

# **Parliament of Australia Public Consultation on the Department of Communications' Policy on Enhancing Online Safety for Children**

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**Submission of the International Social  
Games Association**

3/6/2014

## **EXECUTIVE SUMMARY**

The submission by the International Social Games Association (ISGA) contributes to the public consultation which runs until March 7, 2014 on the Australian Government's key election commitment to enhance online safety for children.

The ISGA looks forward to working with the Department and the soon to be formed E-safety Commission. This submission seeks to introduce our association and provide some feedback on some of the issues in the consultation document.

The ISGA strongly supports a single regime to in relation to online safety to ameliorate duplication across jurisdictions and government departments. As for the establishment of the Commissioner we believe that an independent statutory office with administrative support from the Department of Communications is the best option.

We are supportive of the intent of the policy with regard to removal of harmful content and we encourage the Department to seek alignment with social media platforms, which have detailed policies in place with regard to bullying and online harassment, to achieve the policy objective with as little impact as is possible on the digital economy which includes social games.

## **INTRODUCTION**

The International Social Games Association (“ISGA”) welcomes the opportunity to participate in the Department of Communications’ (“the Department”) public consultation on “Enhancing Online Safety for Children”. While we do not intend to comment on every aspect of the consultation document, we hope to provide constructive comment on some aspects and we look forward to working with Department and the soon to be established e-Safety Commissioner to enhance online safety for children.

### **About the International Social Games Association (ISGA)**

The ISGA was established by a group of leading social games companies to explain to the public, policy makers and regulators what the industry does, how it works and the value that it generates, both for the people who enjoy playing social games as well as for the digital economy.

Members of the ISGA include Zynga, Slingo, RocketPlay, Plumbee, Playtika, PlayStudios, MGM, IGT, High 5 Games, Gamesys, Big Fish Games, Bally Technologies, Aristocrat, Akamon and Abzorba Games.

Our members’ games are played by over 300 million players worldwide through platforms such as Facebook, on smart-phones, tablets, laptop computers and desktop computers.

### **The social games industry and the importance of social responsibility**

The social games industry is a growth industry and as the representative body of the western world’s largest social games providers, the ISGA is cognisant of the impact that these new games can bring to society and culture. That is why shortly after its establishment the ISGA launched its best practice principles and commissioned a wide-reaching research project with the aim of facilitating a sustainable and responsible industry while providing much needed information to policy makers.

The best practice principles are a minimum set of standards which are based on consumer protection, accountability and transparency.<sup>1</sup> The principles are intended to ensure providers:

- Adhere to necessary laws and regulations
- Are transparent in their functionality
- Treat purchases and payments responsibly
- Manage player privacy appropriately
- Use appropriate advertising models

A key theme of the principles is that our member’s social games do not target children.

The ISGA has also commissioned research to inform policy makers, regulators, consumers and parents on how social games are changing the way people play and pay for games online. The research is being undertaken by Harvest Strategy, led by Dr. Rohan Miller and a team of internationally recognised academics. The research is due to be released in mid-2014.

The best practice principles and research underpin the ISGA’s commitment to social responsibility and working closely with key stakeholders to ensure policies are made in an informed manner.

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<sup>1</sup> International Social Games Association, Best Practice Principles 2013 <<http://www.i-sga.org/best-practice-principles/>>

## **Functions of the Commissioner – a single regime for online safety**

The ISGA welcomes the policy intent of the Australian Government to have a single regime in relation to online safety. This ensures there is no duplication and overlap, allowing for greater efficiency.

ISGA members have been actively addressing issues, meeting with stakeholders and positively responding to initiatives relating to social games across Australia. We have noticed a duplication of issues, the ISGA is seeking clarity for its members in relation to online safety and would much prefer that there is a single regime for it to work co-operatively with regards to e-safety and protection of children.<sup>2</sup>

We would greatly appreciate any effort by the e-safety commission to align these initiatives under one regime where appropriate. This would not only ensure greater clarity for the e-commerce industry but is also likely to deliver better policy outcomes. In practice, this may involve working closely with consumer protection bodies such as ACCC and ACMA as well as state and territory governments. There may also be a need to co-operate and work with international bodies such as the Office of Fair Trading in the UK.

## **Establishment of the Commissioner**

The ISGA believes that the establishment of an independent statutory authority is preferable; however it also acknowledges that this is the most costly option. In light of this, we believe that an independent statutory office with administrative support from the Department of Communications is the best option due to the possible synergies in policy development between the Commissioner and the Department.

## **Removal of harmful content**

The ISGA is supportive of taking action to prevent cyber-bullying and acknowledges the intent of the proposed scheme to enable to rapid removal of material targeted at and likely to cause harm to a specific child. However, the ISGA is only supportive of such a scheme where it is proven that the social media platform does not have adequate policies to deal with customer complaints.

Wherever possible, the Department should allow complaints to be dealt with by the social media platform. It must be noted that sites like Facebook have robust policies on bullying and there are many tools for both users and parents to block cyber-bullies.<sup>3</sup> Twitter also has a detailed policy which deals with online abuse.<sup>4</sup>

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<sup>2</sup> Highlighting the need for a single regime, some of the measures that have had implications for social games providers are: the inquiry report drafted by the Commonwealth Consumer Affairs Advisory Council (CCAC) on "App purchases by Australian consumers on mobile and handheld devices"; ACCC initiatives investigating into online apps and access by children; Policy in South Australia on "Children, Technology and Gambling; and Council of Australian Governments (COAG) Communiqué examining exposure of simulated gambling material to children.

<sup>3</sup> Facebook "help" page on bullying. Accessed March 3, 2014  
<<https://www.facebook.com/help/?ref=pf#!/help/420576171311103/>>

<sup>4</sup> Twitter support page on online abuse. Accessed March 3, 2014  
<<https://support.twitter.com/articles/15794#>>

In the formation of the policy, the ISGA recommends that the Department works with the social media platforms to see whether its policy objectives can be met with regards to minimising red tape and ensuring that its proposed measures do not unduly hinder the lawful operation of e-commerce businesses within the digital economy.

### **Should the proposed scheme apply to online games with chat functions?**

The ISGA supports measures to prevent cyber-bullying yet in many cases it would be challenging, if not impossible, for online social game developers to comply with the proposed scheme. Specifically, chat functions in web-based games are usually facilitated by the platform on which the game is published and not necessarily by the game developer/operator. In addition the proposed scheme should apply only to the content of the chat function, where the cyber-bullying may occur, and not the content of the game itself.

Therefore, in order to manage any issues effectively and speedily, we believe this issue should be addressed by the social media platform facilitating the chat function rather than the individual game developers who are published on that platform.

### **The statutory test**

The government proposes that the test under the Stage 2 complaints handling process should be “material targeted at and likely to cause harm to an Australian child”.

We ask that appropriate examination of the complaints handling procedure of the large social media platforms be undertaken prior to implementation of this policy step. As stated above it is more effective for such issues to be dealt with by the social media platform, rather than the individual games on that platform.

ISGA members adhere to best practice principles to ensure that certain social games are not targeted at children.

### **Conclusion**

The ISGA understands that the primary aim of the policy and the e-safety commissioner is to protect children through the prevention cyber-bullying on social media platforms. The ISGA is supportive of this policy objective. However, it does encourage the Department to seek alignment with social media platforms to achieve the policy objective with as little impact as is possible on the digital economy which includes social games.

Should you require any further information from the ISGA please do not hesitate in contacting the CEO of the ISGA, Luc Delany, by email at [luc@i-sga.org](mailto:luc@i-sga.org) or by phone on +44 (0) 7825688653. Alternatively, you can contact our Australian based government relations advisor, Ms Sandra Eccles of Kreab Gavin Anderson by email at [secclses@kreabgavinanderson.com](mailto:secclses@kreabgavinanderson.com) or by phone on +61 3 9659 3000.