



15 February 2023

Market Conduct Division

Treasury

Langton Cres

Parke ACT 2600

By email: digitalcompetition@treasury.gov.au

CONSULTATION ON ACCC'S DIGITAL PLATFORMS REGULATORY REFORM RECOMMENDATIONS

Thank you for the opportunity to comment on the Australian Competition and Consumer Commission (ACCC) regulatory reform recommendations for digital platforms consultation paper.

Cancer Council's key area of concern in digital advertising is in ensuring that children can participate in the digital environment without exposure to harmful marketing for unhealthy food and alcohol. Children should be able to learn, communicate and participate online without their data or personal information being collected, used and disclosed, in particular to design and deliver marketing or harmful products.

The expansion of digital platforms has given harmful industries the opportunity to market products in ways that are highly targeted and interactive, and children have previously been flagged by digital platforms as being 'interested' in ads about alcohol and gambling.¹

The Australian Government has an important role to play in creating safe environments for our children and ensuring their interests are protected when online. Action on digital marketing by harmful industries would be in line with community expectations. For example, recent research published by VicHealth and FARE surveyed 220 people seeking to reduce alcohol, gambling, and unhealthy foods; 90% of participants reported they are concerned about online marketing for the products they are trying to reduce and between 89% and 96% participants indicated they would prefer to see less or no online marketing for the products they are trying to reduce.²

Cancer Council strongly supports and endorses the submission and recommendations made by the **Obesity Policy Coalition**. In particular, we are supportive of the following:

- We agree with ACCC's conclusion that new measures are needed to protect consumers on digital platforms, as relying only on existing regulatory frameworks would lead to adverse outcomes for communities, particularly children and young people.
- In response to Question 8 in the consultation paper, "Are there any other harms that should be covered by targeted consumer measures", we urge that consideration be given to harms associated with digital marketing of harmful industries.
- The Australian Government must introduce comprehensive, mandatory regulation to protect children from unhealthy food marketing. This should ensure children are not exposed to any unhealthy food marketing when online or using social media.

¹ Hern A, Ledegaard FG. Children 'interested in' gambling and alcohol, according to Facebook. The Guardian UK. Oct 2019. Available from: <https://www.theguardian.com/technology/2019/oct/09/children-interested-in-gambling-and-alcohol-facebook>

² Foundation for Alcohol Research and Education and VicHealth. Experiences with online marketing of alcohol, gambling and unhealthy food: A survey. FARE; 2023. Available from: <https://fare.org.au/experiences-with-online-marketing-of-alcohol-gambling-and-unhealthy-food-a-survey/>

- As part of its digital platforms regulatory response, the Government should address harms to children caused by the collection, use and disclosure of children’s data by digital platforms, including specific consideration of the harms caused in relation to exposure to harmful industry marketing.
- Certain practices should not be permitted in relation to children including:
 - collecting using or disclosing children’s personal information for the purposes of commercial marketing, particularly marketing by harmful industries, including unhealthy food and drinks, alcohol and gambling. Parental consent should not be an option for enabling this.
 - harmful industries cannot collect, use or disclose children’s personal information for the purposes of analysing or influencing children’s personal information for the purposes of analysing or influencing children’s behaviour or decisions in any circumstances.
 - tracking, profiling, or monitoring the behaviour of children for commercial purposes online.
- Certain protections should apply to adult users of digital platforms, including social media services:
 - an individual’s data or personal information cannot be collected, used or disclosed by digital platforms for the purposes of commercial marketing without express consent, particularly in the case of marketing for harmful industries.
 - digital platforms cannot collect, use or disclose (or enable collection, use or disclosure to occur) personal information or data related to a person’s physical or mental health and wellbeing of financial situation, for the purposes of marketing harmful products.
- Social media organisations and large online platforms should be required to disclose information or report on how they collect, use and disclose individuals’ data and personal information for the purposes of marketing, including how automated systems and algorithms are used to deliver marketing to individuals or groups of individuals.

Thank you for your consideration of these important issues and our submission.

Yours sincerely,



Prof Tanya Buchanan
Chief Executive Officer
Cancer Council Australia



Clare Hughes
Chair
Nutrition, Alcohol and Physical Activity
Committee