

Supporting telco customers experiencing domestic, family and sexual violence

4 April 2025

Recommendations

This submission recommends that the Australian Communications and Media Authority (ACMA):

1. Expand the draft Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025 (**the DFSV Standard**) to include requirements for credit and debt management protections for affected persons and measures to prevent Domestic, Family and Sexual Violence (DFSV) related debt to appropriately reflect the objectives of the Telecommunications (Domestic, Family and Sexual Violence Consumer Protections Industry Standard) Direction 2024 (**the DFSV Direction**).
2. Include upfront provisions in the DFSV Standard which reflect ACCAN's key compliance outcomes. This would strengthen the DFSV Standard and preserve flexibility for providers to provide tailored support to affected persons.
3. Introduce a positive obligation on Carriage Service Providers (**CSPs**) to take a tailored and appropriate approach to ensure and maintain the privacy of personal information and the security of accounts to appropriately reflect the requirements of the DFSV Direction.
4. Require CSPs to provide support in the form of product or service customisation, customer awareness and education, staff training measures, safe communications measures, information protection measures and product or process design measures.
5. Include a more proactive compliance monitoring and reporting framework consistent with the shift away from voluntary code-based framework to direct regulation of DFV protections via an industry standard.

6. Extend the requirements under section 8(1)(j) of the DFSV Standard and introduce a positive obligation on CSPs to design and review systems, processes and products to prevent harm to affected persons.
7. Amend the DFSV Standard to ensure that CSPs must not require evidence or supporting material which demonstrates that an individual is an affected person.
8. Amend the DFSV Standard to ensure that CSPs with more than 30,000 services in operation (SIO) must undertake their own consultation with DFV experts. Consultations with DFSV experts need to be appropriately remunerated and carefully planned.
9. Expand section 10 of the DFSV Standard to ensure that email is always provided as a contact method by CSPs.
10. Amend section 7(b)(ii) of the DFSV Standard to ensure CSPs comply with the DFSV Standard and support the ACMA's compliance activities.
11. Extend section 8(c) of the DFSV Standard to prohibit CSPs from suspending an affected person's telecommunications service, unless requested by the person. Where an affected person's service is restricted, it must not put the affected person's safety at risk. Where the DFSV Standard makes mention of disconnection, the ACMA should draft rules that take the impact of suspension and restriction of the affected persons' telecommunications service into account.
12. Expand the DFSV Standard to explicitly include provisions related to supporting affected persons' authorised representatives (**ARs**).
13. Engage with the Australian Energy Regulator (**AER**)'s Family Violence Rules: Guidance for Energy Retailers (**the AER guidance**) when considering the requirements on CSPs to limit or prevent the disclosure of information on invoices, bills and other customer-facing materials.
14. Make minor amendments to the *Telecommunications (Financial Hardship) Industry Standard 2024* (**the Financial Hardship Standard**) to ensure the effective operation of the instrument when supporting affected persons.
15. Amend the DFSV Standard to ensure that where a breach of an individual's privacy has occurred, CSPs must be required to notify the affected person of the breach and possibility of inadvertent disclosure in addition to providing a referral to a specialist DFV service for safety planning assistance.

About this submission

The Australian Communications Consumer Action Network (**ACCAN**) is pleased to provide this submission to the ACMA on its 'Supporting telco customers experiencing domestic, family and sexual violence - Consultation on the telecommunications industry standard' (**the Consultation paper**) and the DFSV Standard. For our additional commentary on the DFSV Standard, please see Appendix A.

ACCAN’s submission has been developed in cooperation with consumer and community organisations who regularly assist communications consumers experiencing domestic, family and sexual violence. These include:

- Financial Counselling Australia
- Council of Small Business Organisations Australia (Consultation Question 2)
- Consumer Action Law Centre
- The Economic Abuse Reference Group
- Redfern Legal Centre
- Care Financial Counselling
- Financial Counsellor’s Association of Western Australia
- Full Stop Australia
- Westjustice.

Contents

Recommendations	1
About this submission.....	2
Introduction	4
Background	4
Setting a framework for supporting affected persons	4
ACCAN’s key compliance outcomes.....	5
Key Issues.....	6
Issues for comment.....	12
Conclusion.....	37
Appendix A: Additional commentary on the DFSV Standard	39



**Australian
Communications
Consumer Action Network**

Australian Communications Consumer Action Network

ACCAN is the peak national consumer advocacy organisation for communications working to achieve trusted, accessible, inclusive, affordable and available communications and digital services for all Australians.

Introduction

ACCAN thanks the ACMA for the opportunity to comment on the DFSV Standard and the Consultation paper. The introduction of the DFSV Standard is a generational step forward in the consumer protections available to communications consumers in Australia. ACCAN acknowledges and welcomes the actions by the Minister of Communications Michelle Rowland, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (**DITRDCA**) and the ACMA in progressing the development of these protections.

Background

Telecommunications services are essential for participation in modern life. Consumers rely on telecommunications services to support work, education, healthcare, banking, entertainment and community and government services.¹ Telecommunications are a vital service for victim-survivors of Domestic and Family Violence (**DFV**), who often need assistance from their provider to retain a safe and affordable service. In contrast, communication services can also be used to facilitate DFV, which can lead to considerable consumer detriment.²

In October 2024, Hon Michelle Rowland MP, Minister for Communications directed the ACMA to develop an industry standard to ensure appropriate support is provided to telecommunications customers experiencing domestic and family violence.³ The Minister noted that ‘a current review of the Telecommunications Consumer Protections (**TCP**) Code has shown the Code to be an ineffective solution to establish necessary protections in an appropriate timeframe, and there is a need to act quickly and directly on an issue of utmost importance’.⁴ The consultation on the DFSV Standard follows the registration of the DFSV Direction on 9 December 2024.⁵ We have set out below some overarching comments on the DFSV Standard.

Setting a framework for supporting affected persons

ACCAN considers that the DFSV Standard should include upfront provisions that proactively support impacted customers through service design and promotes a culture of competence and compliance within CSPs. As an overarching principle, every industry participant must minimise the risk of harm in their interactions with affected persons and ensure they provide timely and targeted assistance which improves through genuine reviews of a CSPs practice. CSPs should be accountable for developing effective policies, implementing strong processes, training staff, monitoring to ensure staff comply with policies and processes and committing to enhancing policies, processes and practices.

¹ *Telecommunications (Domestic, Family and Sexual Violence Consumer Protections Industry Standard) Direction 2024* (Cth) Explanatory Statement.

² ACCAN, ‘Domestic and Family Violence’ (Policy Position, 2025) 1 <<https://accan.org.au/accans-work/policy-positions/2253-domestic-and-family-violence>>.

³ Michelle Rowland, Better protections for telco customers experiencing domestic and family violence (Media Release, 2024) <<https://minister.infrastructure.gov.au/rowland/media-release/better-protections-telco-customers-experiencing-domestic-and-family-violence>>.

⁴ Ibid.

⁵ *Telecommunications (Domestic, Family and Sexual Violence Consumer Protections Industry Standard) Direction 2024* (Cth).

ACCAN appreciates that CSPs need some degree of flexibility to meet the unique needs and circumstances of each affected person, and that an overly prescriptive industry standard may compromise this flexibility. The inclusion of upfront provisions framed as key compliance outcomes – as set out in examples below - will help to strike an appropriate balance between specificity and flexibility while reinforcing the intent of the DFSV Standard.

An alternative option is to supplement specific rules in the DFSV Standard with guidelines. This would enable details about processes and best practices to be kept out of the standard. For example, the National Energy Retail Rules contain rules about how energy retailers should support consumers experiencing DFV and the AER has recently published guidance to supplement these rules.⁶ The guidance states that it sets out ‘the AER’s expectations on how the objectives of the obligations in the Retail Rules may be achieved’. For example, a similar approach has been taken by the Essential Services Commission of Victoria in its Energy Retail Code and a complimentary practice guide on DFV assistance.⁷ While the guidance is non-binding, following the guidance will contribute to compliance and the ACMA should consider adopting a similar approach.

ACCAN’s key compliance outcomes

CSPs are committed to fully supporting the needs of affected persons and this is embedded within the CSP’s culture, customer service interactions, complaints handling and privacy policies.

Appropriate outcomes in this area include:

- CSP Staff are able to apply trauma-informed approaches in interactions with all consumers to ensure sensitive engagement with affected persons who have not yet disclosed trauma to their CSP.
- CSP Staff are trained and feel confident and competent on how to appropriately detect if a person is experiencing DFV.
- CSP Staff understand the risks of their actions or omissions on the personal and financial safety of the affected person and act appropriately to prioritise the safety of the affected person.
- CSPs maintain policies and procedures which only record what is necessary to offer tailored support and assistance, and to ensure customers are aware of, and comfortable with, the information CSPs hold on them.

CSPs treat victim-survivors with respect, empathy and a level of care that is tailored to their circumstances and is centred on their safety. Appropriate outcomes in this area include:

- CSPs respect the agency and dignity of victim-survivors, only requiring customers who choose to disclose their circumstances to their CSP to do it once.
- CSP staff strictly adhere to the customer’s preferred communication method and take precautions before and during communications with affected persons.

⁶ AER, ‘AER releases updated guidance on family violence rules for energy retailers’ (Online, 2025)

<<https://www.aer.gov.au/news/articles/communications/aer-releases-updated-guidance-family-violence-rules-energy-retailers>>.

⁷ Essential Services Commission, ‘Better practice in responding to family violence’ (Guidance, 2019)

<<https://www.esc.vic.gov.au/sites/default/files/2022-02/pdf/Better%20practice%20in%20responding%20to%20family%20violence.pdf>>.

- CSPs keep customer addresses and contact details secure to minimise the risk that they are inadvertently disclosed to the perpetrator. If inadvertent disclosure occurs, the affected person (and their advocate, if relevant) is notified immediately and provided with referrals to specialist DFV support services for safety planning assistance.
- CSPs recognise that there are circumstances in which purchase of, or contracting for, telecommunications products can be a form of furthering family violence, including economic abuse, and respond appropriately if they become aware that this has occurred.
- If a customer identifies as being affected by DFV, staff proactively inquire about their need for financial hardship support.
- CSPs commit not to sell the debt of an affected person to a third-party debt collection agency, to recall the debt of an affected person from a third-party debt collection agency when they subsequently become aware the person has experienced DFV and to have appropriate credit management practices which prioritise the safety of affected persons.

Customers have confidence that CSPs will be responsive to their circumstances, including recognising they are exposed to DFV risks and will offer assistance even when not explicitly requested. Appropriate outcomes in this area include:

- Affected persons are not solely relied on to report to their CSP that they are experiencing DFV and CSPs appropriately and proactively identify customers experiencing DFSV.⁸
- CSPs will not suspend or disconnect an affected person's telecommunications service and where a customer's telecommunications service is restricted, it does not put the affected persons' safety at risk.
- CSP Staff are trained to refer affected persons to specialist DFV support services.
- CSPs implement strong protections for all consumers' personal information and privacy.
- CSPs appropriately integrate their financial hardship and DFV support measures to proactively assist affected persons.

Key Issues

Credit and Debt management for affected persons

Inappropriate credit and debt management action undertaken by CSPs can exacerbate the harm to consumers experiencing abuse and put the safety of affected persons at risk. Ensuring that the DFSV Standard covers the credit and debt management action undertaken by CSPs against affected persons will minimise the ongoing impact of DFV and sexual violence, thereby fulfilling the requirements of Section 7(1)(e)(iii) of the DFSV Direction. The DFSV Standard should specifically prohibit CSPs from selling the debts of affected persons and place strict and clear requirements on CSPs before undertaking credit management action to minimise harm on customers impacted by DFSV. Introducing these requirements would ensure the DFSV Standard is congruent with the Financial Hardship Standard and the National Energy Retail Rules.

⁸ ACCAN's engagement with DFV experts demonstrated that in CSP staff seeking to identify DFSV should couch their conversations and scripts as something which has to be asked of all customer contacts. The act of asking about DFV will put the affected person at risk as the perpetrator may be listening to the interaction. Considerable thought should be given to these interactions as they predicate many of the obligations of the DFSV Standard.

Protections for customers from DFSV and financial abuse at point of sale

Sections 7(c)(i), 7(e)(ii-iii), 7(f), 7(h) and 7(l) of the DFSV Direction give scope and opportunity for the DFSV Standard to mandate that CSPs prevent and minimise the impacts of debt arising from DFSV, including at point of sale and during a consumer's interaction with a CSPs sales staff. This is supported by the Explanatory Statement of the DFSV direction (**the ES**) which states CSPs must take action to reduce identified risks, including via a safety by design approach to anticipate, detect and eliminate harms before they occur.⁹ Ongoing irresponsible sales in the telecommunication sector is both creating and exacerbating the harms from DFSV and preventing or making it significantly more difficult for victim-survivors to obtain appropriate and tailored assistance from their CSP in a timely manner.

Consumer Action Law Centre noted:

Through our casework, we continue to regularly hear of shocking stories of mis-selling on our frontlines by CSPs, including to customers coerced by perpetrators of DFSV and financial abuse to enter into contracts with the CSP, often resulting in the victim-survivor of the DFSV not benefiting at all from those products and services, but left with the entire debt.

The following is a de-identified case study provided by Consumer Action Law Centre:

We recently heard from a customer who was forced to attend separate retail stores of a number of major telco providers with her ex-partner to purchase phones for his use. The customer said her ex-partner made a number of physical threats against her if she did not agree. On each occasion, sales staff suggested the purchase of multiple phones or other products that she could not afford. One of the reasons given by sales staff was to take advantage of small bulk-buy discounts. Obvious red flags were not acted upon by the sales staff, including her ex-partner doing most of the talking with his hand on her leg, and forcing her to agree to the sales with head nods. On one of the occasions, when the customer confirmed the products were not for her use, the sales staff still allowed the sale to proceed. While the customer has had no benefit of the products, she was left with the entire phone contract debts totalling almost \$10,000 which have been pursued by external debt collectors on behalf of the telco providers.

Financial counsellors and organisations who assist communications consumers in financial hardship are strongly of the view that this type of debt could have been prevented from the start if CSPs were required to consider and act on warning signs to prevent or flag the sale of telco products and services in circumstances that meet DFSV indicators. Stronger safety measures should be embedded in the DFSV Standard, both the CSP's requirements to train personnel, and in all design and sale processes, because from our frontline experiences, the bundling of telco products and services has also been a huge driver of DFSV related debt.

⁹ Telecommunications (Domestic, Family and Sexual Violence Consumer Protections Industry Standard) Direction 2024 (Cth)

Consumer Action Law Centre and Family Life Financial Counselling case study – Zoe’s story

Zoe is a single mother who was placed into severe financial hardship after fleeing a relationship of severe family violence which required a full police intervention order for her protection. As a result, she was struggling to make payments to a major telco for her phone plan and an add-on insurance/warranty-like product attached to the phone.

Zoe’s phone had been damaged and was not working. She had thought the add-on product she was paying for would have covered the cost of any repairs to the phone. Zoe states that when she purchased the phone the telco pushed her to buy the additional product, with the telco sales representative saying words to the effect of ‘you would be crazy not to get it in case you damage your phone.’ She was also never told by the telco that she would have to pay additional charges to use this poor value product. Because she was not able to afford the additional fees to fix her phone she was needing to use an older phone, owned by her abusive ex-partner.

Around mid-2024 Zoe contacted her telco for financial hardship assistance, but this was declined by the telco. She then sought independent financial counselling assistance. Zoe’s financial counsellor provided further details to the telco about her situation of family violence, including that she had no choice but to keep using the perpetrator’s old phone.

Zoe’s financial counsellor asked the telco if they could assist with her safety by repairing her own phone via the insurance/warranty-like product that she had been making instalment payments towards for a number of years totalling more than \$300.

The telco said that was not possible and insisted that she would either have to pay a few hundred dollars more to use the product and remain in an unaffordable contractual agreement with the telco, or she could move to prepaid without any phone repairs, which was not appropriate as Zoe would then have to continue to use the perpetrator’s old phone. For more than 6 months Zoe’s financial counsellor and Consumer Action’s lawyer worked together to try assist Zoe obtain a suitable outcome from the telco. The financial counsellor was forced to communicate with multiple people and teams at the telco who provided incremental offers, but none that addressed Zoe’s needs and would still mean she would have to keep using the perpetrator’s old phone.

The matter proceeded through some stages of the Telecommunications Industry Ombudsman’s complaint process and Consumer Action escalated it again via the highest levels of management within the telco. Finally, in March 2025, a suitable resolution was offered to Zoe by the telco to address both her financial hardship and safety.

**Not her real name*

ACCAN and consumer organisations around Australia do not consider that the TCP Code appropriately addresses consumer issues related to sales practices and credit assessments.¹⁰ Without a Telecommunications (Sales Practices and Credit Assessment) Industry Standard to mandate fit for purpose responsible selling and credit assessments, we consider that the DFSV Standard cannot remain silent on this front and must include clear measures CSPs are required to take to prevent irresponsible sales and mis-selling in the context of DFSV.

¹⁰ ACCAN, ‘TCP Code Review 2024’ (Submission, 2025) <<https://accan.org.au/accans-work/submissions/2411-tcp-code-review-2024-february-2025>>; ACCAN, ‘Fair Call Coalition’ (Online, 2025) <<https://accan.org.au/accans-work/fair-call-campaign-2025>>.

CSPs must not require evidence or supporting material which demonstrates that an individual is an affected person

Requesting documentary evidence in any format can inhibit consumers from accessing support and compromise the safety of an affected person if discovered disclosing family violence by the perpetrator, or taking steps to gather evidence (for example, attending a police station or other support service, getting a statutory declaration witnessed, or searching for documentary evidence within the family home). CSPs must not require evidence or supporting material to demonstrate that an individual is an affected person. In the National Energy Retail Rules, consumers are not required to provide evidence or supporting material to demonstrate that an individual is an affected person.¹¹

Given how often the primary perpetrator of DFV is misidentified by police and other authorities, we query how CSP staff would be better placed to receive and assess evidence and decide who has perpetrated DFV (for example, if there is a dispute where two consumers both claim to be an affected person). Even with specialised training as required under this Standard, CSP staff will not be sufficiently equipped to interpret and make judgments about ‘evidence’ of DFV. It is far safer for victim-survivors to be taken at their word rather than putting them at risk. ACCAN will expand upon this point further in this submission.

Required consultation with DFV experts under the DFSV standard

ACCAN considers that the requirement for individual CSPs to consult with DFSV experts in clause 22 should apply to CSPs with more than 30,000 Services in Operation (**SIO**). Consultation by an industry provider on behalf of CSPs with respect to subsection 22(2) of the DFSV Standard should only apply to CSPs with less than 30,000 SIOs. Ensuring that affected persons benefit from targeted consultation and engagement with independent and well-respected DFV experts is a critical requirement of the DFSV Direction and the on-going compliance of the DFSV Standard. Direct and targeted consultation delivered free of any conflicting interests of industry would bring a number of practical benefits and limiting the application of 22(2) in this way ensures these benefits flow to the largest number of consumers.

ACCAN would recommend that 22(1)(a) and (c) of the DFSV Standard be made mandatory options and Section 22 should allow CSPs to choose to engage with either 22(1)(b) or 22(1)(d). Ensuring that an appropriate baseline is set for engagement with DV service organisations is critical to providing appropriate consumer protections. As written in the DFSV Standard, the provision allows for CSPs to engage with no organisations with specific DFSV expertise.

Compliance monitoring and reporting

ACCAN considers that there is scope for the DFSV Standard to be accompanied by an expanded compliance monitoring role for the ACMA. An expanded compliance monitoring role is consistent with a shift away from voluntary code-based self-regulation to direct regulation of DFV protections via a mandatory industry standard. As currently drafted, the DFSV Standard requires CSPs to keep records demonstrating their compliance with the standard and to make them available to the ACMA upon request.

¹¹ National Energy Retail Rules 2024 (Cth) 761 <<https://energy-rules.aemc.gov.au/nerr/603>>.

As the DFSV Standard will be mandatory, there is a case for stronger and more proactive reporting of breaches by CSPs to the ACMA, as well as annual publication by the ACMA of a compliance report in relation to the DFSV Standard.

A more proactive compliance monitoring and reporting framework would support the industry in understanding areas where compliance may be weak and provide incentive for improvements in industry practice. Given the DFSV Standard already requires CSPs to keep records demonstrating compliance with the standard, it should not be costly for CSPs to report non-compliance and other data to the ACMA rather than hold the data until requested by the ACMA. The ACMA should consider developing a compliance and reporting framework that applies proportionally to the size and complexity of a provider.

A high-level reporting framework, requiring CSPs to demonstrate how they comply with the requirements and provide examples of such compliance would provide benefits for consumers and the ACMA in ensuring improvements in and oversight of CSP practices. ACCAN notes that in the energy sector, breaches of family violence obligations by retailers are reportable to the AER under the Retail Compliance Procedures and Guidelines.¹² For example, breaches of the following sections of the Retail Rules must be reported to the AER immediately.

- 76D (which requires retailers to prioritise the safety of the affected person and to take into account the specific circumstances of the affected person) and;
- 76G(1) (which requires retailers to procure its agents, contracts and subcontractors do not disclose or provide access to information about the affected person without the consent of the affected person).¹³

Breaches of rule 76A (which requires retailers to have, publish, implement, comply with and review/update their DFV policy) must be reported on a half-yearly basis or as soon as reasonably practicable where a material breach is identified.¹⁴

Framing the requirement to provide support

Part 4 of the DFSV Standard outlines the requirement to provide support. Parts 5, 6 and 7 contain requirements for CSPs to train staff and monitor performance, to communicate in safe ways, and to implement appropriate security and privacy measures, respectively. ACCAN agrees that these are all appropriate and relevant requirements to include in the Standard, however, we consider that integrating the requirements in Parts 6 and 7 into Part 4 to present a more holistic picture of the support CSPs are expected to provide.

As presently drafted, the requirement to provide support to affected persons in Part 4 gives the impression that support is limited to:

- Using the preferred form of communication.
- Considering the risks associated with disconnecting the customer's service.
- Reconnecting a customer.

¹² AER, 'AER Compliance Procedures and Guidelines' (Report, 2024) <<https://www.aer.gov.au/system/files/2024-07/Final%2028Retail%20Law%29%20Compliance%20procedures%20and%20guidelines.pdf>>.

¹³ Ibid 15.

¹⁴ Ibid 16.

- Not requiring documentary evidence, except in certain circumstances.

These are all important and necessary requirements. However, the support that CSPs are expected to provide should be much broader and includes not just direct interactions with an affected person but how the CSP organises itself to deliver effective customer support.

ACCAN considers that a clearer way of framing these requirements is to separate them into the following categories, with objectives for each category:

- Product and service customisation
- customer awareness and education measures
- staff training measures
- safe communications measures
- information protection measures
- product and process design measures

ACCAN considers that a clearer way of framing these expectations is to break it down into categories related to product and service customisation, customer awareness and education, staff training measures, safe communications measures, information protection measures and product and process design measures, and include an objective(s) for each category of support measures. For example:

- **Product and service customisation** requirements could include many of the requirements currently set out in section 12, as well as other measures such as simplifying processes to separate services under one account holder, credit management processes that do not compromise the safety of affected persons and expediting access to financial hardship support.
- **Customer awareness and education measures** could include requirements relating to ensuring customers can easily locate and understand information and resources related to DFSV support.
- **Monitoring and review measures** could include requirements to improve products, systems, processes and services through safety by design principles.
- **Information protection measures** could include requirements to ensure the privacy of personal information of affected consumers, as well as the security of the accounts.

Application of the industry standard

The DFSV Standard applies to CSPs in their dealings with consumers and carriers in relation to the supply of carriage services to CSPs.

ACCAN considers that the DFSV Standard should also require CSPs who outsource key functions and activities impacting affected persons, to ensure all parts of their supply chain, including their agents, contractors and third-party representatives, such as third-party debt collection agencies, are held to the same standards and obligations in relation to their interactions with affected persons.

New enforcement powers will fundamentally improve outcomes for consumers

ACCAN supports the recent government proposal outlined in the Telecommunications Amendment (Enhancing Consumer Safeguards) Bill 2025 to increase the penalties available to the ACMA for breaches of industry standards from \$250,000 to \$10 million; in line with energy and banking sectors.¹⁵ Improvements in the penalties available to the ACMA will ensure that the DFSV standard appropriately protects consumers and provides strong compliance incentives for CSPs.

The increases in penalties available to the ACMA necessitate the drafting of fit-for-purpose consumer protections that align with best practice in other essential services sectors.

Until the Telecommunications Amendment (Enhancing Consumer Safeguards) Bill 2025 or equivalent passes Parliament, no changes will have occurred which improve the penalties available to the ACMA and provide for appropriate compliance incentives for CSPs. This uncertainty over the regulatory settings of consumer protections underscores the need for consumer protections relevant to affected persons currently located in the TCP Code, such as those related to credit management and authorised representatives to be reflected in the DFSV Standard. This approach mitigates the risk of these protections being overlooked due to their location in multiple instruments, should the Telecommunications Amendment (Enhancing Consumer Safeguards) Bill 2025 not pass parliament. Noting the materiality of these areas to the experiences of affected persons, ACCAN considers there is significant merit to their inclusion in the DFSV Standard.

Issues for comment

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.

ACCAN considers that the draft DFSV Standard addresses some of the objectives and requirements of the DFSV Direction, however, could go much further in relation to several areas of consumer protections critical to the experiences of affected persons.

These areas include:

- Overarching requirements which reinforce the intent of the Direction, including prioritising the safety of affected persons in the CSPs policies, processes and communications with an affected person, and providing support that is tailored to the needs of the customer. ACCAN's detailed comments with respect to this point were outlined earlier in this submission in the 'key issues' section.
- Specifying credit and debt management action protections requirements on CSPs in the DFSV Standard, including measures to prevent DFSV related debt in the first place.
- Requirements regarding access to DFV support services.
- Compliance with the DFSV Standard.
- Proactively identifying customers experiencing DFSV.
- Appropriate referrals to DFV support organisation.

¹⁵ Michelle Rowland, 'Government moves to legislate better protections for telco consumers' (Media Release, 2025) <<https://minister.infrastructure.gov.au/rowland/media-release/government-moves-legislate-better-protections-telco-consumers>>.

- Safe contact methods for affected persons.
- Organisational culture.
- Alerting affected persons to information disclosure.

Credit management action for affected persons

Section 7(1)(e) of the DFSV Direction requires:

that carriage service providers offer prompt, sufficient and appropriate assistance that is tailored to the individual needs and preferences of relevant consumers who are, or may be, affected by domestic and family violence, and where relevant, sexual violence, including to:

- (i) stay safe; and*
- (ii) stay connected to or be reconnected to appropriate services being provided by the carriage service provider; and*
- (iii) minimise the ongoing impact of domestic and family violence and sexual violence;*

ACCAN notes the ES refers to the role of CSPs in credit and debt management for affected persons. The ES states that:

Subparagraph 7(1)(e)(iii) envisages minimising the burden of debt a victim-survivor may be facing due to actions of their alleged perpetrator but may extend to other circumstances that are discovered during consultation.¹⁶

Affected persons may be saddled with debt through no fault of their own due to the actions of a perpetrator. This includes debts and other losses incurred by purchase of telecommunications goods, or contracting for telecommunications services, in circumstances of family violence, where the affected person derives no benefit from the goods or services. Inappropriate credit management practices in these circumstances can significantly harm affected persons. CSPs must be certain that debt recovery actions do not compromise the safety of customers in DFV situations, whether it is the debt of the affected person or the perpetrator.

76F(1) of the National Energy Retail Rules 1 states that:

(1) Before taking action to recover arrears from an affected customer or transferring affected customer debt to a third party debt collector, a retailer must take into account:

(a) the potential impact of debt recovery action at that time on the affected customer; and

(b) whether other persons are jointly or severally responsible for the energy usage that resulted in the accumulation of those arrears.¹⁷

¹⁶ Telecommunications (Domestic, Family and Sexual Violence Consumer Protections Industry Standard) Direction 2024 (Cth) 7.

¹⁷ Australian Energy Market Operator, National Energy Retail Rules 2025 (Cth) 76F(1).

ACCAN notes that Origin Energy paid almost \$300,000 in penalties related to eight alleged contraventions of Victoria's energy laws.¹⁸ 'By failing to consider the impact to customers affected by family violence when referring them to an external debt collection agency, Origin allegedly failed to provide a safeguard afforded to customers experiencing vulnerability under the Energy Retail Code of Practice'.¹⁹ If there is any possibility that an affected person could be further harmed, CSPs should consider waiving the debt as an alternative to taking debt recovery action.

ACCAN supports the inclusion of specific obligations related to credit and debt management for affected persons in the DFSV Standard, including:

- Assessing credit management action against affected persons.
- Minimum requirements when taking action against affected persons.
- When credit management action must not be taken and when debts cannot be sold and when debts must be recalled by the CSP.²⁰

ACCAN considers that there should be alignment with the Financial Hardship Standard, which aims to ensure that customers on hardship support are protected from credit management action taken by CSPs.²¹ Where an affected person has disclosed DFV, their debts should be barred from sale or recalled from the third-party debt collector if it has already been on-sold. CSPs should also support affected persons by amending their credit reports to help them financially recover after they have left an abusive situation by removing defaults or other adverse credit information, either on direct request or by offering to do so where DFV is disclosed pertaining to the information.

Where a perpetrator is the end user of a telecommunications product that has been taken out in the affected person's name and the affected person has received no benefit from the service or were coerced into purchasing the product, the DFSV Standard should be required to remove negative information from a credit report on the affected person's behalf.

This aligns with Recommendation 6 of the Parliamentary Inquiry into the Financial Services Regulatory Framework in relation to Financial Abuse to specify that financial abuse is considered circumstances beyond the individual's control.²²

ACCAN notes that requirements on CSPs related to credit management action for affected persons are currently located in two distinct instruments, the TCP Code or the Financial Hardship Standard. Until the Telecommunications Amendment (Enhancing Consumer Safeguards) Bill 2025 or equivalent has passed Parliament, compliance with the TCP Code is voluntary in the first instance while compliance with the Financial Hardship Standard is mandatory. ACCAN considers that protections related to DFSV are too important to be addressed through the TCP Code, which is also far from being finalised and, even if registered, is unlikely to be in place until late 2026.

¹⁸ Essential Services Commission, 'Origin pays almost \$300,000 in penalties for alleged debt recovery failures affecting customers experiencing family violence' (Media Release, 2024) <<https://www.esc.vic.gov.au/media-centre/origin-pays-almost-300000-penalties-alleged-debt-recovery-failures-affecting-customers-experiencing>>.

¹⁹ Ibid.

²⁰ *Telecommunications (Financial Hardship) Industry Standard 2024* (Cth) 17-18.

²¹ *Telecommunications (Financial Hardship) Industry Standard 2024* (Cth) Part 4 – Credit Management Action.

²² Parliament of Australia, 'Financial Abuse: An insidious form of domestic violence – List of recommendations' (Online, 2025) <https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/FinancialAbuse/Report/List_of_recommendations>.

Credit and debt management requirements for people affected by DFV could be addressed in the Financial Hardship Standard, however, it may be more expedient to incorporate these obligations into the DFSV Standard taking into account their materiality to affected persons. The absence of credit and debt management provisions related specifically to affected persons risks inconsistent application of credit and debt management action related to affected persons and is not reflective of the intent of the DFSV Direction.

Requirements regarding access to DFV support services

Section 10 of the DFSV Standard states:

(1) A provider must provide a range of contact channels to facilitate direct access for affected persons to its DFV support, including at least 2 of the following communication channels:

(a) a domestic and family violence specialist support phone number;

(b) a dedicated webform through which an affected person can request the provider to initiate contact with the affected person;

(c) an online chat function;

(d) in person, in a retail store operated by the provider.

Note: A provider may provide additional channels to those required in subsection (1).

(2) For subsection (1), at least one of the communication channels must allow an affected person to connect to a member of the personnel of the provider who is an individual.

(3) For subsection (1), if an affected person requests a provider to initiate contact or to call the affected person back at a later time, the provider must use the communication method, if any, specified by the affected person.

(4) A provider must have personnel who are accessible during business hours to directly assist affected persons.

ACCAN supports the requirements for CSPs to provide a range of contact channels to facilitate direct access for affected persons to DFV support. Feedback from DFV experts has demonstrated that this section should be expanded to ensure that email is always provided as a contact method for affected persons by CSPs. Under the current DFSV Standard, a CSP may provide options 10(1)(b) and 10(1)(c) to affected persons, options which do not appropriately take into account the needs of customers with limited digital literacy.

Compliance with the DFSV Standard

Section 7(1) of the DFSV Standard requires:

(1) A provider that offers to supply telecommunications products to consumers:

(a) must develop and implement a DFV policy relating to its interactions with affected persons that complies with the minimum requirements in subsection 8(1); and

(b) must develop and implement DFV procedures which:

(i) require personnel to give effect to the DFV policy;

(ii) are designed to ensure the provider complies with its obligations under this industry standard; and

(iii) comply with the minimum requirements in subsection 8(2);

(c) must comply with its DFV policy and its DFV procedures.

ACCAN welcomes the ACMA's introduction of minimum requirements for DFV policies and procedures. However, ACCAN considers that 7(b)(ii) of the DFSV Standard can be drafted to more appropriately reflect the critical importance of ensuring CSPs comply with the DFSV Standard. Requiring CSPs develop and implement DFV procedures which **are designed** to ensure the provider complies with its obligations under this Industry Standard is a less stringent requirement for compliance than subsection 7(b)(iii).

ACCAN considers that 7(b)(ii) of the DFSV Standard should be amended to:

ensure the provider complies with its obligations under this industry standard

This change would ensure more consistent application of the subsection by CSPs.

Proactively identifying customers experiencing DFSV

ACCAN considers that the DFSV Standard should include a positive duty for CSPs to proactively identify consumers experiencing DFV. The existing requirement in Section 8(2)(b) DFSV Standard requires that a CSP's DFV procedures must:

set out how personnel can safely and appropriately identify, support and assist consumers that are, or are suspected by the provider's personnel to be, affected persons[.]

To ensure that the communications sector is held to an equivalent standard to other essential sectors, CSPs must take proactive steps to identify if a customer may be experiencing or at risk of experiencing DFV to ensure that the responsibility to identify DFV does not fall solely on affected persons. The nature of CSPs proactive identification of customers experiencing DFSV is critical to the implementation of the DFSV Standard as it directly impacts the scope of the definition of 'affected person'. Should CSPs not be subject to requirements to proactively identify affected persons, the definition of affected person is substantially decreased in scope.

ACCAN considers that without proper guidance and drafting to complement this subsection, it does not provide an appropriate incentive to CSPs to ensure that personnel are able to identify affected persons. Amending 8(2)(b) to place a proactive obligation on CSPs to identify, support and assist consumers that are, or are suspected by the provider's personnel to be, affected persons will ensure that affected persons receive timely and effective assistance by CSPs.

ACCAN has concerns that the existing drafting of 8(2)(b) does not require that CSPs identify potentially affected persons but rather **establish steps which provide for** the identification of potentially affected persons. This minor distinction may make the provision more difficult for the ACMA to enforce and may decrease its effectiveness at ensuring CSPs identify potentially affected persons.

Identification of potentially affected persons and requirements related to staff training are material to the outcomes experienced by vulnerable consumers. ACCAN considers that the staff training requirements in Section 13 should be expanded to explicitly require that all staff in the areas currently present in the note (sales, credit collections, financial hardship, fraud, privacy and complaint management) must receive DFV training.

Additionally, ACCAN notes that the ES makes mention that DFV awareness training should be provided for a wide range of staff, including those who have roles flowing through to the end-user, such as product design.²³ Product design staff are not currently included in the list of required personnel to receive DFV training under section 13.

Appropriate referrals to DFV support organisations

ACCAN notes that the only provision related to how consumers can access information from a third party DFV support organisation is located in 9(2)(e). Feedback from DFV support organisations has noted that CSPs should be able to provide referrals to social work professionals and DFV support services. For example, a CSP may refer an affected person to these services for safety planning.

The DFSV Standard should specify the referral pathways that CSPs must undertake when an affected person has identified they are experiencing DFV. Some financial counsellors expressed support for CSPs to establish a partnership with qualified service providers to respond to particularly risky situations, leaving the CSP to support the customer in changing numbers and separating accounts. ACCAN's engagement with some DFV experts demonstrated some concerns that CSPs may send through referrals to support services when it might be appropriately dealt with by CSPs.

Safe contact methods for affected persons

Section 15(3) suggests that safe communication methods would be identified and agreed with the 'affected person' under 16(1)(d), but 16(1)(d) only requires the CSP to discuss safe contact methods if the customer has concerns about their privacy, safety and security by way of 16(1)(b) and 16(1)(c).

This creates a situation in which only affected persons who have *expressed concerns about their privacy, safety and security in relation to their telecommunications services and their account* are provided supports under 16(1)(c). ACCAN considers that the ACMA should expand this requirement to ensure that all affected persons receive the protection of 16(1)(c) without having to indicate specific concerns about their safety.

Organisational Culture

ACCAN's engagement with DFV support organisations and consumer advocates has demonstrated support for the inclusion of requirements in the DFSV Standard relating to organisational culture. To meet community expectations, CSPs must promote a culture of compliance with the DFSV Standard and ensure that their policies and procedures reflect this outcome.

²³ *Telecommunications (Domestic, Family and Sexual Violence Consumer Protections Industry Standard) Direction 2024* (Cth) 6.

The AER has previously noted how energy providers could foster a culture of awareness, compliance and accountability within their organisations. This can be readily applied to CSPs in the following ways:

- CSPs ‘senior leadership team should ensure that staff, contractors and agents at all levels understand the crucial role retailers play in supporting customers affected by family violence and ensure that this priority is reflected in the organisation’s culture, systems and processes’.
- A CSPs ‘senior leadership team should play an active role in discussions about family violence across the organisation and visibly endorse and actively promote the practices outlined within the retailer’s family violence policy to their staff’.
- CSPs ‘should also provide staff with ongoing support to ensure any skills gaps are identified and addressed in a timely fashion’.
- CSPs ‘should ensure that, after completing family violence training, their staff understand the complex nature and consequences of family violence and possess the skills required to identify and engage appropriately with affected customers’.²⁴

Alerting affected persons to information disclosure

ACCAN considers that where a breach of an individual’s privacy has occurred, CSPs must be required to notify the affected person of the breach and possibility of inadvertent disclosure in addition to providing a referral to a specialist DFV service for safety planning assistance. When a breach has occurred it is often up to the affected person to engage in safety planning which incurs costs related to personal security in addition to other unforeseen expenses. This often occurs at a time when affected persons have already accessed the financial support available to them, and are unable to access the resources again to cover new costs. ACCAN considers that there is a strong argument that CSPs should be responsible for financially compensating victim-survivors for any costs incurred as a result of a CSP’s breaches of the DFSV Standard.

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.

ACCAN’s response to this consultation question has been endorsed by the Council of Small Business Organisations Australia (**COSBOA**). COSBOA supports a DFSV Standard that provides tailored supports to affected small business customers who have been a victim of DFV harms.

ACCAN considers that the protections of the DFSV Standard should apply in whole to small business customers and not-for-profit customers in keeping with the existing definition of small businesses under the Australian Consumer Law. Many small businesses are run under family arrangements and DFV harms, including financial and economic abuse, can be perpetrated through these structures. Statistics indicate that ‘approximately 15% of all clients assisted by a DFV support and financial counselling service are people who have experienced financial abuse in business’.²⁵

²⁴ Australian Energy Regulator, ‘AER releases updated guidance on family violence rules for energy retailers’ (Online, 2025) 9 <<https://www.aer.gov.au/news/articles/communications/aer-releases-updated-guidance-family-violence-rules-energy-retailers>>.

²⁵ EACH, ‘2024 Parliamentary Inquiry Financial Services Regulatory Framework in Relation to Financial Abuse’ (Submission, 2024) 1.

This may take the form of:

- Perpetrators making an affected person a director of the small business without consent, and coercing them to sign guarantees for business debts thereby exposing them to credit risks as a personal guarantee of the debt incurred by the small business.²⁶
- Coercing victims to sign loans, personal guarantees and agreements in the victim-survivors' name.²⁷
- Affected persons' credit reports being impacted due to incorrectly ascribed debts or fraudulent credit enquiries or credit accounts opened by the perpetrator without the affected person's knowledge or consent.
- 'An abusive partner using, or threatening to use, credit reporting as a form of abuse'.²⁸
- An affected person 'who has fled domestic and family violence years ago but is being rejected for credit due to negative information on their credit report which was due to the domestic and family violence'.²⁹
- 'A debt waiver having been offered by a creditor due to domestic and family violence circumstances, but the creditor won't agree not to report a default'.³⁰

Ensuring that small business customers receive specific DFV protections would also ensure that the consumer protections in the communications sector are congruent with DFV rules in the energy sector, which apply to residential and small business customers.

ACCAN considers that:

- CSPs should be required to ensure that small business arrears are appropriately allocated to the perpetrator rather than the affected person in contexts of abuse, so long as this does not compromise the safety of the affected person.
- The DFSV Standard should take into account the specific circumstances of small businesses in determining small business-specific DFV protections or specifically designed communications products and services.
- CSPs should be required to remove negative credit information 'if it was caused by circumstances beyond the consumer's control' such as DFV.³¹ In the most recent Privacy (Credit Reporting) Code 2024, domestic abuse is noted as a circumstance beyond the individual's control which warrants the removal of negative credit information.³²

Financial abuse in Australia affects over 600,000 people and costs the economy over \$5 billion and victim-survivors over \$5.5 billion annually.³³ There are over 2.5 million small businesses in Australia.

²⁶ Financial Counselling Australia, 'Submission on financial services regulatory framework in relation to financial Abuse' (Submission, 2024) 9 <<https://www.financialcounsellingaustralia.org.au/fca-content/uploads/2024/07/Submission-to-financial-abuse-inquiry-2024.pdf>>.

²⁷ EACH, 2024 Parliamentary Inquiry Financial Services Regulatory Framework in Relation to Financial Abuse (Submission, 2024) 1.

²⁸ Financial Rights Legal Centre and the Economic Abuse Reference Group, 'Credit Reporting & Economic Abuse: A practical guideline for financial counsellors and community workers' (Report, 2022) 5 <https://financialrights.org.au/wp-content/uploads/2022/11/EARG_Credit-Reporting-and-Economic-Abuse_Report_Final.pdf>.

²⁹ Ibid.

³⁰ Ibid.

³¹ Financial Rights Legal Centre and the Economic Abuse Reference Group, 'Credit Reporting & Economic Abuse: A practical guideline for financial counsellors and community workers' (Report, 2022) 5 <https://financialrights.org.au/wp-content/uploads/2022/11/EARG_Credit-Reporting-and-Economic-Abuse_Report_Final.pdf>.

³² Office of the Australian Information Commissioner, 'Privacy (Credit Reporting) Code 2024' (Online, 2025) 43 <<https://www.oaic.gov.au/privacy/privacy-registers/privacy-codes/privacy-credit-reporting-code-2024>>.

³³ Deloitte, 'The cost of financial abuse in Australia' (Report, 2022) 6. <<https://www.commbank.com.au/content/dam/caas/newsroom/docs/Cost%20of%20financial%20abuse%20in%20Australia.pdf>>.

The application of the DFSV Standard to small businesses and not-for-profits is a significant opportunity to ensure appropriate protections for consumers who may be uniquely at risk of DFV and financial abuse.³⁴

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.

ACCAN does not consider that there should be any classes of carriers or CSPs that should be exempt from the requirements of the DFSV Standard.

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.

Section 22(2) of the DFSV Standard states that:

Consultation undertaken for subsection (1) may be undertaken on behalf of a provider by an industry group or body that represents the provider.

ACCAN notes the difficulties with requiring all CSPs covered by the DFSV Standard to individually engage with a limited number of DFV support services and organisations in developing DFV policies, statements and training.³⁵ ACCAN considers that there is a risk of subsection 22(2) limiting the impact of the feedback of the organisations under 22(1).

As discussed earlier in this submission, ACCAN considers that larger CSPs must be required to consult with DFV support services on an individual basis. Smaller CSPs may be represented by an industry body. We consider that the threshold for requiring individual consultation is 30,000 Services in Operation or more. There are approximately 33 CSPs who have between 30,000 and over 10 million services in operation, consisting of 27 small CSPs, four medium CSPs and two large CSPs.³⁶

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?

To ensure that the DFV sector can cope with the additional demands of consultation with the communications sector, ACCAN's engagement with DFV experts has demonstrated that a CSPs consultation with experts must:

- Be carefully structured to ensure the capacity of DFV experts and DFSV services is not overwhelmed. DFV experts expect that more than one consultation round would be required to achieve this.

³⁴ Australian Small Business and Family Enterprise Ombudsman, Number of Small Businesses in Australia (Online, 2025) <<https://www.asbfeo.gov.au/small-business-data-portal/number-small-businesses-australia>>.

³⁵ ACCAN notes that the number of CSPs likely to be covered by the DFSV Standard may be approximately 350. This reflects the CSPs assumed to be covered by the Financial Hardship Industry Standard. Office of Impact Analysis, 'Financial hardship in the telco sector – enhancing consumer protections Impact analysis' (Report, 2024) 24 <<https://oia.pmc.gov.au/published-impact-analyses-and-reports/financial-hardship-telco-sector-enhancing-consumer>>.

³⁶ Ibid.

- Ensure that consultation occurs with ample time for DFV experts to provide considered feedback, and that policies and procedures are co-designed with DFV experts.
- Ensure that DFV services and experts are compensated by CSPs for this consultation.

6. Is the definition of DFV in the 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.

Domestic and Family Violence

The DFSV Standard defines ‘domestic and family violence’ as:

Domestic and family violence refers to behaviours of an individual(s) that are designed to create a dependency or to isolate, monitor, dominate, or control another individual. These behaviours may consist of physical violence and/or other types of abuse, power, coercion or control that cause harm including life threatening communications, unwelcome communications economic and financial abuse, technology facilitated abuse and sexual violence. Domestic and family violence can occur in any personal relationship including intimate partners, parents and children, immediate and extended family groups, communal and extended kinship connections, and carer and guardianship arrangements.

ACCAN considers that the definition of domestic and family violence should include the vectors of emotional and psychological abuse. These vectors of abuse create a dependency or to isolate, monitor, dominate, or control another individual and should be appropriately covered by the DFSV Standard. We note that the definition of coercive control only appears in the DFSV Standard in the definition of the term itself. The term should be integrated into the broader DFV definition.

We support amending the definition of domestic and family violence to (changes in **bold**):

*Domestic and family violence refers to behaviours of an individual(s) that are designed to create a dependency or to isolate, monitor, dominate, or control another individual. These behaviours may consist of physical violence and/or other types of abuse, power, coercion or control that cause harm including life threatening communications, unwelcome communications, **coercive control**, economic and financial abuse, **emotional and psychological abuse**, technology facilitated abuse and sexual violence. Domestic and family violence can occur in any personal relationship including intimate partners, parents and children, immediate and extended family groups, communal and extended kinship connections, and carer and guardianship arrangements.*

ACCAN would support the ACMA explicitly noting in this definition that the impacts of DFV often last significantly beyond the end of the abusive relationship.

7. Recognising that sexual violence also occurs outside the circumstances of DFV, are there any situations where the requirements under the DFSV Standard should apply to CSPs in circumstances where sexual violence has occurred outside of a DFV situation?

ACCAN’s engagement with DFV experts has supported that the following provisions should still apply in situations of sexual violence occurring outside of DFV.

- Provisions relating to privacy and safety, where sexual violence has occurred in a situation of stalking (tech facilitated or otherwise) or technology facilitated harassment of a sexualised nature is occurring.
- Financial Hardship support, recognising that hardship can arise following a traumatic life event such as experiencing sexual violence.
- Provisions relating to not requiring documentary evidence.

8. Are there other terms in the 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.

Affected person

Affected person means an individual that:

(a) identifies as an individual who is, or may be, the subject of domestic and family violence; or

(b) the provider, suspects is, or may be, the subject of domestic and family violence,

ACCAN would support amending the definition of affected person to (**changes in bold**):

Affected person means an individual that:

*(a) identifies as an individual who is, or may be, **experiencing** domestic and family violence; or*

*(b) the provider, suspects is, or may be, **experiencing** domestic and family violence,*

We would additionally query the standard of suspicion which is required to give effect to this definition. As it stands, the DFSV Standard does not provide any guidance related to a suitable standard of suspicion. CSPs may state that none of their suspicions were raised and therefore affected persons who have not yet disclosed their circumstances to the CSP may not receive protections from the DFSV Standard.

ACCAN has concerns that the definition of affected person does not extend to sexual violence outside of DFV relationships noting that the definition of sexual violence is not explicit with respect to incidents of sexual violence outside of DFV relationships.

Authorised representative

authorised representative means an individual who has authority from an account holder to make or agree to changes to the account holder's account or service on the account holder's behalf without the account holder being present.

ACCAN considers that the definition of 'authorised representative' should be amended to refer to a person or organisation. Authorisation needs to be available to the organisation as a whole and individual financial counsellors or lawyers should not have to be authorised.

Disconnection

disconnection means the termination of a telecommunications service provided to a consumer under a consumer contract.

ACCAN notes that the definitions of 'restriction' and 'suspension' have not been included in the DFSV Standard despite their materiality to the experiences of vulnerable consumers. ACCAN considers that these terms should be defined in the DFSV Standard.

Perpetrator

Perpetrator means the individual who has or is using or is alleged to be using domestic and family violence against another individual.

ACCAN's engagement with the ACMA's DFSV Standard Workshop demonstrated that the definition of perpetrator should not be altered to 'alleged perpetrator'. Altering the definition is not only unnecessary due to the existing definition of perpetrator but would be damaging and traumatising for affected persons to interact with. Many affected persons may possess forms of proof such as court orders which demonstrate abuse has taken place, therefore presenting affected persons with having to engage in a system of support where their abuse is presented as 'alleged'.

Currently the definition of 'perpetrator' does not include a reference to sexual violence existing outside of DFV situations. The definition of perpetrator should be extended to cover these circumstances.

Trauma Informed

The DFSV Standard defines 'trauma informed' as:

Trauma informed means taking into account and responding to the signs and symptoms of trauma with ways in place to handle issues safely while reducing the risk of retraumatisation of an individual who has experienced trauma.

We would support amending this definition to:

Trauma informed means taking into account and responding to the signs and symptoms of trauma with ways in place to handle issues safely while reducing the risk of retraumatisation.

A CSP will only be aware of an individual having experienced trauma once the individual has disclosed the experience to the CSP, but not all individuals who have experienced trauma identify it as such. Treating all customers in a way which reduces traumatisation would lead to a more positive outcome for all communications consumers.

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?

CSPs should at least begin implementing systems, policies, processes and training within 6-12 months of the registration of the DFSV Standard with a view to ongoing improvement. For example, the Parliamentary Joint Committee on Corporations and Financial Services framed its recommendations as 'minimum operating standards, with a view to moving to best practice standards through continuous improvement over time'.³⁷

The Committee noted:

*That financial institutions introduce minimum operating standards, with a view to achieving best practice standards through continuous improvement over time, for including increased friction points in relation to online application processes and electronic transactions to better protect against financial abuse on online platforms.*³⁸

*That the Australian Government consider the implementation of minimum operating standards, with a view to moving to best practice standards through continuous improvement over time, to mitigate the risk of elder abuse in relation to superannuation.*³⁹

DFV experts that ACCAN has engaged with consider that these obligations may require 3 years to be fully implemented. This may be supplemented by CSP audits through specialist DFV organisations to understand current levels of compliance and recommendations for improvement. DFV experts noted that engagement with teams dedicated to this work does not necessarily have a direct impact on the capacity of frontline DFV services as some services may have dedicated teams established to consult with external sectors.

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

ACCAN notes that requirements to develop domestic and family violence policies and procedures under sections 7 and 8 of the DFSV Standard are subject to mandatory consultation with DFV experts under section 22. ACCAN considers that provisions which provide immediate support to affected consumers and do not require engagement with DFV experts should be expedited and start on commencement.

For example, sections which prohibit CSPs from suspending or disconnecting the services of affected persons are unlikely to require significant adaptation time beyond the confirmation of the DFSV Standard.

³⁷ Parliament of Australia, 'Financial Abuse: An insidious form of domestic violence – List of recommendations' (Online, 2025) <https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/FinancialAbuse/Report/List_of_recommendations>.

³⁸ Ibid.

³⁹ Parliament of Australia, 'Financial Abuse: An insidious form of domestic violence – List of recommendations' (Online, 2025) <https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/FinancialAbuse/Report/List_of_recommendations>.

To provide for effective consumer protections to affected persons immediately upon the registration of the DFSV Standard, ACCAN considers the following provisions and parts should begin on the Standard's commencement:

- 8(1)(c) – no disconnection of an affected person's service
- 8(1)(d) – entitlement to financial hardship assistance
- 10 – requirements regarding access to DFV support services
- 11 – requirement to advise affected persons
- Part 4 (Requirement to support), 6 (Communications with affected persons) and 7 (Security and Privacy)

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?

Communication in Language

ACCAN notes that the current draft TCP Code only requires that CSPs make the following information available to the public at no cost, including on its website with its contact information:

(a) the contact details of an interpreter service in at least 5 community languages;

(b) contact details for the National Relay Service;

(c) information about translation tools or services that a consumer may use to translate key information.⁴⁰

Appropriately communicating the support provided by CSPs to vulnerable consumers is critical to ensuring that these supports are utilised by vulnerable consumers. For example, the Family Violence Policy of Energy Australia is provided on the website of the retailer in 11 community languages.⁴¹ ACCAN considers that affected persons must be able to request the translation of documents, at no cost, into one of the following:

- The 10 most used community languages in Australia
- Braille
- Auslan
- Easy English
- 5 most used First Nations languages in Australia

ACCAN's engagement with financial counsellors and DFV support organisations has demonstrated that community members with limited English literacy should be provided with a range of appropriate support measures. ACCAN considers customer-facing staff should proactively identify consumer's translation needs and offer tailored support. Noting the currently voluntary nature of the TCP Code, ACCAN considers that it is critical that the DFSV Standard includes communication and language requirements related to CSPs DFV policies.

⁴⁰ Communications Alliance, 'Draft for public comment - C628: 2025 telecommunications consumer protections code' (Industry Code, 2024) 34 <<https://commsalliance.com.au/hot-topics/TCP-Code-Review-2024/Stage-3-Formal-consultation>>.

⁴¹ Energy Australia, 'Family Violence Support' (Online, 2025) <<https://www.energyaustralia.com.au/home/bills-and-accounts/family-violence-support>>.

CSP Practices

ACCAN's engagement with DFV experts has demonstrated that with respect to staff training, training related to potential indicators of DFV and the appropriate responses to them within a workplace setting may assist in meeting the needs of people who are disproportionately affected by DFV.

To support the needs of consumers who are, or may be, disproportionately affected by DFV, CSPs should inquire as to whether customers require interpreters and provide professional interpreters when they are required. CSPs should ask customers what communication methods they require and avoid communication methods that could cause harm.

It will also be important for CSP staff to understand some of the nuances around DFSV when using interpreters, for example, why using family members including children as interpreters is problematic. Additionally, some communities are quite small, and an interpreter and a customer may be known to each other.

12. Are there requirements in the 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?

Requirements for affected consumers to provide documentary evidence

ACCAN considers that varying the specificity of 12(4) of the DFSV Standard is desirable to ensure CSPs do not inadvertently dissuade consumers from seeking DFV support. The DFSV Standard should prohibit CSPs from requiring evidence or supporting material which demonstrates that an individual is an affected person. Additionally, requiring affected persons to submit documentary evidence puts CSP staff at risk of vicarious trauma and decreases the information storing requirements on CSPs.

ACCAN notes that in the National Energy Retail Rules, consumers are not required to provide evidence or supporting material which demonstrates that an individual is an affected person, we would query the instances in which a consumer must provide this evidence to their CSP but not their energy provider.⁴² Requesting documentary evidence in any format can inhibit consumers from accessing support and may make it more likely that an affected person is discovered disclosing family violence by the perpetrator.⁴³

ACCAN considers that to give effect to this, the ACMA should remove 12 (5)-(7) and amend 12(4) to:

(4) a provider must not require evidence or supporting material which demonstrates that an individual is an affected person.

Additionally, we consider that 15(1) of the DFSV Standard should be amended to complement the removal of qualifications over the requirement to provide evidence of DFV in clause 12.

⁴² Australian Energy Market Commission, 'Protecting customers affected by family violence' (Online, 2025) <<https://www.aemc.gov.au/rule-changes/protecting-customers-affected-family-violence>>.

⁴³ PWDA, 'Women with Disability and Domestic and Family Violence: A Guide for Policy and Practice' (Report, 2021) 4 <<https://pwd.org.au/wp-content/uploads/2021/07/Women-with-Disability-and-Domestic-and-Family-Violence-A-Guide-for-Policy-and-Practice.pdf>>.

Section 15(1) states:

- (1) When communicating with an affected person, a provider must not require the person to disclose the circumstances of the abuse as a precondition to accessing support or assistance.*

ACCAN would support amending clause 15(1) to clearly state that when communicating with an affected person, a provider must not require evidence or documentary evidence about abuse as a precondition to accessing support or assistance.

ACCAN would query the difference between a CSP being prohibited from requiring evidence or supporting material and being prohibited from requiring an affected person to disclose circumstances of abuse. CSPs may interpret these requirements differently, leading to inconsistent application of the DFSV Standard.

ACCAN's engagement with financial counsellors and DFV experts demonstrated significant concerns with CSP representatives determining the nature of the evidence and therefore determining if a customer contact is a victim-survivor of DFV or a perpetrator.

ACCAN would support 15(1) being amended to (changes in **bold**):

- (1) When communicating with an affected person, a provider must not require the person to **provide evidence or supporting material or** disclose the circumstances of the abuse as a precondition to accessing support or assistance.*

Restriction, suspension and disconnection of affected persons' telecommunications service.

ACCAN notes that Section 8(1)(c) of the DFSV Standard requires that a CSP's DFV policy must

require that, where an affected person expresses or indicates concern about their safety:

- (i) the person's telecommunications service is not disconnected, unless disconnection is requested by the person; or*
- (ii) if the person's telecommunications service has been disconnected – the person's service must be reconnected as a matter of urgency, if requested by the affected person;*

ACCAN supports the introduction of this clause as a critical consumer protection which will provide material and timely protections to vulnerable consumers experiencing DFSV. ACCAN considers that this critical consumer protection should be extended to the suspension of a customer's telecommunications service, unless requested by the person.

ACCAN considers that 8(c) should be expanded to apply to all affected persons rather than be limited to situations where an affected person expresses or indicates concern about their safety. Limiting the application of this provision unnecessarily risks the personal safety of affected persons and provides for inconsistent application by CSPs. Should an affected person be required to separately indicate or express concern about their safety to avoid disconnection from their telecommunications service, they may be inadvertently exposed to harm by perpetrators.

ACCAN would query if an individual's identification as an affected person warrants the activation of consumer protections under 8(c) without the customer having to express or indicate concerns about their safety. As a general principle and outcome of this Industry Standard, ACCAN considers that if a customer identifies as experiencing DFSV, ACCAN considers that the customer should not be disconnected or suspended from their telecommunications service. To simplify the requirements of 8(c), ACCAN considers that CSPs must be prohibited from disconnecting or suspending the telecommunications service consumers of affected persons. ACCAN would support the addition of further subsections to the DFSV Standard related to the appropriate instances in which CSPs may restrict an affected person's telecommunications service.

ACCAN has concerns that as written, the DFSV Standard may provide for the unregulated restriction and suspension of the services of affected persons, despite 8(c) protecting customers against disconnection. Where an affected person's service is restricted, it must not put the affected person's safety at risk nor penalise them for experiencing DFV.

How customers can indicate to CSPs that they are experiencing DFSV

CSPs should be required under section 8 to provide further information to customers in their DFV policy about the methods that a customer can use to indicate or express concern about their safety. For example, a customer may express concern about the safety of their children and request their service not be disconnected. However, as written, the clause does not require that the customer's telecommunications service not be disconnected or be reconnected in that circumstance. Additionally, affected persons may request their service not be disconnected but be unaware of the potential for a CSP to restrict or suspend their service.

ACCAN considers that the ACMA should examine section 15(2) of the Financial Hardship Standard for guidance on how a customer can indicate they are experiencing DFSV.⁴⁴ ACCAN encourages the ACMA to take a broad approach to the range of customer vulnerabilities and family dynamics that this clause may apply to and impact. ACCAN would query if reconnection of an affected person under this subsection allows for reconnection to a new service, not linked to the account of a perpetrator. We support the ACMA providing clarification in the DFSV Standard on the rights of affected persons to be reconnected to a separate service.

13. Does the 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.

ACCAN considers that the DFSV Standard broadly balances the need to keep records with the need to protect an affected person's privacy and security. ACCAN is broadly supportive of the record-keeping requirements under Section 20. ACCAN notes that ACMA compliance audits of CSPs were integral to the development of the DFSV Direction and we would seek to enable the regulator to ensure compliance with the DFSV Standard.

⁴⁴ *Telecommunications (Financial Hardship) Industry Standard 2024* (Cth) 17-18.

We consider that the following sections should be included in the list in Section 20 to further ensure that CSPs keep records which can demonstrate their compliance with critical public safety rules when requested by the ACMA.

- 12(5)-(7). ACCAN would support the ACMA giving consideration to requiring CSPs record the instances in which they require affected persons to provide evidence or supporting material, if these subsections are not amended or removed in line with ACCAN's recommendation. Prohibiting CSPs from requiring affected persons to provide evidence or supporting material to demonstrate they are an affected person is a critical consumer-facing component of the DFSV Standard. CSPs should record the instances in which it is under a legal obligation to require evidence or supporting materials from customers.
- 16(4). ACCAN recommends that providers should keep records of any disclosures about an affected person to any other person without their consent, noting the personal and public safety implications of incorrectly sharing such information. Locational information must not be provided to anyone except the affected person.
- 20(2)(a). ACCAN considers that a CSP should demonstrate their compliance with 20(2) and catalogue their steps taken to ensure that information is protected from misuse.

As highlighted earlier in this submission, while record-keeping is essential to demonstrate compliance with the Standard, the ACMA should implement a compliance and reporting framework for the entire standard that is a better fit for a mandatory and enforceable standard. A more proactive compliance and reporting framework would reflect the shift away from self-regulation towards regulatory oversight by the ACMA and support improving industry practice. ACCAN notes that in the energy sector, breaches of family violence obligations by retailers are reportable to the AER under the Retail Compliance Procedures and Guidelines.⁴⁵

- 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?**

The current view of DFV experts that ACCAN has engaged with is that the DFSV Standard should *not* impose obligations on a CSP in relation to its dealings with perpetrators of DFV as this is a complex, specialist area with significant private and public safety implications. ACCAN is aware that some telecommunications providers may provide for the suspension or cancellation of services used for abuse. ACCAN considers that CSPs should establish clear and consistent processes to identify and respond to instances where their services are being used to perpetrate DFV.

For example, the Respect and Protect Initiative supports businesses in clarifying that their products and services must not be used for financial abuse. This includes amending contracts to make it clear that businesses don't tolerate the misuse of their products to cause financial harm.⁴⁶

⁴⁵ Australian Energy Regulator, 'AER Compliance Procedures and Guidelines' (Guideline, 2024) <<https://www.aer.gov.au/system/files/2024-07/Final%20%28Retail%20Law%29%20Compliance%20procedures%20and%20guidelines.pdf>>.

⁴⁶ Respect and Protect, 'Why businesses have acted' (Online, 2025) <<https://respectandprotect.au/why-businesses-have-acted-against-financial-abuse/>>.

16. Do the specific and enforceable obligations in the DFSV Standard adequately embed an underlying focus on safety in developing and reviewing systems, processes and products?

Requirements to design systems, processes and products to reduce the risks to affected persons

Section 7(1)(h) of the DFSV Direction requires that the DFSV Standard is to be drafted to give effect to the following objective:

That carriage service providers review their existing and proposed systems, processes and products to identify risks they may pose to relevant consumers who are, or may be, affected by domestic and family violence, and where relevant, sexual violence, and take action to reduce those risks.⁴⁷

The ES envisages that carriage service providers take a contemporary and forward-leaning approach in thinking proactively about how their systems, processes and products may impact victim-survivors and unintentionally facilitate harms or abuse'.⁴⁸

ACCAN does not consider that the DFSV Standard is drafted to appropriately give effect to the objective under 7(1)(h) with respect to CSPs reviewing their **existing and proposed systems, processes and products** to identify and take action to reduce risks to affected consumers, including at point of sale. Section 8(1)(j) of the DFSV Standard, only requires that a provider's **DFV policy set out** how the provider's systems, processes and products identify and reduce risks to affected persons. This requirement does not explicitly meet the objectives of the Direction and the intent of the ES. This discrepancy is compounded by the existing requirement for CSPs to develop and implement DFV procedures which are **designed to ensure compliance** with the DFSV Standard rather than **explicitly comply** with the DFSV Standard.

ACCAN considers that the DFSV standard should place a more proactive requirement on CSPs to design and review systems, processes and products to reduce harm to affected consumers. A proactive requirement to design and review systems, processes and products to reduce harm to affected consumers would appropriately fulfil the requirements of the DFSV direction. It would also be better aligned with the emphasis on Safety by Design in the National Plan to End Violence against Women and Children 2022–2032 (**the National Plan**).⁴⁹ ACCAN considers that amending 8(1)(j) of the DFSV Standard to more accurately reflect the forward-leaning focus of objective of 7(1)(h) of the DFSV Direction will provide consumers with greater protections while imposing minimal administrative costs on CSPs. While ACCAN supports the introduction of the existing requirement in the DFSV standard, the introduction of a positive obligation on CSPs to use Safety by Design principles to design products which minimise harm experienced by affected consumers would ensure that CSPs address possible sources of harm before they arise.

⁴⁷ Telecommunications (Domestic, Family and Sexual Violence Consumer Protections Industry Standard) Direction 2024 (Cth) 2.

⁴⁸ Telecommunications (Domestic, Family and Sexual Violence Consumer Protections Industry Standard) Direction 2024 (Cth) 8.

⁴⁹ Ibid 8.

Requirements to review DFV policies and procedures

Section 7(3) of the DFSV Standard notes:

*A provider must review its DFV policy and its DFV procedures and make any relevant changes to ensure the policy and procedures are fit for purpose at least once in each period of **24 months** after the day on which this industry standard commences.*

Section 7(3) of the Financial Hardship Standard notes:

*A provider must review its payment assistance policy and make any relevant changes to ensure the policy is fit for purpose at least once in each period of **12 months** after the commencement day.⁵⁰*

Section 7(3) of the DFSV Standard should be amended to ensure that CSPs must review their DFV policy and its DFV procedures and make any relevant changes to ensure the policy and procedures are fit for purpose at least once in each period of *12 months*.

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

Authorised Representatives

ACCAN's Domestic and Family Violence Policy Position advocates for direct regulation to strengthen the authority of ARs appointed by affected persons.⁵¹ The existing regulations related to how consumers appoint ARs are located in the voluntary TCP Code which is subject to an uncertain regulatory and enforcement regime as existing enforcement reforms progress through parliament.⁵²

However, ACCAN's engagement with financial counsellors and DFV experts has demonstrated that there are issues with CSPs not accepting a standard financial counsellor authorisation and some CSPs not accepting digitally signed documents.

The DFSV Standard should explicitly include provisions related to supporting ARs, including:

- A minimum requirement for DFV policies and procedures to inform consumers of their right to appoint an AR under section 8.
- A requirement under section 11 for CSPs to advise the affected person that they are able to appoint an AR, on the first occasion a CSP interacts with an affected person.
- A requirement under section 12 for CSPs to assist affected persons to appoint an AR.
- A requirement for CSPs to confirm ARs for affected persons within 2 business days of CSPs receiving documentation confirming the customer's authority.
- Providing for safeguards which protect against perpetrators making themselves authorised representatives of the affected person. A balance is required between ensuring the process does not create additional barriers, while still maintaining appropriate safeguards.

⁵⁰ Telecommunications (Financial Hardship) Industry Standard 2024 (Cth) 9.

⁵¹ ACCAN, 'Domestic and Family Violence Policy Position' (Policy Position, 2023) <<https://accan.org.au/accans-work/policy-positions/2253-domestic-and-family-violence>>.

⁵² Communications Alliance, 'Draft for public comment - C628: 2025 telecommunications consumer protections code' (Industry Code, 2024) 38 <<https://commsalliance.com.au/hot-topics/TCP-Code-Review-2024/Stage-3-Formal-consultation>>.

ACCAN considers these amendments to the DFSV Standard would ensure that the instrument meets the objectives of 7(i) of the DFSV Direction which requires that:

that carriage service providers promote information about where relevant consumers who are, or may be, affected by domestic and family violence, and where relevant, sexual violence, can seek assistance[.]

Delays in affected persons accessing the support of authorised representatives hinders access to crucial support and advocacy in addition to jeopardising the safety and recovery of affected persons.

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?

Suppression of information 18a:

We support the comments made at the ACMA workshop on 24 March 2025 that it should be left to DFSV service providers to opt-in to that list to protect the privacy of their clients. This would allow CSPs to make callers or users of their service (e.g. in pre-recorded scripts or at first interaction) aware that this suppression occurs, and explain how users can obtain evidence of the calls from the service provider (or from their CSP) for use in evidence gathering or court proceedings. These requirements should not take agency away from victim-survivors, a potential unintended consequence of this is where a victim-survivor may require these call records as evidence of patterns of coercive control or evidence of help-seeking following DFV incidents.

Preventing information disclosure

Section 16(3) of the DFSV Standard notes:

A provider must have systems and processes to protect from disclosure to a perpetrator, details of the affected person's arrangements, including the affected person's current address and billing details, and the fact the affected person has been identified or has identified as being an affected person.

Note: For example, this may be achieved by keeping details of an affected person's specific arrangements on a separate system to that on which the general account details are held.

ACCAN would support greater alignment of the DFSV Standard with the AER guidance in preventing the disclosure of information on invoices, bills and other customer-facing materials.

The AER guidance recommends that retailers should ‘implement systems and processes that promote the secure handling and management of an affected persons’ information and account to prevent any inadvertent disclosure’.⁵³ It sets out several approaches for retailers, including:

- Simplifying the process for affected customers to separate from joint accounts with perpetrators.
- Restricting staff access to sensitive affected customer information.
- Asking the affected customer for their preferred form/s of communication and clearly recording this on their account.
- Disabling automated communications for affected customers to minimise the risk of automated text messages, emails or letters being sent to perpetrators.
- Undertaking manual checks for all communications to affected customers prior to them being sent to ensure they will be delivered using the affected customer’s preferred method of communication.
- Ensuring that customer communication is not sent to a previous address where an affected customer has provided a new address. It is critical to ensure that where a customer updates their new address, this is not communicated to the perpetrator (who may be an end-user on the account).
- Minimising the inclusion of personal details in customer communication for all consumers. For instance, communications to affected customers could include only the suburb their property is located in, rather than the full address, reducing the risk if information is accessed by the perpetrator, and
- Designing systems and processes with affected customers in mind, with regular reviews and the ability to scale up systems and processes if more customers are identified as affected customers.⁵⁴

ACCAN considers that integrating the AER guidance into the DFSV Standard would ensure that CSPs are provided with a baseline of secure communication pathways to limit information exposure.

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

Section 16(1)(e) of the DFSV Standard requires that on the first occasion a provider interacts with a consumer as an affected person, the provider must:

(e) 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.

ACCAN would support the expansion of this requirement for CSPs ask customers if they want any calls made to any other numbers not to be recorded, in addition to 1800 RESPECT. ACCAN considers that there is merit in introducing another subsection in 16(1).

⁵³ AER, ‘Family Violence Rules: Guidance for Energy Retailers’ (Guidance, 2025) 5
<<https://www.aer.gov.au/publications/reports/compliance/family-violence-rules-guidance-energy-retailers>>.

⁵⁴ AER, ‘Family Violence Rules: Guidance for Energy Retailers’ (Guidance, 2025) 6
<<https://www.aer.gov.au/publications/reports/compliance/family-violence-rules-guidance-energy-retailers>>.

A new subsection 16(1)(f) should read:

Ask the customer if there is any other support that the CSP can provide which the customer may require in the future.

ACCAN would support the inclusion of the National Debt Helpline noting that victim-survivors escaping violence often experience financial distress which a financial counsellor can help navigate and that some victim-survivors may be more comfortable disclosing hardship rather than DFSV. The ACMA can additionally consider the external support lists present in other essential sectors and include national and state-based support tailored to a broad range of consumer cohorts. Where any FDV support services are listed on customer-facing materials, we recommend that it is not in isolation and listed alongside other (non-family violence) support available to customers.

20. Are there any requirements in the 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 DFSV Standard would affect compliance

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

ACCAN considers that the ACMA should revise the Financial Hardship Standard to take into account the updated consumer protections present in the DFSV Standard to ensure the consistency and effective operation of both instruments.

Definition of ‘affected person’

The definition of ‘affected person’ under the DFSV standard is:

affected person means an individual that:

(a) identifies as an individual who is, or may be, the subject of domestic and family violence; or

(b) the provider, suspects is, or may be, the subject of domestic and family violence,

Including a past, prospective or current customer.

Various provisions of the Financial Hardship Standard provide for protections for a customer **who is a victim-survivor of domestic or family violence** whereas the DFSV Standard uses the term ‘affected person’. Currently, sections 16 and 18 of the Financial Hardship Standard provide inconsistent instruction to CSPs on how they are to determine protections for customers who are or may be a victim-survivor of domestic or family violence.

Section 16(2)(a)(ii) and 18(2) of the Financial Hardship Standard

16(2)(a)(ii) of the Financial Hardship Standard notes:

(2) When assessing eligibility to receive financial hardship assistance, a provider must not request a customer to provide information (including documents) to show that they are in a financial hardship situation:

(a) subject to subsection (3), if:

(i) the application is for short term assistance; or

*(ii) **it appears that the customer may be a victim-survivor of domestic or family violence; or***⁵⁵

18(2) of the Financial Hardship Standard notes:

*When tailoring an option for assistance to suit the needs of a customer, a provider must account for the customer's individual circumstances and capacity to pay, including by considering options appropriate to the ongoing management of payments for a customer **who is a victim-survivor of domestic or family violence.***⁵⁶

ACCAN considers that section 18(2) of the Financial Hardship Standard should be amended to ensure that CSPs are provided with clear instruction on how to interact with customers **who is or who the provider, suspects is, or may be, experiencing domestic and family violence.**

ACCAN considers that section 18(2) of the Financial Hardship Standard should be amended to:

*... a customer **who is or who the provider, suspects is, or may be, experiencing domestic and family violence.***

Currently, an 'affected person' who the provider 'suspects is, or may be' experiencing DFV – as defined under the DFSV Standard – may be provided support under 16(2)(a)(ii) of the Financial Hardship Standard, but denied support under section 18(2) because the provider has not determined that they *are* a victim-survivor of DFV. ACCAN considers that to promote congruency with the DFSV Standard, the Financial Hardship Standard should be expanded to account for victim-survivors of non-DFV related sexual violence.

Section 8(d) of the DFSV Standard

ACCAN notes that Section 8(d) of the DFSV Standard requires that a CSP's DFV Policy must:

(d) recognise domestic and family violence as a reason for non-payment of a bill and that affected persons may be entitled to financial hardship assistance under the Telecommunications (Financial Hardship) Standard 2024[.]

⁵⁵ Telecommunications (Financial Hardship) Industry Standard 2024 (Cth) s.16.

⁵⁶ Telecommunications (Financial Hardship) Industry Standard 2024 (Cth) s.18.

ACCAN considers that there is scope for the DFSV Standard to be more prescriptive on how affected persons are made aware of their entitlement to financial hardship assistance under the Financial Hardship Standard. We note that the DFSV Standard requires a provider's DFV Statement and DFV policy (which is a customer-facing public document) to include recognition that domestic and family violence is a reason for non-payment and that consumers affected by domestic and family violence may be entitled to financial hardship assistance. Notwithstanding the inclusion of this information in the DFV Statement, CSPs should have a proactive obligation to bring this to the attention of an affected person and should not assume that they are aware of this information.

ACCAN considers that the ACMA should further engage with the commonalities of the DFSV Standard and the Financial Hardship Standard to ensure that affected persons are provided with appropriate support which recognises the difficulties of their circumstances. For example, providing an affected person information on how to apply for financial hardship assistance may not be an effective support taking into account that someone who is in a DFSV crisis is likely to be dealing with multiple agencies and services. Additionally, trauma also impacts the memory of affected persons. Taking this into account, the ACMA should examine the pathways for CSPs to provide for proactive financial hardship support to affected persons.

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?

ACCAN notes the following clauses of C566:2023 Number Management – Use of Numbers by Customers (**C566**) are material to ensure affected persons retain ownership of their telecommunications service. The relevant clauses of C566 include:

4.6.2

A CSP must issue a new Number when a Customer requests a change of Number in circumstances where the Number has been compromised in a way that affects the Customers mental or physical safety, such as in cases of domestic or family violence, Life Threatening, or Unwelcome Communications being received via that Number.⁵⁷

8.5.1

Where the PRSP:

- a) agrees to Issue the Number Recalled from the current ROU Holder to the proposed new ROU Holder; and*
- b) Recalls the Number from current ROU Holder ensuring that the Recovery Record clearly indicates that the Recall is conditional on the Number being Issued to the proposed new ROU Holder; and*
- c) Issues the Number to the proposed new ROU Holder; and*

⁵⁷ Communications Alliance, 'C566:2023 Number Management – Use of Numbers by Customers' (Industry Code, 2023) 4.6.2 <<https://www.commsalliance.com.au/Documents/all/codes/c566>>.

d) a Recovery Record is conditional on the Issue of a Number to another person, the PRSP must not Recall the Number if it has not agreed to the provision of a PRS in relation to that Number, to the proposed new ROU Holder.

NOTE: In this situation, the current ROU Holder would have to Move their PRS and the associated Premium Rate Number to another PRSP that would agree to provide a PRS to the proposed new ROU Holder and change the ROU of the Premium Rate Number.⁵⁸

ACCAN notes that the uncertain regulatory future surrounding the enforceability of telecommunications codes may result in these material consumer protections remaining in an ultimately voluntary regulatory instrument after the determination of the DFSV Standard. Noting that these protections constitute a minor part of the C566, ACCAN considers the relevant protections should be elevated into the DFSV Standard.

In reflecting the appropriate clauses of C566, the DFSV Standard should explicitly require CSPs to draft contracts going forward that allow for the severability of accounts, which enable DFV victim-survivors to sever their number from the perpetrator's account (and vice versa).⁵⁹ ACCAN's engagement with DFV experts has demonstrated that when a number has been given up by an affected person, there should be a time delay before it is re-issued to avoid the new owner being harassed by the person using violence.

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.

ACCAN supports the ACMA's intent to make a subsequent minor amendment to the Complaints Handling Standard when the DFSV Standard is made so that the definition of an urgent complaint includes a complaint made by a consumer who is or may be experiencing DFV.⁶⁰ However, ACCAN considers that any complaints that include a complaint made by a consumer who is or may be experiencing DFV should be treated as an urgent complaint **without exception** as contexts of abuse may evolve rapidly and communications access is critical to the safety of affected persons.

Conclusion

ACCAN thanks the ACMA for the opportunity to respond to the Consultation Paper. We support the DFSV Standard as a critical step forward in the consumer protections available to vulnerable consumers. This submission has outlined several ways in which the DFSV Standard can be strengthened, including but not limited to adding credit and debt management protections and adding upfront provisions in the DFSV Standard which reflect ACCAN's key compliance outcomes.

⁵⁸ Communications Alliance, 'C566:2023 Number Management – Use of Numbers by Customers' (Industry Code, 2023) 8.5.1 <<https://www.commsalliance.com.au/Documents/all/codes/c566>>.

⁵⁹ ACCAN, 'Domestic and Family Violence Policy Position' (Policy Position, 2023) <<https://accan.org.au/accans-work/policy-positions/2253-domestic-and-family-violence>>.

⁶⁰ ACCAN, 'Proposed amendments to the Telecommunications (Consumer Complaints Handling) Industry Standard 2018' (Submission, 2025) 8 <<https://accan.org.au/accans-work/submissions/2414-proposed-amendments-to-the-telecommunications-consumer-complaints-handling-industry-standard-2018>>.

Reframing the requirements to support affected persons under Part 4 will ensure the DFSV Standard appropriately reflects the DFSV Direction; and introducing an expanded compliance and reporting framework. Introducing requirements related to CSPs proactively identifying affected persons, referring affected persons to DFV support organisations and refining the safe contact methods used by CSPs will provide significant benefits to vulnerable consumers and should be expedited.

Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact [REDACTED], Policy Adviser, at: [REDACTED].

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers. ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP.](#)

Appendix A: Additional commentary on the DFSV Standard

Section/Subsection	Commentary
5	<p>ACCAN supports the definition of affected person including a 'past, prospective or current customer'.</p> <p>ACCAN considers that consumers should be made aware of warm transfers through their communications with the CSP pertaining to the transfer of their query from one member of the provider's personnel to another.</p> <p>ACCAN supports the removal of "ongoing" from the definition of coercive control.</p> <p>ACCAN supports the removal of "a pattern of" from the definition of economic and financial abuse.</p> <p>ACCAN supports the amending of the definition of Technology facilitated abuse to (changes in bold):</p> <p><i>Technology facilitated abuse means abuse that is facilitated using technology, which may include telecommunications products and services, to control, abuse, track, intimidate, threaten or harass an individual.</i></p>
7(2)	<p>ACCAN considers that this clause should be extended to require the provider's most senior responsible executive to approve a provider's DFV statement in addition to the existing requirements under 7(2).</p>
8	<p>As the DFSV Standard's recognition that economic abuse constitutes a form of DFV, it is imperative to meeting the DFSV Direction's safety requirement in s 7(1)(e)(i) that the DFSV Standard address the circumstances in which the purchase of telecommunications goods, or contracting for telecommunications services, actually occurs in furtherance of economic abuse perpetrated against an affected person.</p> <p>ACCAN recommends the below subclauses be added to cl 8(1) (dealing with minimum requirements of DFV policies):</p> <p>Recognise that there are circumstances where purchase of, or contracting for, telecommunications products can be a form of furthering economic abuse; and</p> <p>Set out how the provider will offer resolutions for affected persons where purchase of, or contracting for, a telecommunication product has occurred in circumstances of DFV.</p>

Section/Subsection	Commentary
8(1)	<p>ACCAN would support an overarching requirement that a CSP present the information below clearly and concisely, taking into account that customers accessing the DFV policy will benefit from clear communication of the below supports.</p> <p>ACCAN would support the DFSV Standard requiring that a CSP's DFV policy be published with the same minimum requirements of 9(3).</p>
8(1)(b)	ACCAN supports the inclusion of this requirement in a CSPs DFV policy. ACCAN considers that this requirement should be extended to account for the personal safety of affected persons.
8(2)(b)	ACCAN considers that 8(2)(b) is a redundant/duplicate definition of 'affected person', as the definition of affected person already includes a person <i>suspected</i> to be experiencing DFV.
8(2)(f)	ACCAN would query who can access this separate system as some CSP staff will also be perpetrators, and these perpetrators (and their partners or family members) are likely to also be customers of the CSP that employs them, due to staff discounts etc. This means victim-survivors are likely to have bundled accounts with the CSP that employs the perpetrator. ACCAN would query how these actions and the affected person's details be kept securely in a system that can't be accessed by perpetrator staff members?
9(2)(b)	ACCAN considers that a DFV statement should include both 9(2)(b)(i) and 9(2)(b)(ii) to ensure that existing affected persons experiencing disconnection of their services are supported to receive support from the CSP.
9(2)(c)	<p>ACCAN would support that this provision require that CSPs tell customers that they are entitled to a deferred payment and payment plan tailored to meet a customer's ability to pay under the Telecommunications (Financial Hardship) Standard 2024.</p> <p>Additionally, ACCAN notes that 'consumers affected by domestic and family violence' may be replaced with the term 'affected persons' within this term.</p>
9(3)	<p>ACCAN would request clarification on the nature and utility of a DFV statement in comparison to a DFV policy. Would the ideal first point of interaction with a CSP's DFV supports be the statement, followed by a link to the policy solely through the statement?</p> <p>ACCAN is overall supportive of the established requirements for CSPs to prepare and publish a DFV Statement.</p>
10(3)	ACCAN supports the introduction of this subsection to support the communications needs of affected persons. ACCAN would support the introduction of requirements for CSPs to make affected persons aware they are able to request this of providers. This may include providing interpreters and proactively asking affected persons about their preferred communication method.

Section/Subsection	Commentary
11	<p>ACCAN considers that this section should be amended to (changes in bold):</p> <p>‘On the first occasion a provider interacts with an affected person, the provider must advise the affected person:’</p>
11(b)	ACCAN considers that this clause should be extended to require the CSP to advise the affected persons of the tailored support that the team can offer to affected persons.
11(c)	ACCAN would query the instances in which a CSP is required to provide support under this standard without a dedicated case management process.
12(3)	Customers should be explicitly made aware of their rights under this section through the DFV statement and DFV policy. Clear communication of this support is critical to assisting customers experiencing DFV due to the critical nature of communications connectivity and the vulnerable circumstances that affected persons may experience.
13(1)	ACCAN considers the DFSV Standard must specify that the third party referred to in this subsection is an individual or organisation with DFV specialist expertise.
13(2)(b)	ACCAN would support the redrafting of 13(2)(b) to more appropriately reflect the interactions and vectors of abuse related to how telecommunications services and domestic and family violence interact.
15(4)	ACCAN considers that a provider must not require an affected person to contact or engage with the perpetrator’s advocate in addition the existing requirements under 15(4).
15(6)	ACCAN considers that customers should be made aware of their ability to exercise their rights by CSPs under this subsection. Additionally, ACCAN considers that affected persons should not be charged a fee for their selection of bill media under this provision.
16(1)	ACCAN notes the usage of ‘telecommunications product’ and ‘telecommunications service’ in this subsection and would support the harmonisation of these terms within the subsection.
16(c) & 16(d)	ACCAN notes that Section 12(1) provides that where an affected person has sought assistance from a provider – the provider must keep the affected person informed via the communication method, if any, which has previously been identified and agreed with the affected person under paragraph 16(1)(d). ACCAN would support 16(1)(d) being clarified to support the outcome referenced to in 12(1). An example of this can be seen in 15(3).

Section/Subsection	Commentary
16(4)	<p>ACCAN would support this subsection being expanded to 'financial or personal information'.</p> <p>ACCAN would also query if 16(4) may permit CSPs to disclose information about an affected person to an organisation while prohibiting this information being disclosed to any other person.</p>
17	ACCAN considers that 'Reasonable assistance' is not a high enough bar to require carriers to cooperate with providers regarding 16(6). At minimum this term should be replaced with best efforts however ideally, carriers must to enable the provider to comply with the requirement in 16(6).
19(a)(i)	ACCAN would query if this requirement allows the CSP to disclose the information to a perpetrator for the purposes of engaging with a TIO or ACMA complaint. This is not an acceptable outcome for affected persons.
19(a)(ii)	ACCAN considers that 'consumer' should be replaced with 'affected consumer', provided that the CSP has ensured that the consent provided is that of the affected consumer and not the perpetrator.
20(2)(a)	ACCAN would query the use of 'take such steps as are reasonable in the circumstances' in this clause as opposed to the introduction of a positive obligation to ensure that the information is protected from misuse, interference, etc. ACCAN would request further drafting be developed, which strengthens this clause.
22(3)	ACCAN considers that organisations should additionally record how the CSP has altered their DFV policies, statement and training to reflect the consultations conducted under this part. This should be undertaken to demonstrate how a CSP has genuinely incorporated and taken into account the responses to consultations conducted under this part when developing and reviewing their DFV policy, DFV statement and DFV training. Providing for an effective way for the ACMA to determine the changes undertaken by the CSP in response to consultation feedback would improve the regulator's visibility over the CSPs genuine engagement with producing fit-for-purpose DFV policies, statements and training.