



**Telecommunications
Industry
Ombudsman**

TIO submission to the ACMA's
consultation on supporting
telco customers experiencing
domestic, family and sexual
violence

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Introduction

Thank you for the opportunity to provide feedback to the Australian Communications and Media Authority's (**ACMA**) consultation on its telecommunications industry standard for supporting telco customers experiencing domestic, family, and sexual violence.

We support the introduction of the *Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025 (DFSV Standard)* as it will significantly lift the level of protections for domestic, family, and sexual violence victim-survivors in their dealings with their telco provider.

The introduction of an industry standard is an opportunity to provide clear obligations to support people experiencing domestic, family, and sexual violence.

Our submission offers comments on the areas where the draft DFSV Standard could be amended to provide a greater level of protection to victim-survivors, clarity in the obligations for telcos, and ensure the enforceability of any breaches of the DFSV Standard.

1 The draft DFSV Standard should be more prescriptive

We acknowledge that the draft DFSV Standard seeks to balance flexibility to enable telcos to support victim-survivors' individual needs while also containing specific obligations so that CSPs and consumers know what is expected.¹ However, we are concerned the Standard does not contain the specific obligations on the telcos that are required to support victim-survivors.

For the DFSV Standard to be more effective, the provisions which will provide the greatest protections to victim-survivors should be prescribed by the DFSV Standard itself, like in the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (Complaints Handling Standard)* and *Telecommunications (Financial Hardship) Industry Standard 2024 (Financial Hardship Standard)*.

The draft DFSV Standard does not contain enough direct rules telcos must follow, particularly regarding obligations about the content of a telco's DFV policy and procedures. While we recognise the need for a level of flexibility and acknowledge the challenges telcos may face in operationalising the obligations, the rules as currently drafted risk inconsistency of interpretation and application across the sector, with victim-survivors receiving different levels of treatment depending on who their telco is. There should be less reliance on the telco sector to develop the core requirements of their DFV policies and procedures.

We are also concerned that if the Standard does not contain sufficiently prescriptive obligations, this will result in difficulties enforcing the DFSV Standard. While we acknowledge that feedback from the DFV support sector favoured flexible requirements, clear obligations will support telcos in their compliance with the intent of the DFSV Standard.

¹ ACMA (February 2025) [Supporting telco consumers experiencing domestic, family and sexual violence](#), page12.

1.1 Minimum requirements for DFV policies and procedures

While the draft DFSV Standard requires telcos to have a DFSV policy, and to comply with that policy, it does not ensure telcos' policies will meet the needs of victim-survivors or otherwise provide clear baseline obligations telcos are required to meet.

The draft DFSV Standard does not specify in detail what protections and assistance options telcos must include in their DFSV policy. This means a telco may be compliant with the DFSV Standard even if the protections it has in place are ineffective, provided its DFV policy broadly refers to the principle-based requirements in s 8.

Many of the most important protections are framed as broad principles, rather than being clearly defined as requirements in s 8 or as other direct requirements elsewhere in the DFSV Standard. The following broad-based principles in s 8 require more specificity:

- prioritise the safety of affected persons²
- 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*³
- how the provider will support and manage affected persons⁴
- options for assistance the provider will provide to affected persons⁵
- how the provider will protect the privacy and security of affected persons' accounts⁶
- set out how the provider's systems, processes and products identify and reduce risks to affected persons.⁷

A table of suggested minimum direct requirements that should be contained in the DFSV Standard (in s 8 or elsewhere in the DFSV Standard) is contained in the **Appendix** of this submission.

While we acknowledge the need for a level of flexibility, leaving telcos to develop the core requirements of their DFV policies and procedures (even in consultation with the DFV sector) will lead to significant inconsistencies throughout the industry and the risk that some telcos will have ineffective assistance options that do not meaningfully fulfil the intention of the DFSV Standard. We are also concerned about the impost on the DFV sector to help telcos develop their policies.

1.2 Requirement to consult in developing a DFV policy, DFV statement, and DFV training

Section 22 requires telcos to consult with at least two of the listed organisations in this section when developing its DFV policy, statement, and training, or use consultation undertaken on its behalf by an industry group. We are concerned this section puts too much of the onus on telcos to develop and set the standard for what protections are available to victim-survivors.

In addition, s 22(3) states that telcos need only "take into account the responses to consultations," which could be interpreted very broadly. While we appreciate the intention behind this section is for

² Section 8(1)(b).

³ Section 8(1)(d).

⁴ Section 8(1)(e).

⁵ Section 8(1)(f).

⁶ Section 8(1)(i).

⁷ Section 8(1)(j).

telcos to adopt all feedback that is practicable, the broad wording of s 22(3) leaves open the risk that some telcos may interpret this in a way that does not offer victim-survivors effective assistance options.

2 The DFSV Standard should be extended to small business and not-for-profit accounts and should not contain any exceptions or exemptions

2.1 The DFSV Standard should apply to small business and not-for-profit accounts

The DFSV Standard should be extended to apply to small business and not-for-profit accounts for the benefit of the *individuals* using these accounts.

We have received complaints from victim-survivors who signed up for a service without realising they have a business account, or victim-survivors who set up a business service, but use it for personal use as well.

Case study: Agata lost the use of her small business phone number

Agata and her ex-partner ran a small business together. After the relationship broke down due to domestic and family violence, Agata's ex-partner stopped working for the small business. However, shortly after leaving the business, he ported away the phone number associated with the business account to another telco. Agata lost the use of her business number, which had a large impact on her business and personal life.

When Agata contacted her telco, it said there was nothing it could do because the ex-partner had authority on the account.

Names of all parties have been changed.

2.2 The DFSV Standard should not contain any exemptions

The DFSV Standard should apply to all types of carriers and CSPs and there should not be any exemptions carved out for any types of carriers or CSPs. Considering the DFSV Standard contains critical protections for safety and privacy, there is a risk that a victim-survivor may fall through the gap if some carriers and CSPs are exempt.

3 Sufficient training is needed to give effect to the DFSV Standard

DFV is a complex problem, and some of the concepts defined in the DFSV Standard are also necessarily complex. In particular, the concepts of "domestic and family violence", "coercive control", "economic and financial abuse", "sexual violence", and "technology facilitated abuse". It is very important that telco personnel are given the right training on the meaning of these terms and to ensure the effectiveness of the DFSV Standard. If a victim-survivor is misidentified, that could potentially place them in danger.

4 Privacy and record keeping requirements need to be balanced to ensure the safety of consumers

We support the need for telcos to balance the privacy of victim-survivors against record keeping requirements. To do this, telcos should always ask victim-survivors for consent before recording information and only record information that is relevant and results in the victim-survivor not having to tell their story more than once. The DFSV Standard should make it clear that telcos should ask victim-survivors how they want information about their DFV status to be recorded and respect how they identify themselves.

To ensure a victim-survivor's account is secure from unauthorised access by a perpetrator, a telco should offer victim-survivors the ability to add an additional layer of security to their account (for example, a PIN). This method should be recorded in the telco's customer management system and accessible to other personnel who interact with the victim-survivor at a later date.

Case study: Beatrice's telco disclosed her contact details to her perpetrator without authority

When Beatrice left her home because she was experiencing domestic and family violence, she asked her telco to move her internet service to her new address. After the internet service was moved, Beatrice's perpetrator called the telco to ask why the internet was not working. Even though the internet service was in Beatrice's name, and the perpetrator was not listed as an authorised representative on the account, the telco told the perpetrator that Beatrice had requested the internet service be moved and the address the service had been moved to.

When Beatrice found out her perpetrator had her new address, she was extremely distressed and concerned for her personal safety.

Names of all parties have been changed.

Other safety issues that the ACMA may want to address in the DFSV Standard (and/or in other legislative instruments) include:

- If a consumer has an authorised representative on their account, the telco should ensure the consumer understands what that authorisation means and how it could affect them.
- Confirming that the consumer's contact details are correct and up to date.

In relation to s 19 of the draft DFSV Standard, it may be beneficial to clarify that this section applies to all telcos, not just those who are "not subject to the requirements of the Privacy Act." This is because it is not always clear whether an entity is covered by the *Privacy Act 1988*. Amending this section may reduce unnecessary complexity.

5 Dealings with perpetrators should not adversely affect victim-survivors

The DFSV Standard should prohibit a telco from involving a perpetrator or doing anything that would alert them to the fact that a victim-survivor has requested assistance, without first discussing it with the victim-survivor. We have seen examples of this issue in our complaints.

Case study: Sebastian's telco accidentally shared his contact details with his perpetrator

Sebastian needed a new phone and phone plan after his ex-partner (the perpetrator) stole his phone. He told his telco he is experiencing domestic and family violence and was worried the perpetrator would find out he had gotten a new phone number. He told his telco it is really important that the perpetrator cannot find out any of his new contact details.

Sebastian's telco said that would not be a problem, but its automated system sent out a confirmation email to an old email address on file that the perpetrator had access to. When the perpetrator saw the email, she contacted Sebastian which caused him to become extremely distressed.

Names of all parties have been changed.

6 Overlap of DFV protections in other codes and instruments should ensure clarity in the rules

6.1 We support amendments the Complaints Handling Standard

We support the ACMA's proposal to amend the definition of an urgent complaint in the Complaints Handling Standard to include a complaint made by a consumer who is or may be experiencing DFV, where circumstances of the complaint may reasonably be considered to impose a direct threat to safety. Treating a complaint as urgent under the Complaint Handling Standard would attract a two-business day timeframe for a CSP to propose a resolution to a complaint, which is very important if the consumer has safety concerns.

Case study: Matilda needed an urgent connection to the internet for her safety

Matilda is experiencing domestic and family violence, and the perpetrator has made several serious threats of violence against her. Matilda has Wi-Fi enabled security cameras at her house that require a reliable internet service to work. However, Matilda has poor coverage at her house and her telco advised her that she will require a connection to the NBN for the security cameras to function effectively.

Matilda's telco scheduled a technician to attend her house to connect her to the NBN as a matter of priority, given her domestic and family violence situation. However, on the day of the appointment, the technician did not show up and Matilda was not given any notice of non-attendance. When Matilda contacted her telco, the telco said the next available appointment would not be for another month.

This was not suitable because Matilda required a working internet service as a matter of urgency due to safety concerns. Matilda contacted the TIO seeking urgent help, concerned that her life was at risk because of the delay.

Names of all parties have been changed.

6.2 We support incorporating DFV protections from the *Number Management – Use of Numbers by Customers* industry code

We also support the proposal that the DFV protections in the industry code *Number Management – Use of Numbers by Customers* be incorporated into the DFSV Standard in order to attract a broader suite of enforcement powers for non-compliance.

We have received complaints from victim-survivors who are the end user of a phone number held on the account of their perpetrator who have not been able to transfer ownership of that number to their own account. The incorporation of this process in the DFSV Standard is a really important protection for victim-survivors. Communications Alliance's Industry Guideline⁸ outlines a process telcos could use to achieve this, which some of the major telcos are already following. The ACMA may wish to consider including something similar in the DFSV Standard.

We have also received complaints from victim-survivors who are the account holder of the phone number used by their perpetrator, who wish to transfer that service away from their account to the perpetrator's own account. However, these victim-survivors cannot do so because the perpetrator will not accept ownership of the phone number, the perpetrator cannot pass a credit assessment, or there is a debt associated with that account, which means it cannot be transferred.

7 Specific feedback on drafting

7.1 Disconnection and reconnection: Section 8(1)(c)

The requirements relating to disconnection/reconnection of services should also include not suspending a service if the victim-survivor has a safety concern, as suspending a service carries similar safety risks to victim-survivors as disconnecting a service. Telcos should prioritise keeping victim-survivors connected to a service.

A telco should also be required to advise victim-survivors about the risk of disconnecting their services when a victim-survivor requests a disconnection, as this may result in unintended consequences. For example, the victim-survivor may have difficulty connecting a new service if they cannot pass a credit assessment. If the victim-survivor disconnects a service the perpetrator is using, that may be a catalyst for violence from the perpetrator.

⁸ Communications Alliance, *G660:2023 Assisting Consumers Affected by Domestic and Family Violence Industry Guideline*, Appendix 4: Separating the rights of use of a number.

It is also not clear whether the reference to “telecommunications service” in this section includes the end user of a service or just the account holder.

7.2 Availability of DFV policy: Section 9(3)(f)

Currently, this section states that a telco's DFV policy must “be made clearly available to the public.” The requirement could be improved by stating *where* on a telco's website the policy should be located. For example, the Financial Hardship Standard requires telcos to have a “direct link from the home page of their website”⁹ to their Payment Assistance Policy.

7.3 Contact channels: Section 10(1)

This section requires telcos to offer at least two of the suggested¹⁰ contact channels for DFV support to victim-survivors. As currently drafted, this means a telco could offer, at a minimum, DFV support only in its stores and via online chat, which may not adequately meet the needs of all victim-survivors.

Additionally, s 10(2) requires that 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.” This section could be strengthened by making it so that a victim-survivor is able to be connected *directly* to a staff member who is an individual. This would avoid the situation where a victim-survivor is transferred between different departments or chatbot loops before being connected to an individual eventually. We have received complaints from victim-survivors who said they could not get through to their telco's DFV support team because they kept being transferred to the wrong department.

Case study: Patrick could not get in touch with his telco's DFV support team

Patrick's grandson had taken out several services on his telco account without his authority and accumulated a large debt which Patrick could not pay for. Patrick called his telco for assistance and asked to speak to the telco's DFV support team because he is experiencing family violence and financial hardship.

However, the telco refused to transfer him to their DFV support team. Patrick spent several weeks calling his telco, who kept telling him he had to pay the debt on his account. Patrick was only able to speak to his telco's DFV support team after he made a complaint to the TIO.

Names of all parties have been changed.

In addition to this, while the Standard appears to contemplate that telcos will include their options for contact channels in their DFV policy, there is no actual requirement in the DFSV Standard for a telco to include that information in their policy.

7.4 Options to protect privacy, safety and security: Section 16(1)(c)

This section requires telcos to discuss with victim-survivors what options are available to them to protect their privacy, safety and security. However, the draft DFSV Standard does not specify what

⁹ Telecommunications (Financial Hardship) Industry Standard 2024, s 8(1)(g)(i).

¹⁰ Sections 10(1)(a)-(d) include a dedicated phone number, webform, online chat, or in a store.

those options are and how many there should be. Smaller telcos will likely need guidance on what options to offer victim-survivors. While we appreciate that the intent is for telcos to develop these options in consultation under s 22, as noted above, we are concerned that the range of options offered to victim-survivors will vary greatly between telcos and in some cases the only options offered will be inadequate or ineffective.

7.5 Joint account holders: Note under s 16(4)

The note under s 16(4) refers to joint account holders. It is our understanding that a telco service cannot have joint account holders. The ACMA may wish to consider revising this note to remove the reference to joint account holders.

7.6 Availability of the "Quick Exit" function: Section 16(5)

This provision requiring the inclusion of a quick exit function on a telco's webpages and mobile application that contains DFV support information could be strengthened by requiring a quick exit function on every page, not just on DFV support pages. In some circumstances, a victim-survivor being on a utility's website at all can trigger violence from a perpetrator.

7.7 No provision relating to the review of the DFSV Standard

The ACMA may wish to consider including a provision in the DFSV Standard relating to the review of the DFSV Standard. In the Direction to ACMA to make the DFSV Standard, s 5 directs that "the ACMA may vary the standard as it considers necessary from time to time". It may be beneficial to include a provision relating to the periodic review of the DFSV Standard to ensure that it remains fit for purpose.

Appendix – Suggested minimum requirements for inclusion in the DFSV Standard

Section	Requirement in the draft DFSV Standard	Suggested minimum requirements
s 8(1)(b)	A provider's DFV policy must prioritise the safety of affected persons.	<ul style="list-style-type: none"> - An obligation to connect or reconnect a victim-survivor to a service if they rely on a phone or internet service for safety reasons. - An obligation on telcos to only contact a victim-survivor via their preferred method of communication. - An obligation that a telco must never require a victim-survivor to be required to involve their perpetrator in any discussion. - An obligation on telcos to undergo a rigorous review process before disconnecting a consumer who is experiencing or at risk of DFV.
s 8(1)(d)	A provider's DFV policy must 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 <i>Telecommunications (Financial Hardship) Standard 2024</i> .	<ul style="list-style-type: none"> - An obligation to list any hardship assistance options the telcos will provide in addition to the minimum requirements under the Financial Hardship Standard. - In addition to telcos' obligations under the Financial Hardship Standard, specific obligations on telcos to: <ul style="list-style-type: none"> o Consider whether charges or a debt incurred by the victim-survivor can be attributed to economic abuse or coercion. o To take economic abuse into consideration when considering credit management action. o To provide the victim-survivor with options for hardship assistance where they are the victim of economic abuse.

s 8(1)(e)	A provider's DFV policy must set out how the provider will support and manage affected persons	<ul style="list-style-type: none"> - An obligation to include information on how to directly contact the telco's DFV support team. - An obligation to include information about how a victim-survivor can make changes to their account and update their information. - An obligation on telcos to have processes in place so that a victim survivor does not have to tell their story multiple times. - An obligation to include information about external DFV support services. - An obligation to advise victim-survivors that they are not required to provide evidence of DFV, unless there is a legal requirement to do so.
s 8(1)(f)	A provider's DFV policy must set out the options for assistance the provider will provide to affected persons.	<ul style="list-style-type: none"> - Obligations relating to the assistance options the telco can offer, such as financial hardship assistance, cancelling a service, issuing a new phone number, conducting a SIM swap, and reconnecting disconnected/suspended services. - An obligation on a telco to facilitate the transfer of a phone number the victim-survivor is the end user of away from the account of a perpetrator.
s 8(1)(i)	A provider's DFV policy must set out how the provider will protect the privacy and security of affected persons' accounts, including specialised record-keeping requirements and rules about the handling and disclosure of personal information.	<ul style="list-style-type: none"> - An obligation on telcos to only access victim-survivor information for legitimate purposes related to management of the account, including to assist a consumer with their complaint or enquiry, to prevent perpetrators who are employed by the telco from accessing a victim-survivor's information. - An obligation for a telco to apply additional privacy protections to victim-survivor account at their request (for

		example, a PIN or password, the sending of a verification code to a safe number, email address or within the app, or alternative options presented by either party).
S 8(1)(j)	A provider's DFV policy must set out how the provider's systems, processes and products identify and reduce risks to affected persons.	<ul style="list-style-type: none"> - An obligation relating to proactively identifying if a consumer is experiencing DFV and transferring the victim-survivor to the telco's DFV team. - An obligation to ensure the telco's systems (particularly automated systems) do not inadvertently disclose the victim-survivor's personal information to the perpetrator.

NB: The suggested minimum requirements do not need to be contained in s 8 of the DFSV Standard.