

# Department of Social Services submission to the ACMA on the draft Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard

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### Executive Summary

Through the framework outlined in the *National Plan to End Violence against Women and Children 2022-2032* (the National Plan), the Department of Social Services (the department) is committed to working towards ending gender-based violence in Australia. The department welcomes the work of the Australian Communications and Media Authority (ACMA) in developing the draft Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard (DFSV Standard) to add greater protections to people either affected by, or who are at risk of, domestic, family and sexual violence (DFSV). As the telecommunications sector and the services it provides are such an essential aspect of everyday life in Australia, ensuring that those who are, or may be, affected by DFSV are able to safely access this vital industry is critical.

The department acknowledges that the draft DFSV Standard has broadly captured the objectives of the Ministerial Direction executed by the Hon Michelle Rowland MP, Minister for Communications on 9 December 2024. However, the department considers that there are a number of opportunities to further strengthen the DFSV Standard to ensure it protects all victim-survivors.

The department considers that for the benefit of both consumers and telecommunications providers, the responsibility of the suppression of DFSV support service numbers, such as 1800RESPECT, should be managed solely by providers in the telecommunications sector. By undertaking a holistic approach in which these numbers are not found on customer records such as bills or other public facing material, it places an added protection for those affected by DFSV and potentially encourages them to reach out to these services when they need support.

The inclusion of sexual violence within a number of aspects of the DFSV Standard needs to be reinforced, so that stakeholders understand that its objectives are also to protect those victim-survivors who have faced violence outside of a family or domestic relationship.

The department recommends that DFSV training is not only offered to those in customer-facing or frontline worker roles within the telecommunications sector, but all staff within telecommunications providers in order to build awareness and a greater understanding of how to support those affected by DFSV across an organisation. The department understands the challenge in building the capability of the entire workforce within the telecommunications sector, but foresees the both short and long term benefits that this training would have to those in need.

The department recommends that the Industry Standard is consistently applied across the telecommunications sector, including all classes of carriers, Carriage Service Providers (CSPs) and customers. Undertaking a holistic approach will ensure that anyone affected by DFSV that is engaging in the telecommunications sector can be appropriately protected.

This submission provides responses to the consultation paper developed by the ACMA seeking feedback from stakeholders on the draft DFSV Standard. The department encourages the ACMA to request any further insights into the views raised in this submission, if required.

## Responses to consultation questions

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

The department considers that the draft DFSV Standard broadly fulfils the objectives and requirements of the Ministerial Direction. The department recommends that the following items could be strengthened to better align with the objectives and requirements of the Ministerial Direction:

Sexual Violence

The department notes that while the draft DFSV Standard includes a definition of sexual violence, the DFSV Standard could be strengthened through additional references to sexual violence throughout the instrument. As addressed in the definition of DFSV Standard, sexual violence may not always occur in a domestic or family violence context.

The department suggests that referencing sexual violence throughout the instrument where relevant ensures that support can be as inclusive as possible.

Suppression

In the department’s view, the requirement under the draft DFSV Standard for people to request suppression of information from customer facing materials does not adequately mitigate safety risks as required by the Ministerial Direction. The department considers the DFSV Standard should take an opt-out approach and automatically remove DFSV support service contacts from customer facing materials, rather than placing the burden on customers and CSPs to do this on a case-by-case basis.

##### Question 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.

The department strongly recommends that the entire DFSV Standard is applied to all business customers, including not-for-profit and small business customers. Anyone can be affected by violence and should be provided protections under the Standard.

A risk that needs to be considered is that a person-using-violence may take the opportunity to ‘forum shop’ and select a telecommunications service or product for their partner and/or family that does not need to meet all obligations of the DFSV Standard (there is anecdotal evidence that people using violence may identify loopholes within established legal frameworks or processes and use them to their benefit).

##### Question 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.

The department recommends that all classes of carriers and CSPs should be obligated to meet the requirements of the DFSV Standard to ensure that appropriate protections are in place for consumers either affected by, or who are at risk of, DFSV.

The department acknowledges that the telecommunications industry and the ACMA may be best placed to provide insights on how various classes of CSPs can be supported to meet the obligations of the DFSV Standard.

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

The department notes that the Ministerial Direction for this Industry Standard requires that telecommunication providers have protections in place for consumers affected by sexual violence in situations which are deemed to be relevant in the telecommunications sector, noting that some situations of sexual violence may be captured within different legislative instruments (e.g. the *Online Safety Act* would capture telecommunications providers that also offer services and products in the digital space).

Outside of this condition, the department recommends that there are no other exceptions or conditions placed on the DFSV Standard which may dilute its application within the telecommunications sector.

##### 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?

The department understands the clear benefits of CSPs having expert-informed policies, statements and training.

The department is currently working to develop national best practice FDV risk assessment principles and a model best practice risk assessment framework. This is being developed in consultation with people with lived experience, First Nations people and communities, marginalised communities, states and territories, experts and key sectors. Once developed, the model framework may serve as another useful input to guide CSPs in developing and reviewing their DFSV policies, statements and training.

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

To more accurately capture potential consumers’ circumstances and ensure support can be as inclusive as possible, the department suggests including the following forms of domestic and family violence in the definition to align with the National Plan:Social abuse, using threats and intimidation, emotional or psychological abuse (including spiritual and religious abuse), reproductive coercion and systems abuse.

The definition could also benefit from acknowledging the impact of intersectionality, as defined in the National Plan. Individuals with intersecting identities have distinct and varied needs and expressions, which necessitates access to both mainstream and specialised services that can adequately and appropriately address their experiences.

##### 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?

The department recommends that sexual violence is specifically mentioned in more aspects of the DFSV Standard to cover more circumstances and ensure support can be as inclusive as possible. The department acknowledges that sexual violence outside of a domestic and family violence context may not be relevant to some of the requirements for CSPs. However, sexual violence could be relevant in certain circumstances, for instance in the following:

* as part of providers’ DFV policies
* as a reason for non-payment of a bill
* section 8(2)(e) – DFV procedures must set out how personnel can manage and respond to domestic and family and sexual violence
* section 12 (3) – reconnection of service
* section 13 – training
* section 15(4) – must not require a person to engage with a perpetrator or their representative
* section 15(6) – safety concerns with how bill is received

The department considers substantial benefits to expanding the circumstances in which CSPs can support consumers who are affected by violence.

##### Question 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.

The department recommends the following definitions to be improved:

* Affected person: This could be improved by explicitly referring to people who are, or may be, the subject of sexual violence.
* Intersectional: This could be improved by aligning the term with the National Plan, to strengthen the definition and ensure a better understanding of its relevance in the context of DFSV.
  + E.g. An intersectional approach recognises that the experience of DFV can be different based on a range of other cultural, individual, historical, environmental or structural factors including (but not limited to) race, age, geographic location, sexual orientation, ability or class.

The department recommends defining the term ‘systems abuse’ and integrating this within the Industry Standard. This would support alignment with the National Plan and reflect its relevance to the Industry Standard.

* Systems abuse refers to the manipulation of legal and other systems by perpetrators of family violence, done so in order to exert control over, threaten and harass another person. Systems abuse may result in depleting a victim’s financial resources and emotional wellbeing, and adversely impacting the victim’s capacity to maintain employment or to care for children.

##### 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?

The department acknowledges the benefits of implementing requirements as soon as possible to support consumers affected by violence. The department also understands that CSPs require sufficient time to consult with DFSV experts and ensure that obligations can be appropriately met.

The department suggests considering a staged approach for the implementation of the obligations under the Standard, depending on the size of the CSP. For instance, obligations could apply to larger CSPs from around six months from enactment, while smaller CSPs could be given longer implementation timeframes. The department anticipates that this approach would help providers to successfully prepare to meet the requirements of the DFSV Standard in line with their capacity.

##### Question 10: Are there any provisions in the draft DFSV Standard that should start immediately upon commencement? For example, are there any barriers to the protections in proposed section 15 starting immediately on commencement or very soon thereafter (such as by 1 July 2025)?

The department welcomes any opportunities to commence protections as soon as possible, in order to provide immediate support to people who are, or may be, subject to violence. The department acknowledges that the telecommunications industry and other relevant stakeholders, as responsible for implementing these protections, may be best placed to provide insights on where this is possible or where CSPs require more time to ensure obligations can be appropriately met.

##### 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?

The department recommends that CSPs engage with both DFSV experts and DFSV training providers in order to build an understanding of how different community cohorts may experience DFSV as well as the barriers that may be faced by these cohorts in seeking support. DFSV training provided to CSP staff should specifically address how they can support the needs of these cohorts.

Acknowledging that CSPs undertaking this work individually could create extensive work and duplication of effort, there may be value in considering how the telecommunications sector can streamline consultation approaches to inform the development of expert-informed systems, policies and processes. For instance, there may be benefit to CSPs working together to jointly develop an expert-informed tailored DFSV training program for the telecommunications sector.

The department suggests that the DFSV Standard requires CSPs to specifically consider and address the following aspects when developing training, systems, policies and processes:

* Intersectionality – The department recommends that CSPs develop an understanding of how an individual’s intersecting identities can impact their experience of DFSV. An intersectional approach acknowledges that individuals have distinct and varied needs and expressions, shaped by their intersecting identities, which necessitates access to both mainstream and specialised services that can adequately and appropriately address their experience.
* Accessibility – A key consideration within the DFSV Standard should be ensuring accessibility, including for those with limited English proficiency and people with disability. Access considerations may include alternative methods of communication (e.g. text/chat), easy read requirements, language translation, providing training on cultural competency, and consideration of how hearing/cognitive impairments may affect the ability to seek help.

Additional information

For your awareness, the Australian Government funds DV-alert, the national accredited training program designed to help frontline workers in the health, allied health, education and community sectors to better recognise the signs of DFSV and respond confidently to those experiencing violence. DV-alert has training modules dedicated to assisting frontline workers who support cohorts which are disproportionately affected by DFSV, such as those from First Nations communities, people living with a disability and people from multicultural communities.

##### Question 12: Are there requirements in the draft DFSV Standard where varying the specificity is desirable? If so, please explain: a) why it would it benefit the DFV-affected consumer? b) how the intended protection could be better delivered?

While the department supports clause 13 of the DFSV Standard, the ACMA may wish to consider broadening its scope to ensure that training is provided to all staff within a CSP. There is evidence that points towards the importance of an organisation taking a holistic approach to addressing DFSV across all aspects of its operations.[[1]](#footnote-1)

The department suggests that this training could be broken into two different tiers, with the staff as described in clause 13.1 in the draft DFSV Standard undertaking the training outlined in clause 13.2, while all remaining staff within a CSP undertake general awareness training so that they are able to build their understanding and knowledge in how to identify and support those affected by DFSV.

The department acknowledges that the implementation of the Standard may require a substantial uplift of the capability of CSP staff. The department reiterates the potential value in considering how CSPs can work together to streamline these approaches across the telecommunications sector.

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

The department supports measures to ensure that records are managed to protect the privacy of consumers affected by DFSV.

##### 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?

The department considers that the DFSV Standard should impose some obligations regarding perpetrators, particularly regarding security and privacy.

The department suggests primarily focusing on ensuring privacy of information of people affected by violence. Perpetrators should be unable to access information regarding an affected person, and incidents of DFSV that have occurred or are alleged should not be discussed when raised by the perpetrator.

The department suggests that CSPs be required to establish processes for the specific escalation of perpetrator calls to protect staff and their wellbeing, including employee counselling. The department acknowledges that working with perpetrators is a specialised skill that requires extensive training and experience, and wouldn’t anticipate extensive requirements being appropriate for CSP staff.

CSPs may consider working with the DFSV sector to develop a resource bank or referral partnership to refer alleged perpetrators to and develop procedures for when this would be appropriate.

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

As addressed above, the department considers that the obligations should primarily focus on privacy of information and ensuring that processes are in place if an interaction with an alleged perpetrator escalates.

##### 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?

The department suggests that the draft DFSV Standard be amended to incorporate Safety by Design principles, which guide organisations in incorporating user safety into their platforms and services, and in assessing and enhancing existing user safety measures. The principles include the following:

* Service provider responsibility – the burden of safety should never fall solely upon the user.
* User empowerment and autonomy – products and services should align with the best interests of users.
* Transparency and accountability – transparency and accountability are hallmarks of a robust approach to safety.

The department is particularly interested in the application of the service provider responsibility principle in relation to the suppression of DFSV support service numbers, such as but not limited to 1800RESPECT, on a consumer’s bill, record or other material issued in relation to the service they received from a telecommunications provider. It is of the department’s interpretation that clause 16 (e) of the draft DFSV Standard places the onus of having a DFSV support service number suppressed onto the consumer more so than the provider, which may dilute the effectiveness of this protection.

The department considers that this approach places additional burden on a person affected by DFSV, and creates a risk if they are unaware of these protections and do not reach out to their CSP to request suppression. This approach may also place an administrative burden onto a telecommunication provider, who will have to individually suppress DFSV support service numbers on consumer records on a base-by-case basis, rather than undertaking a holistic suppression across its records.

By amending clause 16 (e) of the draft DFSV Standard to place the responsibility of the suppression of DFSV support service numbers onto a provider, the department anticipates that it will lead to stronger protections for consumers affected by DFSV but also ensuring that telecommunications providers find it easier to comply with the obligations of the DFSV Standard.

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

From the department’s perspective, the draft DFSV Standard broadly covers DFSV safety matters relevant to the telecommunications sector, outside of what has been raised in its response to other questions regarding the application of suppressing numbers of DFSV support services and how consumers affected by sexual violence are supported and protected by telecommunications providers. The department acknowledges that the DFSV sector may be best placed to provide insights on this matter.

##### 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?

##### 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, invoices and customer-facing materials be opt in or opt out?

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

a) Broader list of services

The department strongly considers that a broader list of services is appropriate and merited. The department suggests that the DFSV sector is engaged with to determine relevant services. At a minimum, each state’s domestic violence crisis line should be included. The list of services should be developed in such a way that it could be regularly monitored, checked for relevance with the DFSV sector, and easily changed to add new services.

The department suggests that the suppression of specialist support to perpetrators of DFSV (i.e. Men’s Behaviour Change Programs) should also be considered as part of this. Stigma and shame have been found to be substantial barriers to help-seeking and accessing supports among male perpetrators of violence.[[2]](#footnote-2) Removing these services from customer-facing materials may provide assurance to potential users and reduce stigma and shame around accessing these services. This may indirectly increase safety for victim-survivors.

The language in the DFSV Standard should ideally be expanded to ensure that SMS contact to support services are also not recorded on customer-facing materials (for instance, 1800RESPECT’s SMS service channel).

b) Opt-in or Opt-out

It is crucial that key information is proactively suppressed from customer-facing materials. This reduces the likelihood of this information being disclosed to a perpetrator and removes the burden on people experiencing violence to contact their CSP to enact these changes. This would also reduce administrative burden and streamline the process for CSPs and lessen the likelihood of inadvertent non-compliance.

A person who may contact a support service may not be able to contact their CSP for many reasons. An affected person:

* May be unaware that their contact to a support service might show up on customer-facing materials
* May be unaware that this presents a risk for them
* May be uncomfortable discussing their circumstances with their CSP
* May not find time to contact their CSP before this information is disclosed

Automatically suppressing the disclosure of support services not only ensures that people are proactively protected where they may not be aware of risk, but it also provides assurance to people when they are consideringcontacting a support service that this will not be disclosed on these materials.

With regards to circumstances in which DFSV-affected customers may want support service numbers to appear (e.g. to provide evidence in court proceedings), customers should have the ability to request information of their contacts to support services when this is required. CSPs should have processes in place to support these requests to ensure privacy is protected, for instance requiring identity documentation to ensure the identity of the person before disclosure.

##### 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 addressed above, the department encourages a list of services to be suppressed and suggests regular stakeholder engagement as the best approach to determine these services. However, some suggestions include:

* 13YARN: Crisis support for Aboriginal and Torres Strait Islanders
* Rainbow Sexual, Domestic and Family Violence Helpline: LGBTQ+ support
* National Disability Abuse and Neglect Hotline
* 1800 ELDERHelp: Elder abuse phone line
* My Blue Sky: National forced marriage service
* MensLine: Support for men
* Primary domestic violence crisis lines in each state/territory

The department would recommend that the list of support services obligated to be suppressed under the DFSV Standard is reviewed and updated on a regular occurrence, in consultation with experts from the DFSV sector.

##### Question 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.

The department suggests investigating and articulating how the draft DFSV Standard would interact with mandatory reporting requirements in states and territories (particularly in relation to child safety).

The department acknowledges that the telecommunications industry and the ACMA may be best placed to provide insights regarding existing regulations that may intersect with the DFSV Standard.

##### 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?

The department acknowledges that the telecommunications sector is likely best placed to provide insights on this matter. The department supports in-principle any actions undertaken within the DFSV Standard that is designed to apply added protections for consumers either affected by, or who are at risk of, DFSV.

##### 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? If not, please explain the reasons why.

The department in-principle supports amendments that protect consumers affected by DFSV.

1. [Our Watch | Workplace Equality and Respect](https://www.ourwatch.org.au/workplace); [Playing Our Part: A Framework for Workplace Action on Domestic and Family Violence](https://championsofchangecoalition.org/resource/playing-our-part-a-framework-for-workplace-action-on-domestic-and-family-violence/) [↑](#footnote-ref-1)
2. [Evaluation of telephone and online domestic violence perpetrator intervention services, *WhereTo Research Based Consulting* (May 2024)](https://www.dss.gov.au/system/files/documents/2024-12/1746-5581-mrs-bis-and-c4g-evaluation-report-16122024.pdf) [↑](#footnote-ref-2)