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This is an online document accessed via page 85 of the DFV Action Framework. If you have printed or saved this, check the IIH website for updated versions at industryimpacthub.org/domestic-and-family-violence/dfv-action-framework-resources/. The version number is in the header.

Government and Industry expectations of telcos regarding their response to Domestic and Family Violence (DFV)

(Last updated: 1 September 2022)

Below is a historical snapshot of some of the developments, guidelines, Codes and Standards produced by Government and the Telecommunications Industry between 2016 and 2022 relevant to a telco's response to DFV. These are relevant to telcos when developing their DFV Action Plans.

The content included here is commentary, not a summary of the relevant document. Please review the full document referenced.

There are other useful documents produced by, for example: Wesnet, Champions of Change Coalition, Thriving Communities Partnership, the Commonwealth Bank, Our Watch, the Water Industry, the Economic Abuse Reference Group, the Australian Banking Association, the Essential Services Commission, the Energy Industry.

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Royal Commission into Family Violence

In March 2016, the Royal Commission handed down its report that included a recommendation for changes the telecommunications industry could make to better understand and address domestic and family violence.

Recommendation 108

The Victorian Government, through the Council of Australian Governments, encourage the Commonwealth Government [within 12 months] to:

- Amend the National Credit Code to include family violence as a ground for financial hardship and develop an awareness campaign to ensure that both consumers and credit providers are aware of their rights and responsibilities
- Work with the Australian Communications and Media Authority and its related representative bodies and associations to amend the Telecommunications Consumer Protections Code to:
 - list minimum eligibility criteria for access to hardship programs
 - make family violence an express eligibility criterion
 - incorporate a requirement for specific policies for customers experiencing family violence to clarify consent requirements for payment plans when an account is jointly held
 - include grounds for splitting jointly held debt and removing an account holder's name if family violence has occurred.

Handling of Life Threatening and Unwelcome Communications Code

In March 2017, the revised Handling of Life Threatening and Unwelcome Communications Code came into force after being registered by the ACMA. The Code provides greater protection for Australian consumers against threatening and unwelcome communications, including where that communication is part of domestic and family violence.

Assisting and Responding to Customers in Financial Hardship guideline

In April 2017, The Telecommunications Industry Ombudsman, Financial Counselling Australia and Communications Alliance revised this guideline. It enables telecommunications providers to better assist those who have experienced domestic and family violence, including identifying family violence as an express eligibility criterion for access to hardship programs as included in Recommendation 108.

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Communications Alliance Assisting Customers Experiencing Domestic and Family Violence Guideline G660:2018

In October 2018 the development of this Guideline was facilitated by Communications Alliance through an Industry Working Group, in consultation with consumer groups, Government, and regulatory agencies.

The Guideline says:

Telecommunications providers range dramatically in size, operations, products, and customers. In recognition of this, this guideline provides a range of methods and tools providers can consider to determine how they can support people impacted by domestic and family violence, as appropriate for their staff and customers.

The Guideline also seeks to raise awareness and knowledge of the types of abuse perpetrated against those impacted by domestic and family violence in the context of the telecommunications sector. It contains information, tools, options and examples of good practices for providers to choose from.

While providers must determine what is appropriate for them and their customers, it is important to consider the chosen strategies as a whole. For example, family violence experts warn against putting any family violence policies or processes in place without providing appropriate training and support for staff.

Note: Page 5 lists other Industry Codes and Guidelines that should be read in conjunction with this document.

Industry Guidance Note IGN 017. Authorised Representatives and Advocates

In July 2019 Communications Alliance Issued this Guidance Notice (IGN) for industry, consumers, and consumer groups. It is intended to educate all three of these groups to streamline the appointment process while continuing to protect consumers from fraud.

It is in addition to the relevant clauses in the TCP Code (Clauses 3.5 and 3.6, TCP Code C268:2019), and must be read in conjunction with those clauses.

The IGN has 3 key purposes:

- 1) Clarify the differing roles of Advocates and Authorised Representatives in the telecommunications industry (Sections 3 and 4);
- 2) Provide information on the range of information and processes Suppliers might require or put in place for a consumer to appoint an Advocate or Authorised Representative (Section 5); and
- 3) Suggest a standardised method by which Suppliers can communicate this information (Section 7).

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Telecommunications Consumer Protections (TCP) Code C628:2019

In August 2019 the TCP was updated. Prior to that date, suppliers were obliged to comply with the previous version of the Code (C628:2015 (Incorporating Variation 1/2018)).

The TCP Code is a code of conduct for the Telecommunications Industry in Australia. It provides community safeguards in the areas of sales, service and contracts, billing, credit and debt management and changing suppliers. It also sets out a framework of code compliance and monitoring. It applies to all Carriage Service Providers in Australia, and is enforceable by the ACMA.

The Code includes family or domestic violence as a criterion for access to Financial Hardship assistance. The Code says:

Financial Hardship means a situation where:

- a Customer is unable to discharge the financial obligations owed by the Customer under their Customer Contract or otherwise discharge the financial obligations owed by the Customer to a Supplier, due to illness, unemployment, being the victim of domestic or family violence, or other reasonable temporary or ongoing cause; and
- the Customer believes that they are able to discharge those obligations if the relevant payment arrangements or other arrangements relating to the supply of Telecommunications Products by the Supplier to the Customer are changed.

The Code specifies flexible repayment options regarding issues caused by DFV:

7.6.1 Flexible repayment options: A Supplier must, where possible, provide flexible repayment options to meet the Customer's individual circumstances, including options appropriate to the ongoing management of accounts and/or liabilities where being the victim of domestic or family violence contributed to an inability to pay the debt.

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Telecommunications (Mobile Number Pre-Porting Additional Identity Verification) Industry Standard 2020

In February 2020, the ACMA issued this Standard. The objectives of this industry standard are, without limitation, to:

- (a) prevent the unauthorised porting of mobile service numbers;
- (b) reduce harm to customers from the unauthorised porting of mobile service numbers; and
- (c) require gaining carriage service providers to take reasonable steps to confirm that the person requesting a port:
 - (i) is the rights of use holder of the mobile service number to be ported; and
 - (ii) has direct and immediate access to a mobile device associated with that mobile service number.

Telecommunications Industry Ombudsman Report: Meeting The needs of Consumers impacted by Family Violence.

In December 2020, the TIO produced the findings of a systemic investigation through this report. The investigation found the needs of consumers experiencing family violence were not always met by telco's standard systems and processes.

The Report's media release said that Ombudsman Judi Jones says her organisation is here to help both consumers and telcos. Ombudsman Jones said "This report makes recommendations for telcos wanting to improve their service to better meet the needs of their customers experiencing this vulnerability. I encourage providers to think deeply about changes they can make to best support consumers impacted by family violence.

"We acknowledge the good work of family violence specialists, the telco industry and consumer advocates in this space. We are all on the same journey as many organisations in improving our understanding of the impacts of family violence. We will continue to monitor and evaluate our approach as our understanding evolves".

Children and technology-facilitated abuse in domestic and family violence situations

In December 2020 eSafety published this report.

eSafety commissioned research on the dynamics and impact of technology-facilitated abuse involving children in the context of domestic and family violence in 2019-20.

* Australian Competition & Consumer Commission (ACCC), *Don't take advantage of disadvantage: a compliance guide for businesses dealing with disadvantaged or vulnerable consumers*, ACCC website, 11 March 2011, accessed 21 June 2021.

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The research drew on a survey and focus groups of professionals who work with domestic violence cases, and interviews with mothers who are survivors of domestic violence, young people impacted by technology-facilitated abuse in domestic violence situation and fathers in men's behavioural change programs.

The research investigated:

- the role of technology in children's exposure to domestic and family violence
- the impact of technology-facilitated abuse on children and young people
- professionals' knowledge about technology-facilitated abuse involving children in the context of domestic and family violence
- young and adult survivors' perspectives of technology-facilitated abuse
- perpetrators' perspectives on technology and communication with their children
- strategies and resources to protect children from technology-facilitated abuse.

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Family violence inquiry targets encryption

March 2021, The House of Representatives Standing Committee on Social Policy and Legal Affairs made 88 recommendations in their March 2021 report from the Inquiry into family, domestic and sexual violence. Recommendation 30 included a number of proposed measures relating to technology-facilitated abuse, including that:

- The Government should consider regulating to enable law enforcement agencies to access a platform's end-to-end encrypted data, by warrant, in matters involving a threat to the physical or mental wellbeing of an individual or in cases of national security.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

In April 2021, the ACMA issued a compilation of the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* that shows the text of the law as amended and in force on 1 April 2021 (the compilation date). acma.gov.au/how-telcos-must-handle-complaints

Online Safety Bill

In June 2021 the Online Safety Bill was passed by the Senate.

Introduced with the Online Safety (Transitional Provisions and Consequential Amendments) Bill 2021, the bill:

- Retains and replicates certain provisions in the Enhancing Online Safety Act 2015, including the non-consensual sharing of intimate images scheme;
- Specifies basic online safety expectations;
- Establishes an online content scheme for the removal of certain material;
- Creates a complaints-based removal notice scheme for cyber-abuse being perpetrated against an Australian adult;
- Broadens the cyber-bullying scheme to capture harms occurring on services other than social media;
- Reduces the timeframe for service providers to respond to a removal notice from the eSafety Commissioner; brings providers of app distribution services and internet search engine services into the remit of the new online content scheme; and
- Establishes a power for the eSafety Commissioner to request or require internet service providers to disable access to material depicting, promoting, inciting or instructing in abhorrent violent conduct for time-limited periods in crisis situations.

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Consumer Vulnerability: Expectations for the telecommunications industry

In May 2022, the ACMA published this document, which “sets out a statement of expectations for the telecommunications industry to improve outcomes for consumer in vulnerable circumstances who may experience barriers to accessing and maintaining telecommunications products and services”.

The ACMA reminds telcos of the TCP Code and that it includes a range of obligations built upon a key commitment by telcos to assist and protect disadvantaged and vulnerable consumers, with specific rules about:

- dealing with disadvantaged and vulnerable consumers
- responsible selling
- credit and debt management
- financial hardship
- identifying and meeting consumer needs
- allowing for advocates and authorised representatives.

It also includes other helpful obligations that are not specific to the telecommunications industry.

The ACMA says “This statement of expectations aims to contribute to the development of appropriate industry responses by providing guidance to assist industry in identifying vulnerability and setting out how we expect telcos to support consumers in vulnerable circumstances.

The second (of four) expectations from the ACMA is ‘Be proactive in identifying and responding to consumers in vulnerable circumstances’ and the Statement specifically includes domestic and family violence as a factor that may contribute to vulnerability.

There are five priority areas for telcos listed, each including a key outcome and expectations:

1. Culture and Practices
2. Selling and Contracting
3. Customer Service
4. Financial Hardship
5. Credit/debt management and disconnection.

Under the first priority they suggest that telcos consult the Telco Together Foundation DFV Action Plan Framework and Training Framework and the Communications Alliance Guideline G660:2018. They also suggest telcos develop a DFV plan that addresses the needs of staff and customers who may be impacted by DFV.

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Telecommunications Service Provider (Customer Identity Authentication) Determination

In April 2022 the ACMA introduced the Telecommunications Service Provider (Customer Identity Authentication) Determination 2022, which came into effect on 30 June 2022.

The objectives being to:

- (a) reduce the harm caused to customers when access to their personal information, business information or telecommunications service is targeted by unauthorised persons or entities; and
- (b) require carriage service providers to follow effective identity authentication processes to protect the security of high-risk customer interactions.

This Service Provider Determination (SPD) places requirements on telcos to further authenticate customers in situations of high-risk customer interaction.

The determination lists examples of a high-risk customer transaction. These include everyday transactions which will now trigger an authorisation request, including a change of address, a transfer of title or a SIM swap. This request must be responded to before a high-risk transaction can be completed.

Authentication processes can create a situation of danger for end users who may be DFV victim-survivors. For this reason, in cases where a telco suspects a customer may be in a vulnerable circumstance (which includes being a victim of DFV) the SPD enables telcos to action different authentication processes (listed in Section 11 'Identify authentication requirements for people in vulnerable circumstances).

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Laws, documents, orders that may be of interest that are not specific to the Telco Industry

National Domestic Violence Order Scheme

From 25 November 2017 All Domestic Violence Orders (DVOs) issued in an Australian state or territory are automatically recognised and enforceable in all Australian states and territories. Under the National Domestic Violence Order Scheme, individuals protected by a domestic violence order issued before 25 November 2017 may apply to any local court in Australia to have it recognised.

The federal, state and territory governments agreed to introduce the National Domestic Violence Order Scheme through the Council of Australian Governments. The scheme represents a significant step towards further protecting and empowering families as they build new lives, safe and free from violence.

The [Department of Home Affairs- external site](#) has policy responsibility for the scheme.

Family Law Amendment (Family Violence and Other Measures) Act 2018

On 1 September 2018 *The Family Law Amendment (Family Violence and Other Measures) Act 2018* commenced.

The Act enhances the capacity of the justice system to provide effective outcomes for vulnerable Australians who are experiencing family violence. It amends the *Family Law Act 1975* to improve the family law system's response to family violence, and the intersection of the federal family law and state and territory family violence and child protection systems.

The Act implements recommendations of the Family Law Council's 2015 and 2016 reports on *Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems*, and other expert reports.

Visit the [Parliament of Australia- external site website](#) for more information.

Debt Collection Guideline for collectors & creditors

In April 2021 ACCC and ASIC jointly produced this guideline which aims to assist creditors, collectors and debtors understand their rights and obligations, and ensure that debt collection activity is undertaken in a way that is consistent with consumer protection laws.

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Coercive control

On 9 June 2021, the Meeting of Attorneys-General agreed to co-design national principles to develop a common understanding of coercive control and matters to be considered in relation to potential criminalisation, in consultation with women's safety officials.

Coercive control is a pattern of behaviour that family violence perpetrators use to assert emotional, psychological, physical and/or financial control over victim-survivors.

Visit the [Meeting of Attorneys-General page](#) for more information and to read the 9 June 2021 meeting communiqué.

The Family Violence Working Group has finalised the [terms of reference](#) for the development of national principles on addressing coercive control.

Public consultation will inform the development of these principles. Feedback, or any requests for further information, can be sent to coercivecontrol@ag.gov.au.

Draft National Plan to End Violence against Women and Children 2022-2032

On 14 January 2022 the Consultation Period opened for stakeholders to review The Australian Government's National Plan to End Violence against Women and Children 2022-2032 (National Plan) to replace the existing National Plan to Reduce Violence against Women and their Children 2010–2022 when it ends in mid-2022.

The draft National Plan has been developed through consultation with victim-survivors, specialist services, representatives from the health, law and justice sectors, business, and community groups, all levels of government and other experts. This consultation opportunity builds upon previous consultations including:

- The House Standing Committee on Social Policy and Legal Affairs Inquiry into family, domestic and sexual violence
- Two surveys through DSS Engage – Developing the next National Plan to Reduce Violence against Women and their Children (closed) and National Summit on Women's Safety (closed)
- Targeted virtual workshops held with experts in their fields
- Interviews and small group discussions investigating specific issues in detail
- A focussed victim-survivor advocate consultation
- The National Summit on Women's Safety
- Two national advisory bodies: the National Plan Advisory Group and the Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence.

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