

Response to the consultation on a Bill for a new Online Safety Act

Twitch welcomes the opportunity to comment on the draft Bill for a new Online Safety Act and fully supports the Australian Government in its ongoing efforts to create a safe internet landscape of content and communities where positive connections can thrive.

Over the past few years, we have partnered with government and industry groups' ongoing work to improve online experiences for users of all ages – from helping the Safety By Design initiative develop detailed industry guidelines to participating in joint crisis response simulation exercises – and we remain strongly committed to meeting Australia's goal of curbing the dissemination of inappropriate content on the internet. The Online Safety Bill takes important further steps in that direction. Twitch applauds and upholds its aims.

Our commitment to the spirit and objectives of the Online Safety Bill is highlighted, first and foremost, by our trust and safety personnel and tooling, the significant improvements we have made to date, and the areas of our sustained, determined investment. It begins with our intentional approach to Twitch's [Community Guidelines](#), which seek to support our users' desire for self-expression, while providing a welcoming, entertaining and safe environment for viewers by eliminating illegal, negative and harmful interactions.

We enforce these guidelines through a robust mix of methods, including community-driven reporting and enforcement (user reports and channel moderators), automated and proactive tools (Auto Mod, third-party image detection capabilities, and "trusted" user whitelisting), and our global, 24/7/365 team of content and safety operations specialists.

The result is a layered approach to safety and moderation which recognizes the unique challenges of live content streaming and provides a fast, effective response to any instances of misconduct or inappropriate content.

Combating abusive behaviors

Twitch's Community Guidelines already prohibit the types of conduct and material that, we believe, is targeted by the Online Safety Bill's provisions regarding "Cyber-Bullying," "Intimate Images," "Cyber-Abuse," and "Abhorrent Violent Material."

Put simply, we do not tolerate conduct or speech that is hateful or harassing, including unwanted sexual advances and solicitations, inciting targeted community abuse, and expressions of hatred based on an users' identities. These prohibitions are enforced vigorously to ensure that offending material is removed and offending users are no longer able to participate in Twitch communities.



Furthermore, we continue to expand our capabilities to protect its community in this regard: while overall reports of hateful conduct decreased (relative to the increase in viewership) in 2020, enforcement actions increased, resulting from improvements to the user reporting and enforcement processes and a significant increase in our capacity to review user reports, which allowed us to respond to more reports of harassment and hateful conduct more quickly.

These improvements have also resulted in Twitch nearly doubling its enforcement actions for posted materials which include violence, gore, and extreme content. Twitch's work in this realm thus coincides with many of the Bill's requirements, and we are pleased that our Community Guidelines align with the vision set forth in the draft bill.

Content classification

Twitch's commitment is equally evident in our approach to the types of content that we allow to be broadcasted. In most cases, we believe that Twitch's adherence to its Community Guidelines achieves substantially the same result as the Online Safety Bill's provisions directed to Class 1 content: ensuring that viewers are not subjected to content which is inherently harmful.

For instance, given our Community Guidelines prohibitions against content which is focused on sexuality, excessive gore, or hateful conduct, we do not allow streamers to broadcast games which we have determined would violate this prohibition. We have made and are continuing to make investments in improving user reporting, moderation tools, review capacity, and machine detection. As a result, we greatly increased our enforcement actions against violent and sexualized content throughout 2020.

In drafting the Online Content Scheme in the Bill, we therefore believe it is important to consider a sufficiently flexible approach that gives due regard to different types of business models and content types. First, as evidenced by Australia's own ongoing content classification review, classification is difficult and fluid. This is why Twitch has opted to apply its own, community-focused standards for acceptable content. Some of the games which Twitch forbids are classified as restricted to adults only in certain jurisdictions; others are not. Many are classified in one age range according to one jurisdiction's rating system, but a different age range elsewhere in the world. Twitch has found success in ensuring user safety by curating its list of prohibited games by reference to our robust Community Guidelines rather than a particular jurisdiction's classifications.

Second, Twitch is primarily focused on live, user-generated content, which is not submitted for classification. While the content may include video game or film footage that has been rated, this may have little correspondence to the overlaid user narration and actions. In fact, much of the popular content on Twitch does not contain any classified content at all – it may be a live video stream of a creator baking, skateboarding, or just chatting with their community. It is our experience that an enforcement approach based on comprehensive Community Guidelines is most effective for such diverse, interactive and ephemeral content.

Recommendations

Just as our community itself differs from that of other user generated content providers and social media sites, so do our ethos and guidelines, and ultimately, the strategies we employ to meet those guidelines. Twitch believes that industry-wide alignment on the prioritization of user safety and key principles to achieve that goal is absolutely necessary; as is the flexibility to meet that goal in the manner that is most suited to each service's particular offerings, community, and capabilities. As discussed above, Twitch's unique service requires tailored application of the important overarching principles of the Online Safety Bill such that its content offerings are appropriately addressed.

By the same token, this diversity of online service provider content and safety strategies requires a focus on appropriate thresholds and reasonable engagement with industry in the execution of these substantial new powers. We understand that responsible players have already been working collaboratively with the Commissioner over the last few years on existing take down schemes, in many cases facilitating the rapid take down of material following informal communication and without the need for formal notices being issued; while Twitch has not been the recipient of such notices in Australia, we would also happily work with the Commissioner.

Twitch hopes to see a similar level of engagement adopted by the Commissioner in regards to these updated schemes so that notices are reserved to compel only those companies who do not demonstrate a commitment to removing seriously harmful content and cooperate in good faith with the Commissioner. In particular, the following areas deserve attention to ensure that the Commissioner's new powers leave room for services to apply the policies that best guarantee overall user safety:

- Currently, the thresholds in the Bill for seeking the removal of a service from an app store or search engine seems to fall short of this substantial power's proposed intention, which is to address services with systemic issues. Twitch submits that further consideration should be given to the complex drafting question of what constitutes a systemic issue with a service.
- Similarly, the Bill must be proportionate in the types of content for which notice non-compliance triggers upstream disruption. The app and link deletion powers are appropriately reserved for issues relating to class 1 content. This same proportionate threshold should be replicated in the Commissioner's power to apply for a Federal Court order, which currently applies to the entire online content scheme (including class 2). The most substantial powers should be reserved for the worst content and limited to systemic non-compliance with class 1 notices.
- Regardless of what threshold is selected, any scheme that justifies mandating the complete removal of a service on the basis of its non-compliance with notices should also take considerable steps to establish confidence that the service is demonstrating *actual* non-compliance, before proceeding to upstream disruption powers. It is desirable that the drafting is amended to better address issues of procedural fairness (i.e. confirming the notice has been sent to the right person and having an opportunity to work with the Commissioner



before a Court application is made) and validity (i.e. there should be a mechanism by which a service can clarify or object regarding the issuing of a notice).

Twitch looks forward to discussing our experience and recommendations with the Government and the eSafety Commissioner in order to improve the Online Safety Bill further and support its subsequent implementation process.

ABOUT TWITCH

Twitch is a live, interactive streaming service with content that spans gaming, sports, entertainment, music and more. For more information, please visit www.twitch.tv
