE supports the reforms proposed within the exposure draft, we make the following recommendations:

- The definition of material and conduct defined as harmful be broadened to capture alcohol and other drugs rather than solely address illicit drug use. At the least, material and conduct defined as harmful to children must include this broadened definition.
- The Digital Duty of Care explicitly identify harms from digital marketing systems, practices and content as in the scope of the protections set out under the Duty.

RECOGNISING HARMS FROM ALCOHOL

FARE is concerned that the exposure draft does not adequately recognise harm from alcohol and other drug-related content. The Bill expressly identifies material or conduct that encourages, promotes, urges or instructs illicit drug use as a category of harmful material or conduct. FARE strongly recommends that the final legislation reflect a broader definition that encompasses alcohol and other drug-related content.

Alcohol is an addictive product that causes significant harm in Australia, consistently accounting for a higher number of ambulance attendances, hospitalisations and deaths than any other drug over time.⁴ The impacts of alcohol extend beyond the individual, affecting families and communities as well. Alcohol contributes to preventable illness, injury and premature death across the population.⁵

These harms extend to others through violence and social harms, and the impacts of alcohol use on children and young people. Almost half of Australians are negatively affected by someone else's alcohol use, including one in six children. Alcohol is involved in up to 47 per cent of police-reported family violence incidents and more than half of women who reported experiencing physical or sexual assault between 2011 and 2021 identified alcohol as a contributing factor in their most recent incident.⁶

Exposure to alcohol-related content, including advertisements, is shown to increase the likelihood that children will start to drink alcohol at a younger age and go on to drink alcohol at high-risk levels later in life.⁷ For people recovering from an alcohol use disorder, exposure to alcohol content can trigger alcohol cravings and a desire to drink.⁸

The role that alcohol marketing content plays in the community is addressed in the final report by the House of Representatives Standing Committee on Health, Aged Care and Disability from their recent parliamentary inquiry into the health impacts of alcohol and other drugs. The Committee recommended measures for reducing exposure of alcohol advertising to children and others at risk of harm.⁹

The health and social harms associated with alcohol demonstrate why it should be recognised within the Digital Duty of Care's definition of harmful material and conduct. A framework intended to prevent reasonably foreseeable harm should account for the harms associated with alcohol content, rather than limiting its recognition of drug-related harm solely to illicit substances.

HOLDING DIGITAL PLATFORMS ACCOUNTABLE FOR DIGITAL MARKETING HARMS

FARE recommends that the Digital Duty of Care explicitly identify harms from digital marketing systems, practices and content as in the scope of the protections set out under the Duty.

In the current drafting of the Digital Duty of Care, the intent of whether commercial content such as advertising is to be captured under the Duty is not explicit. We are concerned that the current drafting risks distinguishing between harmful user-generated content and harmful commercial content with protections only extending to the former. This is particularly important when it comes to the marketing of harmful and addictive products like alcohol.

Beyond harms from exposure to alcohol advertising which are well documented, digital platform marketing systems are currently designed in ways that exacerbate harm from promotional content for harmful and addictive products like alcohol. Digital alcohol marketing can be highly targeted and integrated online, including through algorithmic systems that aim to identify and target an individual's personal susceptibilities. This ability to exploit people's susceptibilities is particularly concerning and can be harmful where it targets people experiencing alcohol dependence.¹⁰

This means that simply regulating individual advertisements or removing content after it has been shown does not address the underlying risk. The Digital Duty of Care should require platforms to consider and mitigate the risks associated with the advertising systems and practices they operate, including where those systems facilitate exposure to marketing for harmful and addictive products.

The introduction of a Digital Duty of Care that puts responsibility on digital platforms to identify and mitigate potential harms is an important step towards creating safer online spaces for everyone. We

support the introduction of the Duty and recommend that the protections of the duty explicitly extend to harms from digital marketing systems and harmful marketing content such as alcohol marketing.

If you have any questions, please contact me directly at Aimee.Brownbill@fare.org.au or 02 5104 9316.

Yours sincerely,



DR AIMEE BROWNBILL
DIRECTOR OF POLICY AND RESEARCH

¹ Montgomery K, Chester J, Nixon L, Levy L, Dorfman L (2019) Big Data and the transformation of food and beverage marketing: Undermining efforts to reduce obesity? Critical Public Health.

² Winter S, Maslowska E, Vos AL (2021) The effects of trait-based personalisation in social media advertising. Computers in Human Behaviour.

³ House A, (2019) Dan Murphy's introduces Netflix approach to marketing <https://www.drinkstrade.com.au/dan-murphys-introduces-netflix-approachtomarketing>

⁴ AIHW (2024) Alcohol, tobacco & other drugs in Australia <https://www.aihw.gov.au/reports/alcohol/alcohol-tobaccoother-drugs-australia/contents/impacts/health-impacts>

⁵ Cancer Council Victoria (2024), Ways alcohol causes cancer - Alcohol causes at least 7 types of cancer <https://www.cancervic.org.au/cancer-information/preventing-cancer/limit-alcohol/how-alcohol-causes-cancer>

⁶ Foundation for Alcohol Research and Education (2025) Alcohol's harm to others in Australia: Patterns, costs, disparities and precipitants <https://fare.org.au/alcohols-harm-to-others-in-australia/>

⁷ Jernigan D, Noel J, Landon J, Thornton N, Lobstein T (2017) Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008

⁸ Murray RL, Leonardi-Bee J, Barker A, Brown O, Langley T (2024) A rapid literature review of the effect of alcohol marketing on people with, or at increased risk of, an alcohol problem

⁹ House of Representatives Standing Committee on Health, Aged Care and Disability (2026) Report on the health impacts of alcohol and other drugs in Australia https://www.aph.gov.au/Parliamentary_Business/Committees/House/Health_Aged_Care_and_Disability/Healthimpactsfalcohol/Report

¹⁰ House A, (2019) Dan Murphy's introduces Netflix approach to marketing <https://www.drinkstrade.com.au/dan-murphys-introduces-netflix-approachtomarketing>