

**COMMUNICATIONS
ALLIANCE LTD**



**Consultation Draft *Telecommunications
(Domestic Family and Sexual Violence Customer
Protections Industry Standard)* Standard 2025**
COMMUNICATIONS ALLIANCE SUBMISSION
March 2025

INTRODUCTION

Communications Alliance welcomes the opportunity to provide this submission in response to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA).

Addressing the scourge of domestic and family violence (DFV) in Australia is a community responsibility and Communications Alliance (CA) and its members are committed to addressing the issues within their control as evidenced by the plethora of work in this space over a number of years, including CA's well-received and comprehensive Guideline, G660 Assisting Consumers Affected by Domestic and Family Violence Industry Guideline, and changes to other instruments to allow for appropriate DFV responses without being in breach of instruments designed to provide other protections. This includes changes to two Codes: C525 Handling of Life Threatening and Unwelcome Communications Industry Code and C566 Number Management – Use of Numbers by Customers Industry Code. Work to consider and address DFV issues has been ongoing.

In developing G660, it became clear that some provisions in the Guideline should be made mandatory to ensure that all telcos are obliged to appropriately manage domestic and family violence (DFV) issues, but that how these obligations are framed should be carefully managed to facilitate safety of victim-survivors through protection that allow a consumer-led, flexible response that can be operationalised. CA committed at that time to uplifting those provisions into the TCP Code to achieve this and our in-depth analysis of DFV issues as they relate to this industry, informs this response.

Communications Alliance

Communications Alliance is the primary communications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, platform providers, equipment vendors, IT companies, consultants and business groups.

Its vision is to be the most influential association in Australian communications, co-operatively initiating programs that promote sustainable industry development, innovation and growth, while generating positive outcomes for customers and society.

The prime mission of Communications Alliance is to create a co-operative stakeholder environment that allows the industry to take the lead on initiatives which grow the Australian communications industry, enhance the connectivity of all Australians and foster the highest standards of business behaviour.

For more details about Communications Alliance, see <https://www.commsalliance.com.au>.

Contact

Please contact [REDACTED], Senior Manager Policy and Regulation

[REDACTED], or [REDACTED] [REDACTED]
with any questions.

Consultation questions

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

The draft DFSV Standard broadly fulfils the objectives and requirements of the Direction. Its scope and intent are sound.

However, in order for those objectives to be realised, some critical amendments are required to ensure that the Standard can be safely and practicably operationalised.

Key issues are highlighted in this submission, which should be considered in conjunction with the points raised during the ACMA industry workshop held in mid-March.

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

CA believes the focus of the Standard as currently drafted is appropriate. That is not to say that those in small business experiencing DFV should not be or will not be assisted; in practice, many sole operators and small business customers will be managed by CSPs in the same manner as individual consumers. However, expanding the definition to explicitly include this group of consumers is problematic because:

- it would capture CSPs providing niche services that offer no obvious mechanism for abuse. Requiring these CSPs to have policies, contact methods, support in place etc., adds cost without benefit.
- many requirements that make sense for individual consumer contracts cannot be practically or reasonably applied to business. In these circumstances, CSPs need to be allowed the agency to assist small business customers affected by DFV in a more flexible manner as appropriate to that customer.

Questions 3 & 4: Are there any classes of carriers or CSPs that should be exempt from requirements in the DFSV Standard? Should there be exceptions or conditions placed on the application of certain obligations?

With the definition of consumer as currently drafted, CA does not consider it necessary to exempt any CSP from the Standard.

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?

CA questions the efficiency and benefit of requiring each CSP to 'consult' with 'at least two' of the groups listed in section 22. This will put enormous pressure on both the DFV sector and the CSPs – particularly the smaller CSPs (of which there are hundreds) – and will lead to delays in the provisions' implementation.

Larger CSPs have already invested considerable resources in addressing this issue, have policies and processes in place and have access to experts. However, even for them, all documentation, processes and policies will need to be reviewed and adjusted in light of the Standard, and new consultations held with external experts. Smaller CSPs are unlikely to have such access.

We also see clarity about the intent of the 'consultation'. It would appear to make sense for CSPs to ask for feedback on their policies, statement and training from experts in the field (as covered by 22 (1) (a) and (b)), but we are less clear why it would be useful to consult with an energy retailer, regulator or industry body (22 (1) (d)). While some in the energy sector could arguably provide some input to inform processes and procedures, energy and telco are very different industries and the presentation of, and management of DFV in each will be different. Moreover, consultation with a retail energy provider is clearly not of equal value to consultation with an expert DFV support organisation (including via the mechanism allowed for in 22 (2), which allows for use of the very detailed telco-specific information included in the CA guideline.

CA therefore suggests that the requirement be amended to require that policies etc be developed in consultation with, or with reference to clear advice provided by:

(a) a national or state based domestic and family violence support service or organisation; and/or

(b) a panel comprised of people with lived experience of domestic and family violence or representatives of people with lived experience of domestic and family violence.

This will allow smaller CSPs in particular to benefit from the extensive consultation and work already undertaken in this area, rather than reinventing the wheel, and to make use of free resources such as the CA Guideline, [G660 Assisting Consumers Affected by Domestic and Family Violence Industry Guideline](#).

CA notes that the Guideline will not be revised to recognise the existence the Standard, as it does not have capacity to adjust it at this time. However, its content is still relevant, and it will continue to be an excellent resource for CSPs developing their own policies. CA proposes, therefore, to continue to make it freely available (to members and non-members alike) on a 'Available Superseded' basis.

In relation to consulting with groups disproportionately affected by DFV - 22 (1) (c) - CA suggests that such input could be better provided through development of guidance material, which the ACMA could consult on and develop. This could also include guidance on the application of the Standard more broadly, to provide additional practical advice and guidance about how CSPs can comply with the Standard in a regulatory and legal sense.

Finally, CA also suggests that the ACMA develop and maintain a list of DFV support organisations to allow CSPs to meeting their requirements under Part 3, Section 9 (2) (e). This would be a much more efficient and reasonable way to assist consumers than requiring that each CSP maintain their own list.

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?

Communications Alliance notes that the ACMA appears to have considered the definition of DFV in CA's Guideline. We appreciate that this recognises the careful consideration and detailed consultation on this issue undertaken by CA in the defining DFV.

However, while our guideline included a broad definition to ensure a broad understanding and coverage, it also clearly differentiated between actions that should be taken when DFV was explicitly raised by an affected person, and those taken on suspicion of DFV.

This has not been mirrored in the Standard, which makes the application of a number of clauses in the Standard problematic.

As such, CA urges the ACMA to limit the definition to Affected Persons, which itself should be limited to only those for whom DFV has been identified. Further comments on the definition of Affected Person is provided below.

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?

CA believes that it is appropriate to only include sexual violence within the broader definition for the purpose of this Standard. This best captures sexual violence in circumstances where the perpetrator and victim are known to each other and reflects how it will present in a telecommunications environment, and how it can be managed by CSPs. Broadening to capture violence between strangers is not helpful as CSPs' ability to protect consumers or customers who do not know each other is limited, and in any case is already covered by other laws and regulatory instruments. This includes mandatory, registered Codes that support general, non-sector-specific regulation, including the CA Code C525: 2023 Handling of Life Threatening and Unwelcome Communications.

Question 8: Are there other terms in the draft DFSV Standard: a) where the definition could be improved? b) that should be left undefined? c) that should be defined?

CA raises the following concerns with draft definitions:

Affected person. The definition as currently drafted includes those that the CSP 'suspects' or 'may be' affected by DFV. As explored earlier, while such an inclusion may be appropriate for a guideline, it is not appropriate for a Standard, where there are obligations on it to take specific actions – including in relation to service provision. The unintended consequences of acting on a suspicion (and it later being found to be incorrect) could be extremely serious.

Additionally, a CSP's DFV-related actions must, at all times, be consumer-led. To require specific action when the affected person has not yet asked for assistance may put them at risk. For further detail, see our response to question 12.

Accordingly, CA suggests that the definition be amended by removing the words 'or may be' in part (a), and removing part (b).

Consumer contract. The definition of consumer in the Standard has been amended in the Standard to include end-user. An end-user does not contract with the CSP, the account holder does. Therefore, this definition needs amending.

Questions 9, 10: 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? Are there any provisions in the draft DFSV Standard that should start immediately upon commencement?

Communications Alliance appreciates that push for the protections of the Standard to be enforced as soon as possible. However, we caution against rushing its implementation; unnecessary haste could put lives in danger. While many CSPs have DFV protections in place already, these may not be consistent with the specifics of the Standard and new IT

builds/adjustments to IT systems, staff training and governance arrangement reviews will be required.

CA suggests that commencement 6 months after registration is appropriate. Should this be unpalatably long, we suggest a staggered approach is considered. We would be happy to work with the ACMA to further consider whether this could be a safe option.

In any event, we request that the ACMA keep CA and the industry abreast of proposed amendments arising from this consultation, as this will help CSPs prepare and to reduce implementation lead times.

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?

CA suggests that the best way to ensure that CSPs appropriately assist those likely to be disproportionately affected by DFV is through staff training.

This will ensure staff:

- understand the importance of a consumer-led response
- are aware of the higher prevalence of DVF in specific groups or communities;
- are aware of cultural differences that may affect the presentation of DFV for those consumers; and
- are aware of what the draft Standard describes as 'intersectionality'.

The CSP's policies and procedures must then be flexible enough to allow the CSP staff to work with the consumer to assist them in the way that best suits their specific needs and circumstances. This applies to all DFV affected persons; it is unhelpful to attempt to separate policies and processes for certain groups of customers beyond that.

Question 12: Are there requirements in the draft DFSV Standard where varying the specificity is desirable?

All CSP responses must be consumer-led

There is not enough recognition in drafting of the fact that responses need to be consumer-led (as well as trauma informed), with flexibility for the CSP to work with the consumer to assist them in the way that best suits their safety and communication needs at the time of each contact. This can be different day-to-day, hour-to-hour for the same customer.

The drafting as presented currently is prescriptive and prevents the required flexibility to allow a consumer-led, or trauma-informed response in places. Examples include:

- Part 3, S11. The requirement to inform an affected person under this section does not recognise the reality that the first time (or any time) an affected person contacts a provider, they (the affected person) may be time-restricted, concerned at any point that the perpetrator will walk in, see their correspondence, etc. Requiring that the information must be provided at first contact may be unsafe and unwelcome. Further, we suggest that the requirement to explain the case management procedures are not a priority on first contact.

That said, CA recognises the importance of informing affected persons of their support options, etc.

CA therefore suggests amendments to this section to require that information is provided as soon as it is possible for the CSP to safely do so, as appropriate to the affected person's needs and circumstances.

- Part 4, 12. The requirement for a CSP to keep the affected person informed is problematic for similar reasons. The information flow must be consumer led – i.e. in the affected person's control. As it stands, the Standard's requirement to keep the person informed means that a CSP would need to ignore an affected person's request for the CSP *not* to provide any push notifications, or similar instruction.
- In a similar manner, part 3, S9, 3(g) should be amended to require that the DFV Statement be provided to a consumer through the chat *if requested* by that consumer. It is not safe to 'push' it to someone just browsing (which may include use of chat to find information), as it may otherwise be that it is the perpetrator that receives the statement, or that the affected person does not in a safe space to receive the statement at that point.
- Part 7. As noted above, an affected person's preferred method may change from hour-to-hour. Their preferred method may not be the **one** 'on file' from the first exchange, and the regulation should not suggest that it is. Requirements for the CSP to complete specific actions on first contact (or any other mandated time) are not appropriate, as it may not be safe for the affected person to disclose the information at that time, may not feel comfortable doing so, may need time to consider their options, and may need more time than they safely have at that point to work through the detail with the CSPs.

We therefore suggest that drafting is amended to require that a CSP:

- seeks to capture this information as soon as possible (not 'first time')
- only sends push communications with the affected person once it has established that it safe to do so. (In practice, this would likely mean that the CSP checks each time before sending any communication, unless the affected person has clearly indicated that their preferred method is safe and that this check is unnecessary.

The Standard should also explicitly recognise that it may be safer not to send any communication without permission, rather than mandating communication be sent.

- Additional issues in relation to section 7 are included in the answer to question 18.

Protection from disconnection, and arrangements for reconnection

Part 2, Section 8,1 (c) requires that a person's telecommunications service is not disconnected. It is not clear from this:

- which service needs protection from disconnection (a person may have multiple services);
- that re-connection must be both safe and possible;
- how this can practicably be applied where the affected person is an end user and not also the account holder - it may be safer/preferable in some instances to disconnect a service and reconnect to a new clean slate account, which is not clearly allowed for in the current drafting.

Similarly, Part 4, section 12, 3 is problematic: Requiring reconnection the first time DFV is raised, as required here, does not provide appropriate flexibility for the provider to establish that this action is wanted by the affected person, or that it is safe to do so.

CA is aware that some of its members have provided more detailed worked examples to illustrate these points. Information about the different options for keeping an end-user who is

not the account holder connected, and the pros and cons of each, are also included in CA's comprehensive DFV Guideline.

Again, the importance on actions being consumer-led when considering the best option for each scenario cannot be overstated.

Fraud/evidence

Part 4, Section 12, 4 is too restrictive as it prevents a CSP that suspects fraud, or other malicious behaviour, from asking for the consumer who is seeking to use a CSP's DFV provisions for any evidence. This could lead to:

- the perpetration of more abuse;
- a malicious player causing harm by alleging DFV and interfering with another's telecommunications account;
- fraud.

Other

Part 6, 15, 1. This appears to be a repeat of Part 4, 12 (4). We suggest it be deleted.

Part 6, 15, 2: This clause appears to attempt to cover too much, and it is not at all clear how it could or should be operationalised. The obligation to prioritise and assist the affected person is covered elsewhere within the Standard. We suggest that this clause's focus should be on the imminent and direct threat to an affected person's safety - and the safety of their dependents or other person(s) immediately affected. In practice, it would seem likely that this would most likely require the CSP to contract Triple Zero.

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?

It may be helpful to make it clear that the requirement at 7(1)(j) – to maintain relevant records to demonstrate compliance with the Standard - does not relate to records that contain any personal information, as obviously this is a safety and privacy risk.

CA also suggests that the requirement at Part 7, S19 should be modified in relation to the information that must be disclosed to the TIO, restricting it to the information that is strictly necessary, in relation to the complaint-in-hand. This is because the TIO does not have access to the same information or insight into an affected person's specific circumstances as the CSP, and may inadvertently request information that could pose risks to the affected person, particularly where the TIO is unaware that the complaint involves DFV.

Additionally on this point, (ii) should refer to the 'affected person', not 'consumer'.

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 Standard should refer to 'alleged perpetrators' throughout; a CSP will not and should not be expected to ask for evidence that the alleged perpetrator is indeed guilty.

Beyond that, the drafting at 8, 2(c) is unclear. What is the expectation about 'appropriately engaging' with the (alleged) perpetrator? Is this intended to be in relation to dealing with them in a situation that could also put the affected person at risk?

Depending on intent, it may be appropriate for this requirement to be narrowed to requiring that a CSP's training and processes to **appropriately** prioritise the safety of the affected person in any relevant dealings with an alleged perpetrator. For example, a retail outlet's

processes and training could cover issues of physical safety. Other processes and processes could cover Rights of Use issues, etc., as appropriate to the role.

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

The Standard requires that the safety of the affected person is prioritised. It is not clear what this means, and there is no recognition that this needs to be balanced with the safety of the CSP staff or indeed others that may be present in a possibly dangerous or escalating situation.

It must be recognised that there may be other people at risk, and conflicting priorities. For example, in a retail environment, staff and other consumers in the retail centre may be at risk should a perpetrator resort to violence, as might be triggered by actions by staff intended to assist the victim. Again, this points to the need to maintain flexibility of response. Additionally, there is a risk of vicarious trauma to CSP staff that needs to be considered. Indeed, feedback from frontline specialists whom CA consulted in the drafting of the Guideline counselled CA to make the language softer in a number of places, as it is not reasonable to put unrealistic expectations on staff to 'get it right' 100 percent of the time.

CA suggests that the simplest way to address these concerns is to adjust the drafting of Part 2, 8 (1) (b) (and similar clauses) to say, 'appropriately prioritise'.

Beyond that, it does not consider that including specific requirements in the Standard around the safety of others, beyond what is already covered in general Health and Safety regulation, is helpful.

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?

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

No further comments.

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?

One of the points raised in the March workshop related to the difference between suppressing zero rated calls and charged calls. The key difference is that consumers need to know what they are being charged for, and telcos have specific obligations relating to the retention of call records and the billing of these associated charged records. There are obligations within the Telco Act, the TIA Act, and the Telecommunications Consumer Protections Code which industry must abide by to this effect. There are also records telcos need to retain in order to perform internal accounting and charging of calls to other

carriage service providers and the rights of use holders of numbers (in a wholesale arrangement, a suppressed number may be seen by the onward CSP).

If a call is 'zero-rated' the customer will not be charged and so there is less risk of consumer detriment for the consumer not to be provided with a billing record. However, records will still be required for other purposes, and may be made available, when necessary, to law enforcement and national security agencies on lawful request.

Additionally, most CSPs already suppress records for 1800 calls. And they do so on a network level – that is, the number is suppressed for all customers, and it cannot be individually turned on or off on request. The requirement to ask consumers about whether they would like this number removed should therefore be removed from the Standard.

Further, CA does not think it appropriate for any specific number to be included in the Standard itself, as the list can change. We also do not think it appropriate for industry to determine which numbers must be suppressed – this should be managed by government. As such, we would welcome the development by government of a formal policy to set out the process for determining which numbers should have related call records suppressed, along with commitment by government to maintain the list. Where appropriate, Communications Alliance would be happy to be involved in discussions on the policy's development.

CA therefore suggest that Part 7, S16, 1 (e) and (6) be deleted and this issue managed outside of this instrument.

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

See answer to question 18.

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

In additions to the issues raised elsewhere within this submission, there is an obvious friction between the requirements in the draft Standard and:

- the CIA Determination:
 - an end-user is not the account holder, yet requirements in the Standard are high risk. Although many CSPs have workarounds in place currently, scammers are quick to understand exemptions and exploit them. The draft requirement not to require evidence of DFV is a particular concern – see comments elsewhere within this submission.
 - It is also unclear how under 18-year-old end-users not listed on the account will be managed.
- the FHS. A customer may be being managed as a FH customer in line with the FHS before disclosing that they are affected by DFV. To be compliant with both instruments may require the CSP to bombard the customer with information or requests, or, for safety reasons, it may have to breach FHS requirements.
- the Prepaid ID Determination and the permitted exemptions from identity requirements for a short amount of time.
- data retention requirements under various instruments.

Additionally:

- The requirements to deal with an Authorised Representative or Advocate can also be a problem, as this person may in fact be a perpetrator.
- There are requirements in various instruments for CSPs to communicate with customers in a specific manner – in writing, by SMS, etc, which may directly conflict with requirements in this 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 powers¹⁰ for non-compliance?

With the expected introduction of the Enhanced Consumer Safeguards Bill, this is not required.

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?

It is not necessary to make changes and would introduce unnecessary complexity to different categories of complaints defined and managed differently.

Many CSPs are managing many different services and many different types of complaints. Issues may be handled by different areas of the business, and handled and prioritised on an individual basis by those areas. They may include emergency issues, outages and network issues, as well as assisting customers affected by domestic and family violence. It is not realistic or helpful to introduce requirements that would necessitate that a CSP need to attempt to prioritise these within and across the business.

CA suggests that urgent complaints in the Complaints Handling Standard should be limited to those in immediate danger (for whatever reason).

Other issues

CA notes the following additional drafting issues:

- Section 7 - needs to be clear on the difference between policy, procedures and statement in this section. Specifically:
 - The requirements at 8(h) are procedural (not policy) and should be in the proceeding section (section 8, 2).
 - 8, 1(j) – clarity is required about expectations for a provider's **products** to identify and reduce risks. What is meant by this?
- Part 2, S9, 2 (c): this should be corrected to 'recognition that [DFV] *may* be a reason for non-payment (not 'is').
- Part 3, 10 (1) – as discussed at the workshop, email should be added to the list of communication channels. It is favoured by affected persons, as it allows them greater control and flexibility in correspondence.
- Part 4, 12, 2: the drafting is unclear.
- Part 7, S6, 5 – this clause does not make sense. Words missing?

- Part 7 S16, 6 – typo “”not to be recorded”



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COMMUNICATIONS
ALLIANCE LTD

Level 25
100 Mount Street
North Sydney
NSW 2060 Australia

Correspondence
PO Box 444
Milsons Point
NSW 1565

T 61 2 9959 9111
E info@commsalliance.com.au
www.commsalliance.com.au
ABN 56 078 026 507