

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

Submission by Legal Aid Queensland

2 April 2025

Introduction

Legal Aid Queensland (LAQ) welcomes the opportunity to make a submission in relation to the proposed industry standards for telecommunication customers experiencing domestic, family, and sexual violence.

LAQ provides input into State and Commonwealth policy development and law reform processes to advance its organisational objectives. Under the *Legal Aid Queensland Act 1997*, LAQ is established for the purpose of “giving legal assistance to financially disadvantaged persons in the most effective, efficient and economical way” and is required to give this “legal assistance at a reasonable cost to the community and on an equitable basis throughout the State”. Consistent with these statutory objects, LAQ contributes to government policy processes about proposals that will impact on the cost-effectiveness of LAQ’s services, either directly or consequentially through impacts on the efficient functioning of the justice system.

LAQ always seeks to offer policy input that is constructive and is based on the extensive experience of LAQ’s lawyers in the day-to-day application of the law in courts and tribunals. LAQ believes that this experience provides LAQ with valuable knowledge and insights into the operation of the justice system that can contribute to government policy development. LAQ also endeavours to offer policy options that may enable government to pursue policy objectives in the most effective and efficient way.

This submission calls upon the extensive experience of LAQ’s specialist Violence Prevention and Women’s Advocacy lawyers, as well as the experience of LAQ’s domestic and family violence practitioners.

Submissions

Overall, LAQ commends the draft industry standards. LAQ notes that they are victim-focused and provide for practical and realistic actions to be taken immediately on behalf of telecommunication customers experiencing domestic, family and sexual violence (DFV).

LAQ takes this opportunity to provide the following suggestions to further strengthen the proposed industry standards.

Section 13 – requirement to train personnel

This section sets out requirements for a provider to deliver, or arrange for a third party to deliver, DFV training to its personnel. The section also notes that the training must be delivered either within three months after the commencement of the industry standards for those personnel who deal directly with consumers at the time of commencement, or before personnel start dealing directly with consumers, and annually after personnel first receive training.

LAQ notes that, although section 13(2) sets out what the DFV training must cover, there is no obligation for the training to be either provided or co-facilitated by an expert in the area. LAQ is of the view that, for the initial training to be meaningful, it should be delivered or co-facilitated by someone with experience in DFV work (for example, a practitioner from a domestic violence service). It is vitally important that personnel are appropriately trained and aware of all potential dynamics that may be present for a consumer experiencing violence. If a victim were to reach out to services and be poorly

received or have their experience minimised, this could have a significant impact on their ability to seek assistance again in the future. Likewise, inadequate training may result in a perpetrator inadvertently receiving validation for their actions. While LAQ is of the view that it would be sufficient for the annual 'refresher' training to be delivered by the provider or via, for example, an e-learning course, LAQ considers it necessary for the initial training to take a more intensive approach.

LAQ also suggests that the training requirements specifically include a need to train personnel in how to manage and appropriately escalate threats of self-harm from consumers.

Section 15 – requirements relating to communications with an affected person

Section 15(5) provides that, where an affected person needs to be transferred to another member of the provider's personnel, the transferor must offer a "warm transfer" of the affected person to the transferee.

LAQ suggests that this section should also incorporate a requirement for the affected person's full information and history to be passed on to the transferee, so that the affected person is not obliged to repeat themselves to another person. In the experience of LAQ's domestic and family violence practitioners, having to constantly retell their experiences can be intensely difficult for people who have been affected by violence and can lead to further traumatisation.

Section 16 – security and privacy

Section 16(1)(e) requires telecommunications personnel to ask the affected person if they want any calls made using their telecommunications service to the telephone number 1800 737 7328 ("1800 Respect") not to be recorded on any bill, record or other material issued in relation to the service.

LAQ commends this section, but queries whether it would be possible to further extend it. For example, affected persons could also be given the option to have the numbers for DV Connect and their relevant legal assistance service not recorded on their material.

Section 21 – record retention

Section 21 mandates that the provider must keep records sufficient to demonstrate its compliance with the proposed industry standards, or records relevant to a complaint made by an affected person, for a minimum of two years or as long as the affected person receives assistance.

LAQ notes that, in Queensland, as in a number of other states and territories, domestic violence orders are in place for up to five years. LAQ therefore suggests that this section should reflect this and require that records be kept for a minimum of five years.

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