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The Manager

Telecommunications Performance and Regulation Section

Australian Communications and Media Authority

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Consultation on the draft Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025

Thank you for the opportunity to make a submission on the draft Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025. In addition to the responses to the specific questions in the consultation document, our comments relate to:

- Definitions and identification of domestic, family and sexual violence (DFSV) victim-survivors and perpetrators
- Security of personal and sensitive information belonging to DFSV victim-survivors and suspected victim-survivors
- Reasonable expectations of telco staff in terms of their ability to communicate with victim-survivors and perpetrators of DFSV, including ensuring their own safety
- Ensuring that the emphasis is placed on adequate internal systems and processes, rather than individuals, in upholding the obligations of the Standard.

Recommendations

Recommendation 1 The Standard should note where definitions are taken from sources such as the National Plan to End Violence Against Women and Children (which appears to be the source for the definition of 'sexual violence').

Rationale: This will enhance certainty, clarity, and coherence of the statute book.

Recommendation 2 The definition of 'affected person' should be amended to explicitly include children.

Rationale: To reflect contemporary understanding and acknowledgement of children as primary victim-survivors of domestic and family violence (DFV) (and also as end-users of relevant services).

Recommendation 3 The Standard should use the definition of family violence in the *Family Law Act 1975* (Cth).

Rationale: We note that the DFV definition in the draft Standard differs from the definition in the Family Law Act. In previous consultations, we have recommended that the ACMA draw on the definition in the Family Law Act until we achieve national consistency of definition (a task on which Commonwealth, State and Territory officials are currently engaged under the auspices of the Standing Committee of Attorneys-General). Legislative fragmentation contributes to stress and expense imposed on DFV victim-survivors as they navigate multiple systems and jurisdictions. If there is a benefit to victim-survivors in having multiple definitions on the Commonwealth statute book, then that reason should be articulated.

Recommendation 4 The ACMA should consult with the Attorney-General's Department (AGD) and the Department of Social Services (DSS) about the proposed definition of 'coercive control'.

Rationale: The AGD is the policy owner for the *National Principles to Address Coercive Control in Family and Domestic Violence*¹ and DSS is the policy owner for the National Plan to End Violence Against Women and Children.² Also, it is unclear what is meant by the reference to 'ongoing pattern'; ie what work is 'ongoing' doing there?

Recommendation 5 The Standard should include a discrete definition of 'systems abuse'.

Rationale: While systems abuse can include financial abuse, its scope is considerably broader and multi-faceted. People who use coercive control will exploit any available systems or processes to perpetuate control. While historically interpreted in a court-centric way (ie manipulation of court or administrative processes to disadvantage and harm), other economic, social and cultural avenues can be exploited to harass and undermine (eg complaints to licensing or professional bodies, adverse reviews of businesses, or deceptive conduct with a provider of goods and services). See, eg:

- Recommendation 16 of the report of the Rapid Review of Prevention Approaches³
- Safe and Together Institute⁴
- Family Law Council, 2024, esp. pp 54-61, 71.⁵

¹ <https://www.ag.gov.au/families-and-marriage/publications/national-principles-address-coercive-control-family-and-domestic-violence>

² <https://www.dss.gov.au/system/files/resources/national-plan-end-violence-against-women-and-children-2022-2032.pdf>

³ <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>

⁴ <https://safeandtogetherinstitute.com/how-domestic-violence-perpetrators-manipulate-systems/>

⁵ Family Law Council. (2024). Disincentives to disclosing family violence and child abuse, and responding to systems abuse: Family Law Council Report 1a and 1b, In Protecting victims of family violence, including children, in the family law system. Canberra, ACT: Australian Government. pp 54-61, 71.

Recommendation 6 The ACMA should consider adding a note to the definition of ‘end-user’ to make it clear that, for the purposes of the standard, an end-user includes a child.

Recommendation 7 The ACMA should consult AGD to confirm whether ‘perpetrator’ is the appropriate term, given that alternative terms, such as ‘persons who use violence’, ‘adults who use family violence’, and ‘person who causes harm’, are in use across Australian legislation and policy documents (e.g. draft National Plan to End Abuse and Mistreatment of Older People⁶).

Rationale: These other terms are emerging as policy makers come to recognise that ‘perpetrator’ can be problematic in some culturally and linguistically marginalised groups, including First Nations communities. It also fails to reflect the nuances of complex family histories and dynamics, including, for example, where a person using violence is:

- themselves a victim-survivor
- a child, or
- unaware that they are causing harm (which is not uncommon where the victim-survivor is an older adult who is harmed by a younger adult carer).

Recommendation 8 References to 1800ELDERHelp / 1800 353 374 (the National Elder Abuse helpline funded by AGD) should accompany all references in the Standard to 1800Respect.

Recommendation 9 Clause 22 should require consultation with at least one of the following:

- a national or state-based organisation that provides advice and support to victim-survivors of abuse, mistreatment, neglect or exploitation of older persons;
- a panel of persons with lived experience of abuse, mistreatment, neglect or exploitation as an older person, or representatives of that person;
- a national or state-based organisation that represents a group who are or may be disproportionately affected by abuse, mistreatment, neglect or exploitation of older persons, for example, individuals with disabilities, First Nations people, people from culturally and linguistically diverse backgrounds and people who identify as LGBTQIA+.

Rationale: Mainstream DFV support and advocacy organisations tend to focus on intimate partner violence. Relatedly, the characteristics of what has been colloquially known as ‘elder abuse’ differ from intimate partner violence (IPV)⁷ This elder abuse prevalence study by Qu et al. (2021) identified that 14.8% of Australians over the age of 65 will experience at least one form of abuse, based on their age, in a 12 month period. Because this study excluded people living in residential aged care and people living with cognitive impairment, and because its scope didn’t allow for measurement within key demographics, we can be confident that actual

⁶ https://consultations.ag.gov.au/families-and-marriage/eamop/user_uploads/draft-national-plan-to-end-the-abuse-and-mistreatment-of-older-people-2024-2034.pdf

⁷ Qu et al. 2021.

prevalence is far greater. We also note that older people can face additional barriers to digital inclusion (see, eg, Thomas, et al., 2023, and Telstra's Digital Inclusion Index⁸).

Recommendation 10 Clause 22 should require providers to seek input / expertise from persons or organisations with expertise in trauma-informed, and DFSV-informed, principles and practices (noting that the requirements of these are not always congruent).

Recommendation 11 The ACMA should establish clear standards for the deidentification/separation of sensitive information about experiences of DFSV from personal identifying information are defined, and ensure victim-survivor safety in the event of a data breach or unauthorized access.

Recommendation 12 The Standard and accompanying materials should make clear that obligations do not apply to individual staff members.

Rationale: That the obligations are addressed through policy, guidelines and processes to ensure that excessive responsibility or vicarious trauma is not placed on individual staff members.

General comments

- There is currently a typo in the chapeau to clause 19 of the draft Standard (a word is missing between 'in connection' and 'this industry')
- It is unclear why subparagraph 19(a)(ii) refers to the consent of the 'consumer', rather than 'affected person'. Could this be explained in a note?

⁸ <https://www.digitalinclusionindex.org.au/>

The work of Relationships Australia

Relationships Australia is a federation of community-based, not-for-profit organisations with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choice, cultural background or economic circumstances. Relationships Australia provides a range of services, including counselling, dispute resolution, children's services, services for victim-survivors and perpetrators of family violence, services for older people, and relationship and professional education. We aim to support all people in Australia to live with positive and respectful relationships, and believe that people have the capacity to change how they relate to others. Relationships Australia has provided family relationships services for over 75 years. Our State and Territory organisations, along with our consortium partners, operate approximately one third of the Family Relationship Centres (FRCs) across the country. In addition, Relationships Australia Queensland operates the national Family Relationships Advice Line and the Telephone Dispute Resolution Service. The core of our work is relationships – through our programs, we work with people to enhance not only family relationships, but also relationships with friends, colleagues, and across communities. Relationships Australia believes that violence, coercion, control and inequality are unacceptable. We respect the rights of all people to live life fully within their families and communities with dignity and safety, and to enjoy healthy relationships. These principles underpin our work.

Framing Principles for Submission

Principle 1 - Commitment to human rights

Relationships Australia contextualises its services, research and advocacy within imperatives to strengthen connections between people, scaffolded by a robust commitment to human rights. Relationships Australia recognises the indivisibility and universality of human rights and the inherent and equal freedom and dignity of all. In our 2023 submission to the inquiry by the Parliamentary Joint Committee on Human Rights into Australia's human rights framework, we recommended that Government should introduce a Human Rights Act that provides a positive framework for recognition of human rights in Australia (Recommendation 2 of that submission).⁹

Principle 2 – Accessible and inclusive public institutions, regulation and service delivery

Inclusive and universally accessible public institutions, regulation and services are an imperative of human rights. This is because circumstances that operate to exclude, marginalise or discriminate against individuals become barriers to full participation in economic, cultural, political, and social life through the operation of systemic and structural factors including:

⁹ Available at https://www.relationships.org.au/wp-content/uploads/PJCHRhumanrightsframework.FINAL_.pdf

- legal, political and bureaucratic frameworks
- beliefs and expectations that are reflected in decision-making structures (such as legislatures, courts and tribunals, and regulators)
- policy settings that inform programme administration, and
- biases or prejudices that persist across society and that are reflected in arts, culture, media and entertainment.

Relationships Australia is committed to ensuring that financial circumstances are not a barrier for people seeking our help. We have always been conscious of the adverse effect that financial stresses can have on family relationships, including as a precipitating factor and a co-occurring factor with DFV (including abuse and neglect of older people and intimate partner violence).¹⁰ Our practitioners are reporting increases in client households where couples are living 'separated but together', because of inability to find or afford separate households. This is leading to increased parental conflict, increased DFV, increased abuse and neglect of older adults, and affects parental capacity as well as parent and child mental health and wellbeing.¹¹

Principle 3 - Cultural safety and responsiveness

Our commitment to upholding human rights necessarily includes a commitment to respecting epistemologies beyond conventional Western ways of being, thinking and doing. Of acute importance is a commitment to respecting epistemologies and experiences of Aboriginal and Torres Strait Islander people as foundational to policy and programme development, as well as service delivery. Connection to Country, and context-specific experiences of kinship, for example, do not countenance the hyper-individualism that pervades Western assumptions about distribution of resources and obligations between the Western nation-state and individual taxpayers and among individual taxpayers. Centring the epistemologies and experiences of Aboriginal and Torres Strait Islander people is a necessary (although not sufficient) step in achieving the targets in the National Agreement on Closing the Gap.

Current DFV and broader family relationship services are premised on the concept of a Western nuclear family, and do not accommodate the diversity of family formation and composition that now characterises families in Australia. This includes intergenerational households, whether emerging from cultural mores or driven by housing and other cost of living pressures), as well as kinship systems. First Nations conceptualisations of drivers of intimate partner violence can differ from those emerging from white feminism (Hunter, 2006).

Cost, literacy, language, bureaucratic hurdles and lack of confidence in cultural safety can all impede the access of Aboriginal and Torres Strait Islander people to legal advice and assistance, as well as other services that work with people affected by family law proceedings, DFV, child maltreatment, and ANOP. Systems, processes and practices developed in the context of

¹⁰ See also Morgan & Boxall, 2020; Boxall & Morgan, 2021; Morgan & Boxall, 2022

¹¹ See Kaspiw et al, 2017, for discussion of the impact of DFV on parental capacity and support needs.

urbanised clients often do not translate well to the situation of First Nations people living in remote areas. Additionally, many of our clients suffer from intergenerational and complex trauma. In some communities, violence has been normalised and cultural practices can obscure financial and economic abuse, such as through ‘humbugging’.¹² Relationships Australia recommends that cultural safety training and trauma informed practice be mandatory across services working with First Nations people in family law and family relationship services, and services which encounter DFV, ANOP and child maltreatment (Recommendation 1).¹³

Principle 4 - The agency, rights and safety of children

Consistent with Principle 1 (commitment to human rights), and with the policy intent underpinning family law and DFV legislation, Relationships Australia is committed to ensuring that the paramountcy of children’s best interests, in all domains, is honoured and upheld. This includes, but is not limited to, ensuring that children’s voices and children’s safety and developmental needs are centred in all systems and processes with which they engage.

Principle 5 – Accessible legal and regulatory frameworks

Legal and regulatory frameworks should be clear, intelligible, accessible and inclusive. Accordingly, Relationships Australia is committed to advocating for:

- reducing complexity of the law and its supporting systems and processes
- reducing fragmentation, and
- high quality and evidence-based regulation, accompanied by robust and timely accountability mechanisms.

Principle 6 – Geographic equity

Relationships Australia advocates for geographic equity in the availability of services for people affected by abuse and neglect of older people and intimate partner violence.

Principle 7 – Fragmentation and siloing

Our commitment to accessibility also underpins our advocacy for systems and processes that lift from the shoulders of those least equipped to bear them the burdens of fragmented, siloed, complex and duplicative or inconsistent laws, policies, programmes, and administering entities. The complex co-morbidities and intersectionalities experienced by many victim-survivors¹⁴ can limit their cognitive and emotional capacity to navigate the multiple services and agencies with which they must engage to obtain FVOs.¹⁵ In the context of women experiencing or escaping

¹² See Kimberley Birds, 2020.

¹³ See SNAICC, 2010; see also observations and recommendations in Family Law Council, 2012a and 2012b.

¹⁴ See, e.g., ALRC, 2018, Discussion Paper 86 (esp. Chapters 1 and 4); Family Law Council reports, 2015 and 2016.

¹⁵ The National Principles to Address Coercive Control in Family and Domestic Violence, 2023, note that ‘A victim-survivor can also be affected by memory loss; blocking off memories of abuse as a psychologically protective measure’ (p 14). Recent research has concluded that ‘as CTE is typically associated with cognitive and behavioral

‘domestic financial abuse’ in the United States of America, Canada and the United Kingdom, for example, Glenn (2019) cautioned that policy makers, service providers and financial institutions need to have an ‘[u]nderstanding that system complexity and lack of cognitive bandwidth means many victim-survivors can’t or don’t access the limited support available’ and should be ‘working to simplify systems and processes and improve access to resources.’¹⁶

Relationships Australia is committed to promoting accessibility of its services, and advocating for accessibility, including by:

- reducing fragmentation
- reducing complexity of the law and its supporting processes, to benefit not only those families who require a judicial disposition of their matters, but also families who will ‘bargain in the shadow of the law’,¹⁷ and
- reducing barriers to access arising from financial or economic disadvantage, as well as other positionalities and circumstances that create barriers to accessing services (including by promoting geographic equity).

Response to questions regarding the draft standard

The Relationships Australia federation serves a broad client base across Australia, many of whom have, or are experiencing DFSV, including individuals from marginalised groups who may be more significantly impacted by issues around privacy and safety in their dealings with telcos. The proposed standard has potential to positively impact and protect the lives of DFSV victim-survivors. This includes contributing to an increasing culture of believing and supporting victim-survivors.¹⁸

The Standard needs to be inclusive and focussed on removing unnecessary burden from DFSV victim-survivors to prove or even disclose the DFSV, or to meet excessive requirements for identification that may not be readily available to them, or where obtaining them would pose safety risks for victim-survivors. Operationalisation of the standard needs to focus on systems that support staff to appropriately respond to known and potential victim-survivors, and to ensure security of the personal and sensitive information relating to staff.

Some victim-survivors may not recognise they are in an abusive dynamic, or may also be acting in a self-protective manner, for example not wanting to set off DFV mechanisms where the perpetrator might find out and/or escalate abusive behaviour. Even expert DFV counsellors may not be able to identify or obtain disclosure of abuse. While telco staff should be trained to

symptoms, future IPV interventions need to recognize the possibility of these deficits affecting individuals with longstanding RHI exposure, with intensive and specialized support for those at risk’ (Tiemensma et al, 2024).

¹⁶ Glenn, 2019, p 53.

¹⁷ A term originating in Mnookin & Kornhauser, 1979, and used extensively in Australian family law literature; see, eg, Crowe et al, 2018.

¹⁸ <https://www.aihw.gov.au/family-domestic-and-sexual-violence/understanding-fdsv/community-understanding-and-attitudes/community-understanding-of-fdsv>

respond appropriately, it is more important that guidelines and processes are set up to err on the side of safety and privacy protection, and to keep victim-survivors and telco staff safe.

Specifically, the objective to 'implement policies and processes addressing engagement with alleged perpetrators of DFV and/or sexual violence, if appropriate' seems ambitious and would need to be operationalised in a way that does not unnecessarily alienate consumers and keeps safety as a priority for all parties.

Specific comments on the draft industry standard consultation questions are provided in the following section.

Question 1: Does the draft DFSV Standard fulfil the objectives and requirements of the Direction?

We believe that the draft Standard addresses the objectives of the Direction. Issues regarding definitions, victim-survivor identification and data security are addressed within following responses. Policy and procedures to address systems abuse, financial abuse and DFV in the finance and energy sectors, could be used as best practice examples.

Application of the Standard

Question 2: Should the DFSV Standard, in part or whole, apply to not-for-profit and/or small business customers?

We are in support of the Standard applying to not-for-profit and small business customers with the understanding that persons experiencing DFV may access their phone via a business structure (for example sole traders or those in a business partnership with the person using violence against them).

Question 3: Are there any classes of carriers or CSPs that should be exempt from requirements in the DFSV Standard?

No.

Question 4: Should there be exceptions or conditions placed on the application of certain obligations?

While there are issues around definitions (for example DFV) and the development of procedures (for example trauma informed responses, provision of information on DFV policy and dealing with perpetrators), these are addressed in our recommendations and in responses to other questions.

Question 5: Do the benefits of having expert-informed policies, statements and training outweigh the additional demands placed on the DFV sector by the proposed provisions that require consultation?

Yes.

In addition to seeking input from the sector, victim-survivors of IPV and AMNEOP (abuse, mistreatment, neglect and exploitation of older people) will benefit from the opportunity to provide input. To directly quote the National Plan to End Violence Against Women and Children 2023-2034 (DSS, 2022, p.68):

Victim-survivors must be at the heart of solutions. Victim-survivors have specific and contextual expertise that comes from lived experience of abuse and violence. They have intimate first hand knowledge of services, systems, and structures that are meant to support them but have sometimes failed them. They know from experience the weaknesses and strengths of interventions in practice.

When setting legislative and programme deadlines, policy-makers do need to be mindful of the fact that all parts of the sector are under considerable strain. Where seeking of lived experience perspectives is contemplated (including, but not limited to, co-design processes), then policy-makers must start to factor in reasonable timeframes to avoid this becoming a ritualistic, tick a box, exercise. Additionally, policy-makers and providers will, in seeking lived experience perspectives, need to accommodate psycho-social support needs).

Definitions

Question 6: Is the definition of DFV in the draft DFSV Standard broad enough to adequately capture the potential circumstances of a consumer who is, or may be affected by DFV and may seek support or assistance from a CSP?

No. The Standard should include reference to AMNEOP, and be re-crafted as recommended above (See Recommendations 1-7) to meet the Direction's objectives in respect of this (heterogenous) group of victim-survivors. It is disappointing that older people, and ageism, are not recognised in the discussion of intersectionality in the Consultation Paper.

As mentioned in the recommendations, the Standard should define family violence using the definition in the Family Law Act, which would support consistency on the Commonwealth statute book. Consistency is required throughout the Standard; for example, while some types of abuse (i.e. coercive control) have been defined separately from the general definition of DFV, emotional and psychological abuse are not individually defined.

There are also issues around the use of the term 'perpetrator' as described at Recommendation 7, as 'perpetrator' can be problematic in some culturally and linguistically marginalised groups, including First Nations communities. It also fails to reflect the nuances of complex family

histories and dynamics, including, for example, where a person using violence is themselves a victim-survivor; a child; or unaware that they are causing harm.

Further, victim-survivors and affected persons should be characterised as ‘experiencing’, rather than being ‘subject’ to DFV, which undermines the agency of individuals.

Legislation and programmes relating to DFV are often premised on intimate partner violence in heterosexual couples. However, DFV occurs within same-sex couples, can be perpetrated by children, and against older adults (including a parent). People can experience abuse from other family members, as well as within other intimate and familial relationships with abusive dynamics.

victim-survivors of abuse/ affected persons may not identify as being such, or may understand their situation but be behaving cautiously so as not to alert perpetrator of this belief or any intentions to act.¹⁹ It is well established that informing a perpetrator of an intention to leave an intimate relationship, as well as the separation and post-separation periods, are critical points for escalated violence. In many cases children are involved. Training of telco staff will need to include these situations, among the many others associated with abuse, in order to provide proper advice and support (i.e. unable to pay bills, enquiries as to who else can access account, etc). Training must also acknowledge the many instances where affected people likely won’t have any proof of their experience of DFV.

Telcos must establish straightforward processes to prove identity and end usership for the facilitation of account transfer, that do not require the victim-survivor to have documents on hand, or to obtain approval from the perpetrator, which might be inflammatory or dangerous for the victim-survivor. For a victim-survivor (whether disclosed or suspected) to lose access to their known phone number in a time of crisis could be at most physically dangerous and at least an unnecessary hurdle for them escaping violence.

Question 7: Recognising that sexual violence also occurs outside the circumstances of DFV, are there any situations where the requirements under the draft DFSV Standard should apply to CSPs in circumstances where sexual violence has occurred outside of a DFV situation?

victim-survivors of sexual violence should still be provided with the same information and support, have the same rights to privacy and to have their sensitive information stored securely and separately from their main account information as victim-survivors of DFV. However, some of the provisions may not equally apply to sexual violence victim-survivors (for example, privacy and uncoupling of accounts).

¹⁹ Arief et al. 2014.

While the Standard pertains to DFSV, there is little mention of sexual violence within the Standard; we **recommend** that sexual violence outside of DFV is explicitly stated in the sections of the Standard relevant to this form of abuse.

Other definitions

Question 8: Are there other terms in the draft DFSV Standard:

a) where the definition could be improved?

Overall, we **recommend** that the ACMA take all reasonable steps to not further exacerbate fragmentation of definitions and, where possible, use definitions from the National Plan to End Violence Against Women and Children and the draft National Plan to End Abuse and Mistreatment of Older People. There may also be value in consulting ANROWS and AIFS for insights into emerging terminology.

b) that should be left undefined?

c) that should be defined?

We **recommend** that the ACMA consider expressly mentioning both technology-facilitated abuse and technology-enabled abuse.

Implementation timeframes

Question 9: What is a reasonable timeframe for implementation of the DFSV Standard to allow CSPs to consult and collaborate with DFV experts in developing and implementing the systems, policies, processes and training required?

One year should be a reasonable timeframe to allow CSPs to consult and collaborate with DFV experts in developing and implementing the systems, policies, processes and training. However, this should not exclude the need for further consultation, and revision as required, including co-design with those with lived experience where possible.

Question 10: Are there any provisions in the draft DFSV Standard that should start immediately upon commencement?

The requirements to provide support to affected persons as set out in Part 4, Section 12, should be immediately applicable. This would include:

- only contacting the affected person through their preferred communication method.
- immediate revision of the minimum requirements for burden of proof of identity or of victimhood.
- privacy in changing numbers, addresses and names.
- referral to DFV services (including financial counselling) (if not already available to affected consumers).

Intersectionality

Question 11: How can the needs of people who are, or may be, disproportionately affected by DFV be best addressed by CSPs when training staff and tailoring systems, policies and processes?

Telcos should be required to identify and directly consult with victim-survivors of DFV (particularly with experience of telco issues). Such consultation must include translations and consultation with Aboriginal and Torres Strait Islander and multicultural groups. A recent review of the experiences of women from culturally and linguistically diverse backgrounds experiencing technology facilitated abuse identified that lack of awareness of what constituted abuse, language or communication barriers and immigration status were barriers to seeking help.²⁰ Additionally, consultation must also include voices of women living with disabilities, and women at risk of, or with experience of insecure housing.

Flexibility versus specificity

Question 12: Are there requirements in the draft DFSV Standard where varying the specificity is desirable? If so, please explain:

As discussed above, consumers may not recognise they are in an abusive dynamic. They may also be acting to protect themselves, their children, or even the person using violence against or harming them (e.g. in situations involving AMNEOP), in terms of not wanting to set off DFV mechanisms where the perpetrator might find out and potentially escalate their violence. Additionally, it could be very unclear to telco staff if someone is a person using harm or causing violence (that is, a perpetrator). Telco staff should be responsible for actions such as separating the accounts, changing numbers, changing security settings, and similar basic functions, performed in a trauma-informed and safe way. Telco staff should be able to provide initial support and be empowered to then refer either to the hardship team, or to further support services. Such an approach will avoid placing unrealistic demands on them and minimise the risk of vicarious trauma.

Affected persons should be able to have a separate account set up without notifying owners of any shared accounts, and considering the complexity of issues around disclosure and proof, this should be possible regardless of whether abuse has been explicitly disclosed, and just on statement of preference by the consumer. They should also be able to protect their account from being closed by the person causing harm, which is a recognised form of technology facilitated DFV.²¹

²⁰ Leyton Zamora, 2022.

²¹ Douglas, Harris and Dragiewicz, 2019.

Privacy and record keeping

Question 13: Does the draft DFSV Standard adequately balance the need to keep records to demonstrate compliance with the obligations of the Standard with the need to protect an affected person's privacy and security?

The utmost security and privacy must be maintained for victim-survivors and suspected victim-survivors of DFV and SV, while also accommodating for appropriate record keeping. Where data security and privacy is an issue, consideration must be given as to how to ensure removal of unnecessary approval requirements, as discussed above.

Example: CSP requiring face-to-face provision of proof of marriage and divorce for new bill for name change, when updated photo ID (license/ passport) and new bills containing updated surname (maiden name) had already been supplied.

The Standard should also specify that telcos must notify an affected person if their data has been inadvertently provided to the person using violence / perpetrator.

Telcos must also consider how to support an affected person in recovering any records that may have been left behind when escaping violence.

The rigidity of data entry systems needs to be addressed in order for the policies, procedures and guidelines to be effective. The following examples bear out the need for nuanced approaches that prioritise the safety and privacy of victim-survivors:

- Non-uniformity across platforms, meaning that client is still identifiable under previous name (and then potentially can be identified – i.e. in the event of a data breach);
- Rigidity of systems where accounts were set up in ex-partner/ perpetrator's name. Some systems require account closure and opening a new one. (Can account terms and conditions be altered to more readily accommodate change, for example where it is clear the end-user is the only user of the number?);
- Rigidity of systems requiring that a new account with an existing number or email address is automatically linked to an older account despite the client's wishes to have them separate; or
- Rigidity in billing options, i.e. who the bill is addressed to and where it is delivered, either physically or electronically.

Dealing with perpetrators

Question 14: To what extent, if any, should the DFSV Standard impose obligations on a CSP in relation to its dealings with perpetrators and alleged perpetrators of DFV?

We welcome the ACMA's recognition that correct identification of the person most in need of protection, and the primary aggressor, is a complex matter. Where misidentification has

occurred in the past, it has done so frequently in the context of coercive control and to the detriment of victim-survivors affected by intersecting marginalisation and polyvictimisation.

The objective in the consultation document, to ‘implement policies and processes addressing engagement with alleged perpetrators of DFV and/or sexual violence, if appropriate’ requires clarification. How would this be operationalised? Customer service representatives cannot be expected to identify affected persons without disclosure, or expected to act in a way that may create or increase threat of violence to themselves or the affected person from persons using violence/perpetrators.

Question 15: Keeping the safety of both the DFV-affected person and CSP staff in mind, what should these obligations be?

As mentioned above, identifying a perpetrator or person in most need of protection may be beyond the capacity of telco staff.

Focus on safety

Question 16: Do the specific and enforceable obligations in the draft DFSV Standard adequately embed an underlying focus on safety in developing and reviewing systems, processes and products?

While the draft DFSV Standard adequately addresses an underlying focus on safety, there are some points that would benefit from clarification regarding the development of DFV procedures:

The definition of ‘trauma informed’ (Part 1, Section 5) is very general and may lead to difficulty in operationalisation into a DFV provider’s procedure as set out in Part 2, Section 8, Subsection 2 (a). This could be amended by referencing guidance material on what a trauma informed procedure would look like. For example, the Standard could refer to guidance provided in the Australian Human Rights Commission fact sheet on Person-centred and Trauma-informed Approaches to Safe and Respectful Workplaces.²²

In Part 2, Section 8, Subsection 2 (c), examples should be provided as to how perpetrators are engaged. As described at Question 14, it might be outside of the scope of telco staff, even those trained as part of a hardship or care team, to be addressing any telco customer as a perpetrator, particularly since this may not have been disclosed, may be difficult to prove, and could endanger staff and consumers alike.

As noted above, the evidence shows that exiting, or planning to exit, a violent relationship can escalate risk to victim-survivors. Further clarification of keeping actions safe from disclosure to

²² Australian Human Rights Commission, 2023.

perpetrators (Part 2, Section 8, 2 (f)) is required. Firstly, applying Safety by Design principles,²³ personal or sensitive information should not be disclosed to any individual other than the affected person or their authorised representative. As mentioned previously, the affected person should be notified as soon as possible if inadvertent information sharing has occurred.

Example: A woman left a serious DFV situation that included IVOs and the woman going into hiding with young child; after extended separation, contact was re-established and the woman agreed for her ex-partner to come to her house to see their child. The alleged perpetrator then informed her that he already had her address, reading it out to her. It had been given to him by the telco (the original account, while her own number, had been set up under his surname). In this situation the woman had not disclosed the abuse to the telco when updating her mailing address. There would have been no reason for customer service staff to suspect DFV was at play.

Part 3, Section 9, subsection 3, should also stipulate that DFV information is provided in physical stores belonging to telco providers as it is already stipulated to be available on websites and apps.

In addition, information collected about the consumer's experience of DFSV should be separate from the main account system, perhaps including reference to the Australian Privacy Principles. While this is suggested in Part 7, Section 16, subsection 3, we recommend that it more clearly stipulates that the personal and sensitive DFSV-related data must be stored separately (as set out in Recommendation 11).

Part 7, Section 17, Subsection 18 relates to secure storage of data, but should also specify the separation of the personal and sensitive information regarding DFSV experience from customer account information.

As mentioned under our recommendations, Part 7, Section 17, subsection 19 is missing a conjunction between 'connection'; and 'this'.

Question 17: Are there other evidence-based DFV safety matters relevant to the telecommunications sector that should be incorporated into the draft DFSV Standard?

As mentioned above, a consumer should be able to have a separate account set up without notifying owners of any shared accounts, and considering the complexity of issues around disclosure and proof, this should be possible regardless of whether abuse has been explicitly disclosed.

²³ <https://www.esafety.gov.au/industry/safety-by-design#safety-by-design-principles>

Further issues not specifically covered in the draft standard, that had been recommended by Dragiewicz et al. in 2019, as a result of their Australian research with victim-survivors were to:

- *Eliminate charges for changing and un-listing phone numbers due to TFCC (technology-facilitated coercive control)*
- *Release victim-survivors from charges for phones that abusers have taken or destroyed, and*
- *Offer financial hardship plans for domestic violence victim-survivors unable to pay for phone contracts and plans.*²⁴

Suppression of information

Question 18: What is the best way to achieve the overarching objective for CSPs to limit or prevent the disclosure of information on invoices, bills and other customer-facing materials?

Any internal processes that ensure data security will obviously flow on to help protect clients experiencing a range of circumstances. Considering there have been data security breaches within the telco industry, databases should be structured in a way that any personal or sensitive information identifying clients as DFSV victim-survivors is carefully linked from a separate source to lower chances of this information being reconstructed/ re-identified should a data breach occur. This is similar to requirements relating to storage of, and linkages across, sensitive medical data (see AIHW data linkage protocols, for example).

Additionally, consideration should be given to the potential for persons who use violence being staff members at telcos and having access to data about affected persons (similar to law enforcement). Systems should be set up to ensure that access to DFSV information is only available to select staff, and that adequate protocols and supervision are in place to prevent misuse.

a) If the possibility of suppressing a broader list of services from bills etc is merited, what should be the process for determining the scope, and a list, of support services?

A core list should be developed of the national family and domestic violence and sexual assault crisis counselling services, including suicide crisis support and legal support services. The list would be live, as numbers would be changed or added over time, so the best structure for working with a dynamic list should be used (i.e. sitting outside of the Standard, if appropriate).

b) Should the suppression of information about DFV services on bills, invoices and customer-facing materials be opt in or opt out?

In line with the principles of Safety by Design, suppression of numbers for DFSV-related services should be mandatory for telcos (with assistance from the carrier, as set out in Part 7, subsection

²⁴ This reflects recommendations by Dragiewicz et al, 2019, p 42.

17); for example, that selected numbers, including 1800 RESPECT are automatically not included in any billing, etc (see Part 7, Section 7 (e)). There should be a list of numbers that are blocked from caller ID (i.e. would not appear on bills at all), to which additional DFSV-related services can opt in (understanding that services might change or that new ones commence, so that list would need to be updated, and regular awareness raising conducted to inform providers of this option). An affected person could then potentially opt out of the suppression of numbers, if expressly stated.

c) What specific, phone numbers, if any, should be suppressed?

See preceding recommendation about 1800ELDERHelp. In addition, would be legal and housing services, family and relationship support, services for younger people, older people, specific services for suicide crisis support, sexual assault counselling services, police (non-emergency) and national security hotlines.

Question 19: Are there any other free national hotlines, other than 1800 RESPECT, used by DFV-affected persons that should be included in the draft DFSV Standard?

As a starting point, including (but not limited to), the following national services (noting that many also have state-based counterparts):

- National Legal Aid <https://nationallegalaid.org.au/national-services>
- Family Relationship Advice Line 1800 050 321
- 1800ELDERHelp 1800 353 374
- Kids Helpline 1800 55 1800
- Lifeline 13 11 14
- Suicide Call Back Service 1300 659 467.
- Mensline 1300 78 99 78
- Family and Relationship Service Providers (i.e. Relationships Australia, Relationships Matter, Better Place Australia, Uniting Care) See <https://frsa.org.au/member-directory/> and see also <https://frsa.org.au/helplines-websites/>
- Major Banks DFV support services, e.g. CommBank Next Chapter (DFV support) 1800 222 387
- Full Stop 1800 385 578 and other sexual assault services listed below
- Sexual assault services (National listed below, an example list of states available at <https://au.reachout.com/challenges-and-coping/abuse-and-violence/sexual-assault-support-services>)
- Women's Information and Referral Exchange (WiRE) 1300 134 130 (03) 8326 7100

Interaction with other instruments and codes

Question 20: Are there any requirements in the draft DFSV Standard that overlap or cause potential conflicts for compliance with existing regulations?

None identified

Question 21: Should the DFV protections allowed for in industry code C566:2023 Number Management – Use of Numbers by Customers be incorporated into the draft DFV Standard, thereby attracting a broader suite of enforcement powers for non-compliance?

Yes

Question 22: Do you agree with the proposal to make a subsequent amendment to the definition of an urgent complaint in the Complaints Handling Standard to incorporate a complaint made by a person who is or may be experiencing DFV if the subject matter of the complaint may reasonably be considered to impose a direct threat to that person's, or their children's, safety?

Yes

Conclusion

Thank you again for the opportunity to consult on the draft Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025.

Relationships Australia welcomes the progress the Department has made on this important work and supports the direction for a DFSV standard for communications service providers.

To discuss any aspect of our response, please do not hesitate to contact me at

[REDACTED], or our National Research and Projects Officers, [REDACTED]
at [REDACTED]. We can also be contacted at [REDACTED].

Kind regards

[REDACTED]

[REDACTED]

National Executive Officer

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