

# **How we can help with complaints involving domestic and family violence**

Guidance Document

## Table of Contents

---

<b>Who this document is for .....</b>	<b>3</b>
<b>1. Why we have written this Guidance Document .....</b>	<b>3</b>
<b>2. How we help to ensure privacy, safety and ease of use .....</b>	<b>4</b>
2.1 Our initial contact .....	4
2.2 Ongoing contact with us .....	4
<b>3. Common types of complaints involving domestic and family violence .....</b>	<b>5</b>
3.1 Financial hardship and account complaints .....	5
3.2 Technical complaints .....	5
3.3 Privacy and safety complaints .....	6
3.4 Provider practices and conduct complaints .....	6
<b>4. How we handle domestic and family violence complaints .....</b>	<b>6</b>
4.1 Ongoing debt for victim survivor, where the perpetrator uses the service .....	6
Case study: Mode Provider inappropriately deals with identity fraud .....	8
4.2 Disclosure of personal information .....	9
Case study: Lapis Mobile misses Mary's problem and the modem .....	10
<b>5. Laws, Codes and relevant information .....</b>	<b>11</b>
TIO Good Industry Practice .....	11

## Who this document is for

---

- Victim survivors of domestic and family violence or representatives who have a complaint which is solely or in part about domestic and family violence matters.
- Providers dealing with complaints relating either in part or in full to domestic and family violence, including where there are concerns about domestic and family violence, but no disclosure has been made.
- Representatives who personally or professionally support people at risk of or experiencing domestic and family violence.
- Government, advocacy and community groups seeking to understand how we reach fair and reasonable outcomes, and how we manage domestic and family violence-related complaints.

## 1. Why we have written this Guidance Document

---

This Guidance Document explains how we can help with complaints involving domestic and family violence and how we may resolve complaints between victim survivors of domestic and family violence and providers of telecommunications services ('providers').

We value fairness, integrity, excellence and collaboration. This document shows how we incorporate these values into our complaint processes.

In the handling of any complaint, we will be fair and reasonable. We achieve this by following a Fairness Framework. We use the framework to assess the parties' positions, expectations and offers. This ensures consistent complaint handling and outcomes.

The framework also provides a structured way for us to explain our position on individual complaints.

We recognise domestic and family violence comes in different forms and is not always physical. It can also include emotional, financial, spiritual and social abuse. If you are unsure your complaint relates to domestic and family violence, please speak with us. You can refer to this document and our Good Industry Practice Guide for Domestic and Family Violence.

We aim to provide valued, trusted and transparent services. We know each complaint has unique circumstances and we include these in our practices.

The TIO extends our sincere gratitude to Safe and Equal for their invaluable assistance in drafting and providing feedback on this document. Their expertise and insights have been crucial in outlining our approach, and we are grateful for their partnership.

## 2. How we help to ensure privacy, safety and ease of use

---

If you or the person you are supporting is in immediate danger or in need of urgent help, call 000.

We understand making a complaint can be challenging. Our aim is to keep consumers safe when using their telecommunications devices and service. Through our work, we seek to ensure providers are keeping their customers safe. To do this, providers must follow regulatory requirements, good practice, and ensure their systems and processes do not lead to a consumer being placed at risk.

### 2.1 Our initial contact

- We note and ensure how affected consumers want us to communicate with them. We regularly review this preferred communication method.
- With consumer consent, we record in our case management system any important information. This helps us appropriately safeguard information.
- We offer our services with flexibility to meet the unique needs of the consumer.
- We will only share domestic and family violence-related information with a provider if the consumer gives us permission to do so.
- Where possible, we will not ask a consumer to repeat information that is likely to cause harm or trauma.
- Consumers are in control of the information they share and will not be required to go into detail regarding their experience of domestic and family violence.

### 2.2 Ongoing contact with us

- We encourage open and timely communication where it is safe to do so. This helps us tailor our services to meet consumers' needs.
- We never ask for supporting documents or evidence to prove the occurrence of domestic and family violence.
- We will never ask for perpetrators of domestic and family violence to be involved in our complaint handling processes. However, if a provider must contact a perpetrator while a complaint is with us, we will tell the affected person/victim survivor before the provider does so to ensure the contact is appropriate and unlikely to cause harm.
- We recognise situations change. If needed, consumers can withdraw the domestic and family violence component of their complaint at any time. We aim to help consumers if they want to return and have the domestic and family violence element of their complaint handled at a later stage.

- We will keep handling the other parts of the complaint in line with normal case-handling practices.
- We recognise the trauma and challenges consumers may face. We understand that meeting normal timeframes and providing information may be difficult. So, we offer procedural flexibility to consumers experiencing or who have experienced domestic and family violence.
- We have a 'quick exit' button on all pages to ensure safe website use.
- If there is an immediate or serious risk to someone's safety and wellbeing, we may call the police or emergency services.

### 3. Common types of complaints involving domestic and family violence

---

The following is a list of common complaints we can help with. This list does not cover all complaints, and we encourage all parties to contact us to determine if we can help with the complaint or concern.



#### **3.1 Financial hardship and account complaints**

- Difficulties or inability to afford bills either in the short term or long term
- Access and delays to financial hardship assistance
- Difficulties or inability to pay specific bills or a debt
- Being asked to pay for a debt because of the actions of another party
- Problems relating to keeping a service or connection



#### **3.2 Technical complaints**

- Unwanted contact by a perpetrator through phone, email or other technical means
- System outages leading to increased risk of vulnerability or harm
- Inability to secure an account from unauthorised access or harm



### **3.3 Privacy and safety complaints**

- Access, disclosure, or loss of phone number, email or home address that is unauthorised
- Breach of privacy
- General phone and email access
- Inadequate or restrictive identification procedures that can cause harm or restrict access to necessary services



### **3.4 Provider practices and conduct complaints**

- Connection to a service under duress or fear or unauthorised connection
- Transferring services without consent and disconnections
- Denial of service
- Inappropriate sales tactics
- Difficulty cancelling services
- Requesting evidence of abuse
- Requiring the return of handsets without considering individual circumstances

## **4. How we handle domestic and family violence complaints**

When handling domestic and family violence-related complaints, we will determine what is fair and reasonable in the circumstances. To do this, we use common approaches that help resolve the complaint. The following examples illustrate how we may resolve cases. The examples are a guide and do not cover all scenarios. The expectations of what is fair and reasonable depends on the individual circumstances of each complaint.

### **4.1 Ongoing debt for victim survivor, where the perpetrator uses the service**

Victim survivors often complain to us about debts. Usually, these debts are for services or products they have not used but have been placed in their name with or without their knowledge. This is a form of financial abuse. We may expect all actions providers take in resolving complaints would prioritise the wellbeing and safety of victim survivors where possible and review the individual circumstances of each complaint.

#### **Policies and processes**

We expect providers to have policies and processes in place for situations where debts are incurred, including the ability to establish if the party who accrued the debt is liable for the debt, not only in the eyes of the law but also after considering the individual circumstances present. Such policies and processes are needed both when domestic and

family violence is present and when it is not. We expect a provider to take reasonable steps and have the means to establish ownership of debt and services.

The policies must, at least, respond to the individual issues and meet the legal and regulatory requirements. We expect providers to be able to explain how it has considered its policies and applied appropriately.

### **Consent**

We expect providers to be able to show a victim survivor gave consent to establish the service or product and did so without undue pressure, duress or influence. If providers cannot show us this, we will consider if it is fair and reasonable to apportion the debt to the victim survivor.

### **Connection and Credit Activity**

We expect providers to stop any restriction, suspension or disconnection, or credit or collection activity while a complaint is with us. This shows a commitment to finding a meaningful alternative solution.

When investigating a complaint, we assess if providers have taken reasonable steps to establish the individual circumstances of a victim survivor, including if there were domestic and family violence or financial hardship indicators before taking any such action.

In all circumstances, we expect providers to use credit management and restriction, suspension or disconnection activity only as a last resort and only after providers have made reasonable attempts to establish if there are individual circumstances influencing a victim survivor's capacity to engage or pay, or their knowledge of the debt.

We expect providers to amend or remove any error on a credit file. Providers should recognise errors and provide appropriate remedies considering the circumstances and effects on individuals.

### **Individual circumstances**

When deciding if a debt is payable, we will consider individual circumstances to ensure our assessment is fair and reasonable. We will determine how the debt has occurred, who had knowledge of the debt and the impact of the debt the victim survivor.

### **Debts**

Once we decide who owns a debt and consider the individual circumstances, any debts owed should be appropriately allocated.

Any payment arrangements should be undertaken after establishing if the party who owns the debt needs help with hardship or other support. This should be done in writing and, if possible, over the phone or in person.

If a perpetrator accrues a debt against a property address and the perpetrator leaves the property, we will assess the appropriateness of any transfer of debt. Generally, we consider it inappropriate for a victim survivor to be held responsible for such a debt and would instead assess the appropriateness of establishing a new account in their name.

The ongoing safety of a victim survivor should be considered when apportioning debt and reasonable steps taken to maintain the safety of the victim survivor. We recognise the uniqueness of all domestic and family violence and will collaborate with victim survivors in appropriate ways to maintain safety.

### **Case study: Mode Provider inappropriately deals with identity fraud**

Vanessa, a victim survivor, contacted the TIO after she received a debt collection notice for more than \$2,500 for three mobile phones bought in her name without her knowledge. She called Mode Provider\* to discuss the issue. Mode Provider told her because she was known to the person who fraudulently used her identification details, the matter was a civil one and Mode Provider was not required to help her.

Vanessa had one of the phones and was told it was a gift from her ex-partner. She was unaware of the debt owed for this phone or the other two that she had never had.

Vanessa was dissatisfied with Mode Provider's response and came to us. Through the investigation we found that while the purchases were made in Vanessa's name, none of the contact details or billing addresses were hers. As such, we found Mode Provider had not ensured it had contracted the correct party. We also found Mode Provider had default listed Vanessa for the outstanding balance.

As Vanessa wanted to keep the phone she had, Mode Provider agreed to recall the debt and waive all but \$700, the outstanding cost of the phone she had. Vanessa agreed to pay for the phone, and we ensured Mode Provider removed the default listed on her credit file.



## **4.2 Disclosure of personal information**

Disclosure of a victim survivor's personal information has serious safety and privacy concerns. We deal with complaints where unauthorised disclosure has occurred. When dealing with family and domestic violence-related complaints, we often find a perpetrator has gained access to a victim survivor's personal and account information.

### **Personal information protection measures**

We expect providers take appropriate steps to ensure all current and previous customers' personal information is protected from unauthorised use or disclosure. We expect providers to be able to show this in every case.

We expect providers' steps are in line with their legal and regulatory requirements. This includes the storage of information, sufficient procedures and measures to ensure the ongoing security of all information, and sufficient training of staff in their control.

At a minimum, we expect such policies and procedures seek to eliminate the risk of any unauthorised disclosure of personal information.

We expect these protection measures for all consumers and assess the gravity of a breach of these measures in accordance with the individual circumstances presented in each complaint.

### **Policies and procedures**

We expect all providers have domestic and family violence processes and policies in place, and that they are used appropriately and in a timely manner.

These policies and procedures should set out the providers' measures for protecting, supporting and managing situations of domestic and family violence, and suspected situations of domestic and family violence.

We expect providers to be able to show in all complaints how it effectively and appropriately applied these policies and procedures and any steps it took if it subsequently became aware it did not comply. We then decide what is fair and reasonable for each individual complaint.

### **Corrective and future steps**

We expect providers to take all necessary steps to fix immediate situations without hesitation or delay. We expect providers to act on any immediate safety and security concerns as soon as possible. We may decide it appropriate for the provider to bear some, or all the costs associated with remedying these immediate concerns.

We expect providers to take further steps after dealing with immediate safety and security concerns. These steps should stop further disclosure and remedy any other concerns or individual circumstances that have arisen because of the disclosure.

In considering what is fair and reasonable in the circumstances of complaints, we may consider whether it is appropriate to award a victim survivor compensation for non-financial loss.

### **Case study: Lapis Mobile misses Mary's problem and the modem**

Mary, a victim survivor, contacted us with concerns about unreliable internet services, which had been a source of unresolved concern for many years. She relied on a steady connection to operate security cameras at her property. Over this time, she had been in regular contact with Lapis Mobile\* trying to resolve the issue. Lapis Mobile had previously tried to resolve it by offering Mary a credit as a goodwill gesture, but they transferred the funds into her ex-partner's account. Despite the credit, the internet problem persisted, and Mary's problem got worse when technicians visiting her property to troubleshoot had no clear ID, adding to further distress and worry.

We spoke with both Mary and Lapis Mobile and quickly arranged for a new modem to be installed at the property, replacing one technicians found to be faulty. The visit to the property was carefully planned with Mary.

We explained to Mary the options available to her in the future to ensure her supply was as stable as possible. Lapis Mobile agreed to compensate her with a cheque to recognise the poor customer service it provided her.

## 5. Laws, Codes and relevant information

---

- [Assisting Consumers Affected by Domestic and Family Violence 2023](#)
- [Authorised Representatives and Advocates Industry Guidance Note 2019](#)
- [Life Threatening and Unwelcome Communications Industry Code 2023](#)
- [Debt collection guideline for collectors and creditors](#)
- [Telecommunications Service Provider \(Customer Identity Authentication\) Determination 2022](#)
- [Telecommunications \(Financial Hardship\) Industry Standard 2024](#)
- [Don't take advantage of disadvantage 2011](#)

### **TIO Good Industry Practice**

Our Good Industry Practice Guide for Domestic and Family Violence sets out what we think is good industry practice for complaints about Domestic and Family Violence under these headings:

- Financial hardship
- Flexibility and tailoring services
- Identification processes
- Domestic and family violence policies, processes and supporting material
- Clear pre-sale information and responsible selling
- Contract and account information
- Billing and payments
- Credit assessments, credit reporting, other issues
- Transferring services
- Suspension, restriction and disconnection of services
- Training staff

Please see [Good Industry Practice Guide for Domestic and Family Violence](#).

For more information on how we approach fairness, please see [The TIO Fairness Framework](#).