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The Hon Jihad Dib MP

Minister for Customer Service and Digital Government
Minister for Emergency Services
Minister for Youth Justice



Ref: BN-01383-2025

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A/ Manager
Telecommunications Performance and Regulation Section
Australian Communications and Media Authority
PO Box Q500
Queen Victoria Building NSW 1230
Email: telcoperformanceregulation@acma.gov.au

Re: Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard

Dear ██████████

I am writing in relation to the draft Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard released by the Australian Communications and Media Authority (ACMA).

The NSW Government welcomes the proposed Industry Standard as a much-needed next step in providing appropriate and enforceable telecommunication safeguards and supports for people affected by Domestic, Family and Sexual Violence (DFSV).

Ensuring access to safe and reliable communications is a key pillar for NSW's first Digital Inclusion Strategy which will be released shortly. Our aim is to create a strategic framework for addressing the digital divide in NSW by ensuring that all residents have greater opportunities to access, afford and safely engage with digital technologies, services and online resources. The Digital Inclusion Strategy has been developed by the NSW Telco Authority (NSWTA) in consultation with stakeholders and is supported by an Action Plan which will deliver targeted supports for at-risk communities.

Our work in the digital inclusion space has found that barriers to digital access and inclusion in NSW disproportionately affect Aboriginal people and communities, culturally or linguistically diverse (CALD) communities, people with disability, older people, socio-economically disadvantaged groups, geographically remote groups, women and the LGBTIQ+ community. This exclusion can be compounded for people affected by DFSV.

The protections in the proposed Industry Standard make it incumbent on carriers and Carriage Service Providers (CSPs) to provide trauma-informed support, information and safeguards. This is critical as it will reduce the risk of increased harm to persons experiencing DFSV through unintended actions of telecommunications providers.

However, as it currently stands, the proposed Industry Standard has the unintended consequence of capturing NSWTA, which is both a carrier and a CSP.

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NSWTA is responsible for the management of the Public Safety Network (PSN), a private interoperable land mobile radio network used by Emergency Services Organisations (ESOs) and others with sanctioned roles in public safety and emergency management operations. The PSN is not available for public subscription; instead, our customers are strictly limited to regulatory, law enforcement, anti-corruption and national security agencies of the NSW and Commonwealth governments, and non-NSW government utilities and emergency response entities. It is because the PSN is available to select, non-NSW Government entities (outside NSWTA's 'immediate circle'), including Commonwealth agencies to enable their operations in NSW and the coordination amongst emergency agencies, including across borders, that NSWTA requires a carrier licence. NSWTA also uses Mobile Network Operator backhaul to support the PSN, which is used for providing carriage services to these external entities, thereby making NSWTA a CSP.

While it may be arguable that the definition of consumer in the clause 5 definitions of the proposed Industry Standard would exclude NSWTA as our customers are organisations and not people who might require DFSV safeguards and supports from a CSP, we believe that an explicit exemption is warranted. Therefore, in response to question 3 of the *Supporting telco customers experiencing domestic, family and sexual violence – Consultation on the telecommunications industry standard*, NSWTA recommends that NSWTA and similar agencies across Australia that manage private networks used primarily for emergency management or public safety purposes, should be exempt.

NSWTA recommends the inclusion of following wording or similar in the Industry Standard:

This instrument does not apply to carriers or carriage service providers in relation to the operation of private networks that are used primarily for emergency management or public safety purposes.

Additionally, clause 9(1) of the proposed Industry Standard requires a DFV Statement to be prepared which sets out information about how and where consumers can find DFV support. NSWTA supports the inclusion of accessibility requirements in clause 9(3)(e) for "... consumers with disabilities, from cultural or linguistically diverse backgrounds or with other special needs". Accessible digital services and products is a key pillar of the upcoming NSW Digital Inclusion Strategy, and NSWTA is committed to ensuring that NSW Government digital products and services are usable for everyone, regardless of their ability or circumstance.

However, there is no similar provision in clause 10 regarding the contact channels to be provided by carriers and CSP to facilitate direct access to DFV support services. Although providing access to support services in different languages, accessible formats and culturally informed ways would likely incur additional expenses, accessibility is critical given that First Nations people, people with disability and people from CALD backgrounds (among other groups) are more likely to be disproportionately affected by DVSF.

As a minimum, carriers and CSP should be required to demonstrate "best efforts" in providing accessible support services as per clause 10, which would provide some flexibility while still addressing accessibility barriers.

Should the ACMA require further information, please contact [REDACTED] Director Whole of Government Connectivity, NSWTA at [REDACTED]

Sincerely

[REDACTED]
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03/04/2025

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