



Submission to Australian
Communications & Media
Authority

**Draft Telecommunications
(Domestic, Family and Sexual
Violence Consumer
Protections) Industry Standard**

Public Version

3 April 2025

1. INTRODUCTION

1. Optus welcomes the opportunity to provide feedback on the draft Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025 (the draft Standard).
2. Optus is strongly committed to supporting consumers affected by Domestic and Family Violence (DFV) to remain connected to their telco services during such difficult circumstances. Optus has in place a multifaceted approach to supporting our customers affected by vulnerable circumstances, including DFV. Optus prioritises personal safety and provides timely, trauma-informed and tailored solutions for consumers affected by DFV.
3. Optus' policy and processes, including training, for supporting consumers affected by DFV has been informed by the Industry Guideline G660:2023 *Assisting Consumers Affected by Domestic and Family Violence*, as well as through consultation with external experts. Optus has a dedicated Specialist Care team that is resourced and trained to provide trauma-informed support to consumers affected by DFV.
4. Our comments below on the draft Standard reflect our experience in supporting consumers, including challenges and pain points that we are continuing to address as we improve our processes and co-ordination between teams. It is vital that the Standard does not detract from best practice processes already in place.
5. Overall, Optus does not have concerns with the intention of the draft Standard, however we do caution that the drafting of the Standard needs to enable CSPs to provide trauma-informed support for consumers affected by DFV. This means that affected persons must be able to determine when and how they identify or disclose their vulnerable circumstances and be empowered to tell us how they want to be supported. We are concerned that the drafting of the Standard is working counter to the ACMA's stated objective of providing trauma-informed support. For example, the Standard must avoid mandating that specific actions must be taken based on 'suspicion'. CSP obligations should only apply where a consumer self-identifies or discloses that they are affected by DFV. Similarly, once a consumer has so identified; any subsequent actions should be driven by the consumer's consent so that CSPs can appropriately provide tailored support.
6. Finally, Optus notes the substantial overlap between customers experiencing financial hardship and those who are affected by DFV. Our experience is that consumers affected by DFV almost always require financial hardship assistance (as well as other support in managing their account and services) and that their first contact with us most often relates to issues with making payments or falling behind in payments.
7. For this reason, we welcome acknowledgement in the ACMA's consultation workshop that there may be conflicting obligations in this instrument and the Financial Hardship Standard (2024) as well as other ACMA consumer protection regulations. We agree that it would be helpful for the ACMA to review, in consultation with industry, where there are conflicting or inconsistent obligations. Optus' experience is that resolving conflicting regulatory obligations as we implement new rules creates a significant regulatory burden and often results in unintended, negative consequences for consumers.

2. COMMENTS ON THE DRAFT STANDARD

8. This section provides comments on specific drafting the draft Standard which give effect to Optus' position that the Standard should reflect, or at the minimum, not prevent, best practice approaches to supporting consumers affected by Domestic and Family Violence (DFV).

Definitions

9. The proposed definition of **Affected person** includes individuals that the CSP 'suspects' may be affected by DFV. This places too much of a burden on CSPs and frontline staff to assess whether a consumer may be affected. Optus also notes that such an approach is inconsistent with trauma-informed approach to DFV assistance.
10. Optus strongly suggests that (b) is deleted and that the definition is limited to (a) – consumers who identify as being the subject of DFV. We note that change will not prevent CSPs from assisting consumers when we suspect DFV but it will remove an unrealistic burden from frontline staff. Further, mandating specific actions based on suspicion alone creates other compliance risks, and could impact on our ability to provide a trauma-informed response that is led by the consumer and their needs.
11. We also note, for consistency that all mentions of "suspect" or "suspicion" need to be removed from the instrument, for example, section 8(2)(b) should be amended to remove the words "... or are suspected by the provider's personnel...".

Part 3

12. The requirement in section 11 to take specific action to provide a consumer with information the first time they disclose DFV circumstances is well intentioned, but overly prescriptive. Optus' experience is that it is always preferable to adopt a trauma-informed approach and be led by the consumer as to what information is needed, how much is provided and when it is provided. The current drafting would unfortunately result in some affected persons being overwhelmed with information at an inappropriate time and at worst, could jeopardise safety. Optus' first step is always to check if a consumer is safe to have a conversation and then we are led by the consumer as to what information and support they require at this initial point. We note that victim-survivors of DFV often reach out for support ahead of making decisions to leave a situation and may also require support over various stages and circumstances as they escape a violent domestic situation.
13. Optus reiterates that the Standard should be consistent with trauma-informed approach to supporting DFV affected persons.

Part 4

14. Optus agrees that consumers affected by DFV should be protected from disconnection but notes that it is only where the affected person is also the account holder *and* discloses their circumstances (or applies for financial hardship assistance) that we will be able to protect a service from disconnection.
15. A CSP will only ever be able to provide financial hardship assistance to an account holder and not an end user. We will not be able to provide a payment plan or payment extension to an end user and the drafting in section 12(2) therefore does not make practical sense in relation to an end user. Unless the ACMA's intention is that we review

a perpetrator's account to check that payment plans have been set up correctly for the perpetrator.

16. Further, where the affected person is the end user, we believe it is best practice to provide them with a new clean slate account of their own; that is separate from the alleged perpetrator's account. We submit that this is the only safe way to support the affected person from disconnection as if we keep the affected person's service on the perpetrator's account, the perpetrator will always retain the ability to disconnect the service.
17. Finally, if subsection 12(2) is amended to be an obligation to protect an account holder (rather than an end user) we would like clarification as to how long this protection should be in place. For example, if we provide support to a DFV affected account holder at a point in time; is there an ongoing obligation around that account or does the protection set out in subsection 12(2) only apply while the affected person is in DFV circumstances. Either way, Optus interprets this obligation to mean that we would likely need to flag the accounts of affected persons so that they are treated as set out in subsection 12(2).

Part 6

18. Optus has processes in place now that we believe substantially align with the intention of Part 6, however we do note the following questions and concerns:
 - (a) It is unclear what the objective is of the obligation in subsection 15(2) to prioritise telecommunications service support when a consumer is facing an "imminent and direct threat to their safety". In such circumstances, our current policy is to immediately contact Triple Zero on behalf of the consumer. We interpret an "imminent and direct threat" to mean that the affected person is in immediate danger. We would always prioritise contacting Emergency Services in this circumstance. We further suggest that a CSP will only know if the affected person's children are in imminent danger if this is disclosed to use by the affected person.
 - (b) Regarding subsection 15(4), we have some concerns that this drafting may hinder our ability to facilitate transactions needed to support the affected person and implement changes to their account and/or services. Our experience shows that in many cases, the affected person is happy for us to facilitate communications with a perpetrator to resolve billing and account issues and to transfer services and or liability for device payments. Often this is facilitated by engaging with either the perpetrator or their authorised representative. We never require the affected person to communicate *directly* with the perpetrator, but our experience shows that facilitated engagement via Optus or other support workers or authorised representative is usually helpful in resolving issues. We note that personal circumstances can vary considerably, and we will always be led by the affected person and prioritising their safety.

Part 7

19. When an affected person is an end user, Optus has clearly defined processes for supporting them to set up a clean slate account, separate from the perpetrator's account.
20. When an affected person is the account holder, we also have clearly defined processes for providing financial hardship and general account support. However, we are never

able to transfer a debt to a third-party. For example, if an affected person who is an account holder informs us that the perpetrator has control over devices or equipment that are connected to services on their account, we cannot transfer the liability to pay for those services, devices or equipment without the agreement of the perpetrator. Clearly, we can cancel services and/or block devices, however, we are always led by the consumer and their safety before we take such actions. The practical impact here is that the CSP needs to resolve any outstanding debts on the account and/or to continue to provide services to the perpetrator for a reasonable period to ensure the safety of the affected person.

21. In relation to subsection 16(5)(b), Optus notes that a mobile application does not require a 'quick exit' function. We are not aware of any App having such a function as by their inherent nature, Apps can be immediately shut down on a device. Further, the definition of 'quick exit' seems to limit the functionality to websites.
22. We have no concerns about the requirement for a quick exit function on a website and already have this in place.

3. RESPONSES TO QUESTIONS

1. Does the draft DFSV Standard fulfil the objectives and requirements of the Direction? If not, please explain why and describe any alternative and/or additional approaches or requirements that could be used to meet the objectives of the Direction.

23. Optus believes the draft Standard broadly fulfils the objectives of the Minister's Direction.
24. We also do not agree that the Standard should prescribe suppression of call records as this conflicts with other obligations telcos have to provide accurate billing records and make records available to law enforcement and national security agencies on lawful request. We believe the desired outcome would be best achieved via industry co-operation rather than regulation.

2. Should the DFSV Standard, in part or whole, apply to not-for-profit and/or small business customers? If so, please provide details on which parts of the DFSV Standard should apply and why.

25. No, Optus does not consider that the Standard should apply to small business customers or not-for-profit organisations. The type of tailored support that is required in relation to DFV is support that can be provided to individuals, rather than businesses or organisations.
26. We note that limiting the scope to individual consumers does not limit our ability to assist an individual who may also be a small business customer or be part of a non-profit organisation. In fact, Optus has implemented a process to enable a 'transfer of title' for small business customers where we are able to assist with removing a service from a small business account where an individual is affected by DFV. But we cannot realistically provide tailored, individual, trauma-informed support to a company, other business entity or organisation.

3. Are there any classes of carriers or CSPs that should be exempt from requirements in the DFSV Standard? If so, please provide details on which classes of carriers or CSPs should be exempt, the requirements they should be exempt from and why.

27. No, Optus takes the view that the Standard should apply to all CSPs.

4. Should there be exceptions or conditions placed on the application of certain obligations? If so, please provide details on the exceptions or conditions you think would be suitable and why.

28. No, Optus does not support carve outs for any of the obligations.

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?

29. Optus agrees that there is value in consulting with experts in the field to inform policies and processes and we have established partnerships in place that have enabled us to do this and we continue to leverage these partnerships.

30. That said, we caution that the requirement to consult externally will also place a burden on those third-party organisations, many of which are charitable organisations with limited capacity, funding and sometimes also limitations on their scope.
31. We also suggest that the requirements to consult with third-parties should not be too prescriptive, in that they should not name or reference any particular organisation or service, to ensure the Standard is future-proofed to changes that could stem from changes to Government policy, direction or funding decisions.

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? If not, please suggest how it could be improved.

32. Optus accepts consumers self-identification of being impacted by DFV. As noted above, our Specialist Care team is trained to provide a trauma-informed response to customers who disclose their vulnerable circumstances. Our experience is that consumers only request support in genuine DFV circumstances and the rare attempt to de-fraud is usually apparent very quickly and able to be handled by requesting supporting evidence of circumstances. To date, we have not seen any need to apply an eligibility test and we broadly accept consumer's self-identification of their vulnerable circumstances.

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?

33. Optus does not understand why sexual violence, outside of DFV would fall within the scope of the Standard. Being impacted by sexual violence, outside of DFV, does not usually trigger specific telco needs. We would treat a consumer in those circumstances as a vulnerable consumer, if they chose to disclose their circumstances to us, and our Specialist Care team is empowered to provide tailored support, but we see this as being consistent with how we treat any consumer affected by a crime, particularly a crime of a violent nature. For example, we support customers who have been impacted by home invasions, robbery and motor vehicle accidents and we provide appropriate support when any customer discloses that they are affected by such circumstances. Optus Specialist Care is trained to provide a trauma-informed response to any consumers in vulnerable circumstances who require such an approach.

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

- a) where the definition could be improved? Please explain how.
- b) that should be left undefined? Please explain why.
- c) that should be defined? Please explain why and provide suggestions.

34. Please see our comments in section 2 above in relation to definitions.

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?

35. Optus recognises the need for clear regulation to be implemented as soon as possible. We suggest that implementation should allow a reasonable timeframe for consultation

with third parties and to roll-out uplifted training. Third party training providers will require time for development and to build capacity. Our experience is that 6 months is reasonable to uplift and implement training, however we suggest that ongoing consultation with industry should inform the implementation timetable to be included in the Standard.

10. Are there any provisions in the draft DSFV Standard, such as the protections proposed in section 15, that should start on commencement or very soon after (such as by 1 July 2025)?

36. Optus has processes in place now that we believe align with the intention of section 15, however we have outlined some questions and concerns we have with Part 6 of the draft Standard in section 2 above.

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?

37. Optus suggests that telcos are not best placed to understand which cohorts of the population may be disproportionately affected by DFV. While training that is informed by organisations with expertise in DFV will be helpful here, we emphasise that we do not want to be put in a position where we are profiling customers for their risk or vulnerability to DFV as this goes well beyond our remit as a telco and risks invading the personal privacy of our customers.

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

a) why it would benefit the DFV-affected consumer

b) how the intended protection could be better delivered

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? If not, please explain why and describe any alternative and/or additional approaches or requirements that could be used to better balance these needs.

38. Please see our comments above in relation to the suppression of call records.
39. We do note that Optus does not have "joint accounts" and we do not believe that such a construct as a "joint account" exists in the telco sector. While banks provide joint accounts, telco accounts are held by an individual. Reference to "joint accounts" should be removed from the draft Standard (see Note under Section 16(4)).
40. Similarly, we suggest that the Note under Section 16(3) which suggests CSPs have a separate system for an affected person while keeping them on the same account, is not a practicable or secure suggestion. A clean slate approach where an affected person is provided with a new account is preferable.

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?

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

41. Please see our comments above in section 2 in relation to engagement with alleged perpetrators under Part 6 of the Standard.
42. We further note that CSPs have obligations around the safety of staff and Optus will always prioritise the safety of both a DFV-affected consumer and our teams.
43. However, we note that in many cases, resolution of an affected person's telco needs often involves Optus facilitating an arrangement with an alleged perpetrator. DFV affected customers often request us to transfer a service and/or device to an alleged perpetrator so that the DFV affected customer will not need to continue paying for that service and/or device. While we agree that a CSP should have processes for doing this; we note that safety of staff must always take priority and further, such processes will always be depending on the perpetrator's willingness to be part of the process.
44. CSPs cannot transfer a service or a debt to a third party unless that third party is willing and able to accept. The third party would need to also meet other regulatory requirements, such as passing a credit assessment/check.

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?

45. Yes.

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

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?

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?

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

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

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?

46. Optus cautions against including any specific and named hotlines in the Standard.
47. We note that we suppress calls to 1800 RESPECT on all customer bills and invoices and that this outcome has been achieved by industry cooperation without the need for regulation.

20. Are there any requirements in the draft DFSV Standard that overlap or cause potential conflicts for compliance with existing regulations? If so, please:

a) identify the existing regulation

b) explain how the draft DFSV Standard would affect compliance

c) include suggestions for how the intended protection may be better delivered.

- 48. Optus has concerns around potential overlaps with the Financial Hardship Standard (2024) as well as other instruments, including the Customer ID Determination, the Prepaid ID Determination and the application of rights of use of numbers.
- 49. We further note that sometimes consumers contact us for DFV related support, most typically in an elder abuse scenario, when the alleged perpetrator also holds Power of Attorney. In such scenarios, we are only able to provide the consumer with advice about external support organisations or other authorities so that they can remove the Power of Attorney. We are unable to remove an authorised representative who has legally been granted Power of Attorney.

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?

- 50. Please see answer to question 22 below. Further, we note that the ACMA will have the same suite of enforcement powers for industry Codes and Standards under the Enhancing Consumer Safeguards Bill 2025 which we expect will pass into legislation under the new parliament.

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? If not, please explain the reasons why.

- 51. This suggestion goes to directly to the issue of how various regulatory instruments and Codes overlap and work consistently. When Optus receives a customer complaint involving domestic and family violence our first priority is to address any urgent DFV-related support needs—especially when safety is at risk, or the customer faces potential disconnection—before resolving other aspects of the complaint. As part of our process, our complaints team will refer these cases to our trauma-informed, specialist care team, ensuring customers receive immediate and appropriate support. However, the overlap of regulatory requirements can create complex and challenging pathways for both consumers and CSPs, making it harder to navigate timeframes and compliance obligations. Despite these challenges, Optus remains firmly committed to prioritising customer safety in all complaint-handling processes.