

2 April 2025

Australian Communication and Media Authority  
PO BOX 78  
Belconnen ACT 2616

**Re: Consultation on telecommunications industry standard for supporting telco customers experiencing domestic, family and sexual violence (DFSV)**

Dear Sir/Madam

Thank you for the opportunity to provide a submission with respect to the call for consultation to the proposed DFSV standard. We adopt the defined terms in the ACMA consultation paper dated February 2025 (**Consultation Paper**).

Mate Communicate Pty Ltd (**Mate**) is a carriage service provider with a retail consumer and small business focus that supplies services to more than 100,000 customers within Australia.

Mate is committed to assisting and supporting its customers throughout their life including times of financial or personal hardship including periods where such customers may be victims of DFSV. It is this commitment and desire which causes us to make this submission because of substantial concerns in relation to the approach and potential implementation of the provisions of an Industry Standard directed towards DFSV in terms of its efficacy and its unforeseen consequences.

In addition to the particular questions posed by the ACMA in its Consultation Paper, we also offer a number of observations and concerns. In regards to the questions you requested submissions on, we advise:

**Question 1**

While as a matter of plain black letter law, the draft DFSV Standard likely fulfils the objectives and requirements in the Direction, it is our view that these objectives and requirements can be implemented in a different manner which is less onerous and does not suffer from the same potential deficiencies described later in this submission.

**Question 2**

The DFSV Standard should not apply in any part whatsoever to any corporation or incorporated association. These entities are incapable as matters of fact and law of being victims of DFSV. It is legal nonsense to advance any proposition to the contrary.

The pre-existing and most appropriate remedy for a body corporate that has a dysfunctional or failed substratum by reason of DFSV between its decision makers are those set out under Part 5 of the *Corporations Act 2001* (Cth). It is inappropriate for a carriage service provider to intervene and deal with rights vested in the body corporate which otherwise would be dealt with or vest with officers of the Court such as the judiciary or liquidators.

**Question 3**

Any carriage service provider or carrier that only provides services for the purpose of re-supply (i.e. a wholesale only carriage service provider) ought not be subject to these provisions. They ought to be exempt because they do not have any relationship with an end-user and they do not supply services to entities capable of being victim of DFSV.

**Question 4**

Yes, conditions should be placed upon any person seeking to affect the rights of any other person based on being a victim of DFSV that they are required to produce a police report or an order of a court of competent jurisdiction before the carriage service provider is required to consider their request.

**Question 5**

No.

**Question 6.**

The definition supplied in the DFSV Standard lacks precision and is too broad. It needs to relate to established legal provisions and norms with respect to DFSV.

**Question 7**

No.

**Question 8**

No.

**Question 9**

120 days.

**Question 10**

No.

**Question 11**

All victims of DFSV should be treated equally with dignity and respect. Any direction causing provisions to favor any cohort of persons based on a likelihood of being

either victims or perpetrators attenuates and devalues the real lived experiences of each unique victim.

**Question 12**

No. The level of specificity should be consistent.

**Question 13**

No. The DFSV Standard is onerous in requiring the use of separate systems.

**Question 14**

The DFSV Standard should not require a carriage service provider to determine the rights of persons or their roles as perpetrator or victim. It is fundamentally unfair, lacking in the most basic aspects of natural justice, onerous, arbitrary and capricious to require a carriage service provider to do so. These matters are only reasonably the domain of the police and the courts.

**Question 15**

Carriage service providers should only be required to take steps based upon orders of the court or matters investigated and recorded by the police. The DFSV Standard as proposed is fundamentally misconceived.

**Question 16**

Yes.

**Question 17**

Yes. The entire DFSV Standard should be evidence based (that is, based upon orders of a Court or observations or matters investigated by the police). It should not exclusively rely upon the unsubstantiated requests of a person that are not even made under oath.

**Question 18**

We do not understand how the propositions indicated advances the purpose.

**Question 19**

No comment.

**Question 20**

The DFSV Standard is fundamentally incompatible with common laws of contract & industry codes.

The DFSV Standard is fundamentally incompatible with common laws of contract, countless statutory provisions including the *Australian Privacy Principles* under the *Privacy Act 1988* (Cth) as well as industry codes such as the C570:2004, C647:2023 and C628:2019 (clauses 3.4-3.8) amongst others and industry standards

such as the *Telecommunications Service Provider (Customer Identity Authorization) Determination 2022*.

**Question 21**

No, the C556:2023 industry code should be amended.

**Question 22**

Yes.

**Observations**

We make the following observations generally with respect to the DFSV Standard:

1. The DFSV Standard's requirements in relation to annual training (part 5), policies, privacy and separate systems (part 7) and contact channels (part 3) are onerous and will marginalize small to medium carriage service providers and reduce competition within the marketplace.
2. The DFSV Standard requires carriage service provider staff to be exposed, consider and make decisions based upon DFSV events. The DFSV Standard creates the real danger of causing trauma to the employees and representatives of carriage service providers who are in the business of supplying telecommunications services and have not sought to engage themselves into the criminal justice systems as members of the enforcement or judicial systems. Carriage service providers are in the business of supplying the delivery of voice and data services and are not, should not and cannot be equipped in the same way as the judiciary and the police to deal with vicarious trauma. We have concerns from a fairwork and OHS viewpoint for our personnel.
3. The DFSV Standard seeks to require carriage service providers to perform evaluative tasks that ought to be exclusively left to the police and the judiciary in the criminal justice system.
4. The DFSV Standard creates an 'open sesame' where unscrupulous fraudsters or manipulating perpetrators of DFSV can use the DFSV Standard to further victimise or marginalise real victims of DFSV by making unsubstantiated claims that they are victims themselves to obtain control carriage services not ordinarily available to them.

5. The DFSV Standard undermines every single industry code and standard promulgated by the ACMA directed towards end user security, authentication and safety as well as industry best practice by permitting the allegation of DFSV to become an 'open sesame' to circumvent so many checks and balances for authentication as well as avoiding legal and contractual obligations such as paying for services received (Part 4, s 12 (4)) without any basis.
6. Intersectionality is a sociological conceptional framework for understanding how groups social and individual needs result in unique combination of discrimination. While this framework may be useful for identifying needs and formulating legislation, it is onerous, unpredictable and unnecessary to require those left to implement the DFSV Standard in practical to try and apply nebulous academic concepts beyond the reach of any person without advanced academic training in the area.
7. The entire DFSV standard is not evidence based:
  - a. There is no evidence disclosed by the ACMA of the nature, scope or volume of the problem of DFSV with respect to carriage service providers. There has been no public disclosure or detailed description of the qualitative and quantitative aspects of the mischief the DFSV Standard proposes to solve; and
  - b. The DFSV Standard as drafted permits any person to do anything to another's carriage service and legal rights without a single iota of independently verified evidence (such as a final apprehended violence order or a police report) and as such it is our respectful submission that it will create more problems than it will solve.

The DFSV Standard as proposed is well meaning, well-intentioned but fundamentally flawed in its naive construction. We support and call for a DFSV Standard, but not in its current form.

Yours faithfully,

  
**Finance Director**  


MATE Communicate Pty Ltd