ATODA
Alcohol Tobacco & Other Drug Association ACT

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600
ec.sen@aph.gov.au

30 October 2026

Re. ATODA's submission on the Digital Duty of Care Bill

The Alcohol, Tobacco and Other Drug Association ACT (ATODA) welcomes the opportunity to provide further feedback on the *Online Safety Amendment (Digital Duty of Care) Bill 2026*. This submission builds on ATODA's 22 September 2026 response to the exposure draft.

ATODA is the peak body for the ACT alcohol and other drug (AOD) sector. We are proud to represent a sector that provides a broad range of treatment and harm reduction interventions. ATODA supports the Bill's objective of safer online environments and welcomes the removal of "illicit drug use" from the definition of seriously harmful material and conduct, as well as the addition of a subsection on material explicitly excluded from the definition of seriously harmful, including: material that is necessary for, or of assistance in, protecting or promoting public health and safety 25F(g); material that is necessary for, or of assistance in, reducing harms to individuals 25F(h); and material that is in the public interest 25F(i).

These changes address important concerns that ATODA raised in our earlier response. However, we believe that the Bill, in its current form, may be inadequate in addressing existing barriers to people accessing safe, reliable health and harm reduction information in relation to drug use.

In the ACT, CanTEST Health & Drug Checking Service utilises social media to circulate alerts about potentially harmful drugs in the community. Timely access to accurate information about AOD, including information that helps reduce risk and connect people with support services is vital in addressing public health risks. When platforms remove this information or reduce its visibility, the entire community is placed at increased risk of harm.

Overly cautious moderation is already having real effects. In one case, a Pill Testing Australia warning about strong MDMA and nitazenes – a synthetically produced opioid more potent than fentanyl – ahead of Canberra's Spilt Milk music festival in December 2025 was removed three days prior to the event and a subsequent appeal to reinstate the warning was rejected.

The Bill's complaints requirements and transparency powers should be enhanced with stronger safeguards to prevent de-platforming or other restrictions being applied to legitimate, life-saving health information.

ATODA asks the Committee to recommend amendments and implementation arrangements that:

1. Protect access to evidence-based health and harm reduction information, including age-appropriate information for young people. Require platforms and the eSafety Commissioner to consider foreseeable harms that arise as a result of removing or restricting this information.
2. Give affected organisations clear reasons for restrictions, prompt human review and accessible appeals. Set rapid restoration procedures for urgent drug alerts where restrictions are found to be incorrect.

3. Require reporting on wrongful restrictions of health content, restoration rates and timeframes, with urgent alerts reported separately. Build these measures into the Bill's transparency framework.
4. Exempt alcohol and other drug treatment and harm reduction organisations from the new duty and associated compliance requirements, or amend duties and penalties to reflect their size, resources, function and risk. Preserve privacy and avoid unnecessary collection of identity or health information.
5. Require structured input from public health, Aboriginal community-controlled and peer organisations, including people with lived and living experience, when developing guidance and reviewing the scheme.

The Committee should ensure that these protections are reflected in legislation. Effective online safety must allow people to find and share the information that helps keep them safe.

Yours sincerely



Anke van der Sterren
Acting CEO ATODA
Contact: ceo@atoda.org.au | 0431 504 805