

01 April 2025

Telecommunications Performance and Regulation Section
Australian Communications and Media Authority

By submission: <https://www.acma.gov.au/consultations/2025-02/proposed-new-rules-protect-telco-consumers-experiencing-dfv>

RE: Draft Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025

The Internet Association of Australia Ltd (**IAA**) thanks the Australian Communications and Media Authority (**ACMA**) for the opportunity to respond to the consultation on the draft *Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025* (**Draft Standard**).

IAA is a member-based association representing Australia's Internet community. Our membership is largely comprised of small to medium sized Internet service providers, many of whom supply other telecommunications services to end-users and would therefore be subject to the Draft Standard. This response is primarily in representation of these members. However, as a not-for-profit association invested in ensuring the public good of the Internet, we share our response in hopes that the Draft Standard will be effective, practical and fit for purpose.

From the outset, we appreciate the work of the ACMA in developing the Draft Standard and the accompanying consultation paper. We understand that the Draft Standard has been developed according to the *Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard) Direction 2024* (**Direction**) in recognition of the pervasive issue of domestic and family violence (**DFV**) in the Australian community, and the important role that telecommunications play as both being a vehicle that perpetrators use to perpetrate DFV, as well as a crucial ways for which affected persons can escape DFV. We further note the comments made by the ACMA in the accompanying consultation paper that the existing industry guideline, G660:2023 Assisting Consumers Affected by Domestic and Family Violence (**DFV Guideline**) as a non-enforceable and voluntary advice, is not appropriate given the crucial nature of telecommunications services in DFV situations, and the grave consequences of failing to appropriately provide safeguards to affected persons.

To that end, we understand and support the intention behind the Draft Standard that seeks to establish mandatory safeguards to prioritise safety for affected persons within the telecommunications context. However, we are concerned that the proposed provisions do not provide clear and coherent requirements that will practically achieve the regulatory intent. Thus, we offer our feedback in hopes to constructively contribute to an effective standard that addresses DFV in relation to telecommunications (**DFV Standard**) and an ancillary regulatory framework that is easy for industry to implement, and thus provides practical assistance and support for affected persons.

OBJECTIVES AND REQUIREMENTS

Recommendation 1: We strongly urge the ACMA to hold a multistakeholder forum as soon as practicable, and prior to the finalisation of the Draft Standard.

This section responds to the below question(s):

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

Question 14: To what extent, if any, should the DFSV Standard impose obligations on a CSP in relation to its dealings with perpetrators and alleged perpetrators of DFV?

Firstly, we are also disappointed in the consultation process adopted by the ACMA. Given the seriousness and complexity of the issue, we consider that it would be more appropriate for the ACMA to hold a public forum or similar avenue for the various relevant stakeholders to contribute and develop a draft standard taking into account the feedback received from such a session. By going straight into drafting an insufficient instrument that fails to address important issues, this unnecessarily causes more work for all stakeholders, and also poses a barrier for stakeholders to participate in the consultation process.

We consider this to be especially true for the smaller CSPs that are disproportionately burdened by new regulatory requirements, but also, and importantly, by affected persons and their representatives and DFV specialists who are also often under-resourced. Indeed, it is unclear to what extent specialist DFV experts and other relevant stakeholders have been consulted in the drafting of the Draft Standard. An open forum allows for a much more collaborative process and is also much more accessible than having to read complex regulatory material and provide a formal written response.

Moreover, noting the various issues raised in the consultation paper that has yet to be addressed via the Draft Standard, it is clear that it is too soon to be dealing with a draft instrument. In particular, the Draft Standard fails to sufficiently address the overlap and potential conflict with other legislative instruments, as well how a provider should deal with perpetrators – especially in complex situations relating to account ownership or where a perpetrator claims to be an affected person. The ways in which DFV interacts with telecommunications is very complex and requires much more comprehensive discussion. Holding an open forum with various participating stakeholder groups will result in greater in-depth discussion to help identify issues and collaborate on practical and effective solutions as expertise and knowledge is shared to contribute to a more robust regulatory framework.

We consider the Direction to have created a good opportunity for the sector to start collaborating on the best way to set up a regulatory framework that will appropriately address DFV and its interaction with telecommunications. We sincerely hope the ACMA will facilitate such a consultation process.

Recommendation 2: Set up a multi-stakeholder working group to develop a standard using existing material as a basis.

This section responds to the below question(s):

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

Question 5: Do the benefits of having expert-informed policies, statements and training outweigh the additional demands placed on the DFV sector by the proposed provisions that require consultation?

Overall, we are concerned that the Draft Standard does not effectively fulfil the objectives and intent as set out in the Direction as it does not offer practical steps that will make it easy for industry to comply. In comparison with the DFV Guideline which helpfully sets out account management options and examples to ensure practical steps that CSPs can implement to assist, and support, affected persons the requirements provided under section 16 of the Draft Standard fail to provide the necessary

level of practical solutions. We believe this to be a critical issue given the complexity of both telecommunications systems and the regulatory framework which dictate certain processes, as well as complex ways in which DFV may be perpetrated in relation to telecommunications services.

In that light, we also consider the Standard as essentially ‘reinventing the wheel’ and unnecessarily burdening industry, as well as specialist expert groups and consumer bodies. We note that the DFV Guideline was developed with considerable input from a number of relevant stakeholders including specialist DFV services, legal services and consumer groups. We also note the existence of the Telco Together Foundation and its work on addressing DFV within the telecommunications context, including the DFV Action Plan. In comparison to the Draft Standard, we consider the DFV Guideline to offer much more practical steps that providers can take to provide better safeguards for affected persons.

To the extent that the DFV Guideline and the DFV Action Plan are insufficient as they are non-enforceable and non-mandatory, we consider a much more efficient and effective process would be to set up a working group consisting of industry, specialist DFV experts, consumer advocacy groups, and other relevant stakeholders to review existing material to develop a fit for purpose standard.

In particular, we consider such an approach will also be relevant in relation to proposed section 22 which would result in a huge impost to both industry, as well as the expert groups. Given the great number of telecommunications providers, we consider section 22 unreasonable and impractical, and also not in the best interests of affected persons. We consider it more appropriate and efficient that a working group facilitated by the ACMA develop policies, statements and training materials that can be implemented and adopted by industry. Receiving input from DFV specialists is integral to developing both a DFV Standard as well as providers’ DFV policies, statements and training. However, it is unreasonable to expect such specialists to engage with multiple providers to assist with the development with each of their required materials. We understand that the Draft Standard proposes such consultation may be satisfied via an industry group or body that represents a provider, but this assumes each provider is already part of such an industry group or body which is not the case. Thus, a working group representing the various stakeholders to develop these materials is a much more efficient process. It will provide greater clarity for providers as well as a much more balanced and coherent approach throughout the sector whereas putting the onus on providers to develop policies, statements and training may result in subpar protections for affected persons, depending on the resources available to the provider.

Recommendation 3: Consider a principles-based approach for the DFV Standard with existing materials being used to establish guidelines and supplementary material to give effect to the principles.

This section responds to the below question(s):

Question 11: How can the needs of people who are, or may be, disproportionately affected by DFV be best addressed by CSPs when training staff and tailoring systems, policies and processes?

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

Given the complexity of the issue, we also recommend the consideration of a principles-based framework wherein the DFV Standard sets out the high-level principles that give effect to the objectives set out in the Direction. Accordingly, the existing materials can be used to establish specific guidelines and actions that providers can follow to ensure proper support and protections are being provided to affected persons, while not being enforceable to allow appropriate flexibility given the complexity of

DFV issues and how they may permeate in the telecommunications context. We note that this model has been adopted in respect of other telecommunications issues such as in the online safety context, or the impending scam prevention framework designed by the Treasury.

We also consider this approach may address some of the other issues that has been raised in the consultation paper that may not be appropriately addressed in a prescriptive regulatory setting. For example, the recognition of intersectionality and how certain affected persons may be disproportionately affected by DFV may be best set out in a principles based approach, with the supplementary material setting out specific steps but flexible options that a provider may consider and adopt as appropriate in the circumstances.

APPLICATION OF THE STANDARD

Recommendation 4: Review and amend definitions of, and create explicit provisions relating to each of ‘consumer’, ‘advocate’ and ‘authorised representative’.

This section responds to the below question(s):

Question 8: Are there terms in the draft DFSV Standard where the definition could be improved?

We note that the current definition of ‘consumer’ as it also encapsulates an advocate and authorised representative as causing uncertainty as to how requirements should be applied. We note that given the interaction with other legislative instruments such as (but not limited to) the *Telecommunications Service Provider (Customer Identity Authentication) Determination 2022 (Identity Verification Determination)*, it is important to have specific provisions within the standard that deal specifically with what steps a provider may take in relation to an affected person who is the account holder, an affected person who is the end-user but not the account holder, an authorised representative of the affected person, or an advocate of the affected person.

It is also unclear why the term ‘advocate’ has been defined under the Draft Standard given that it is not used except in relation to the definition of ‘consumer’ which is said to include an ‘advocate’. Nor is ‘advocate’ a defined term used in other instruments such as the *Identity Verification Determination*, but is confusingly included in definition of a ‘representative’ under the *Telecommunications (Financial Hardship) Industry Standard 2024 (Financial Hardship Standard)*. The inconsistent use of defined terms under different legislative instruments creates great uncertainty, especially pertaining to what changes a CSP may make to an account based on requests made by an advocate that does not have authority to make changes to an account. We discuss other inconsistencies between the Draft Standard and other legislative instruments further below.

Recommendation 5: Review the classes of persons that should be covered by the DFV Standard.

This section responds to the below question(s):

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

Question 3: Are there any classes of carriers or CSPs that should be exempt from requirements in the DFSV Standard?

We consider there are instances where the DFV Standard may need to apply to non-residential or non-individual customers. In particular, it may be relevant to cover small business customers such as sole-trader or partnership model businesses. We note that financial abuse is often perpetrated via abuse of such small business relationships where a victim-survivor may be coerced or defrauded into becoming a director without their consent, and telecommunications services are acquired for that company where the victim-survivor will incur debts under his/her name as director of the company. However,

we note that this should be specific to very limited circumstances involving businesses owned and operated solely by members of a family or intimate-partner relationship. Overall, the DFV Standard should only apply in the context of individual, residential customers and end-users, and a limited class of small business customers. Correspondingly, carriers or CSPs who only supply telecommunications services and products to businesses that are not small family or intimate partnership relationships should be exempted from the DFV Standard.

However, we understand that it may be difficult for providers to know whether small business customers are indeed family-owned, and whether a DFV circumstances apply. Hence, we reiterate our recommendation of a principles-based approach to the DFV Standard. If the DFV Standard is broad enough and sets out high-level principles about how a provider should assist and support affected persons, it may provide better safeguards in scenarios where the occurrence of DFV may not quite be captured under a prescriptive framework.

Recommendation 6: We do not support the inclusion of requirements pertaining to occurrences of sexual violence occurring outside of DFV situations in the DFV Standard.

This section responds to the below question(s):

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

We recognise the seriousness of sexual violence which may also interact with telecommunications through use of communications to commit sexual violence against victim-survivors. However, we do not consider this to be appropriately dealt with in the DFV Standard given that DFV is a very serious and pervasive issue with its own complexities. We also note that there may be other instruments such as the Financial Hardship Standard whereby sexual violence may need to be expressly specified as a reason why a customer is experiencing financial hardship.

INTERACTION WITH OTHER INSTRUMENTS AND CODES

Recommendation 7: Prioritise resolving barriers posed to providing support to affected persons due to existing regulation and remove the requirement to collect evidence in relation to DFV.

Recommendation 8: Create a regulatory matrix or guideline setting out all relevant provisions pertaining to a provider's obligations to obtain supporting material or evidence.

This section responds to the below question(s):

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

We particularly note the conflict between the Draft Standard and the Identity Verification Determination. While proposed subsection 16(1) of the Draft Standard requires a CSP to identify whether the affected person is the account holder or an end-user, it fails to provide additional requirements or options for the CSP to then provide the appropriate support in the unique circumstances. It is unclear what practical steps the CSP should take where the affected user is the end-user but not the account holder and is unable to complete the identity verification required under the Identity Verification Determination.

Comparatively, the DFV Guideline sets out clear options that can be provided to the affected person depending on their unique circumstances, as well as steps that the provider could take to offer better support. Thus again, we reiterate our position that existing material should be reviewed with the view to establish it as supplementary material to support a principles-based framework set out under a DFV Standard.

We especially note that under the draft amendments proposed to vary the Identity Verification Determination¹, the proposed amendments to paragraph 11(3)(c) suggests that a provider must keep record of materials or supporting evidence provided by a person in vulnerable circumstances, and therefore suggests that the provider must indeed request supporting evidence. This directly conflicts with proposed subsection 12(4) of the Draft Standard which provides that a provider must not require evidence or supporting material. For completeness, we note that under subsection 11(d) of the Financial Hardship Standard, providers must not request evidence to support an affected person's request for payment assistance.

We understand that various other amendments have been proposed to the Identity Verification Determination to ensure certain identity verification processes are not required in relation to affected persons – namely paragraph (f) of the definition of 'high-risk customer transaction', subsection 10(8) subsection 11(6). However, these proposed amendments do not cover the full range of scenarios where an affected person may be impeded from receiving support due to their failure to complete the identity verification process.

Furthermore, we note that proposed subsection 12(5) of the Draft Standard recognises there may be scenarios where a provider is legally obliged to obtain evidence or supporting material. We contend that many providers, and in particular providers such as our members, do not have a comprehensive knowledge of the scenarios and legal obligations that may require the provider to indeed request and obtain material or supporting evidence. We would greatly appreciate if the ACMA or the above recommended working group could conduct a comprehensive analysis of the legislative requirements that apply to clearly set out when a provider must or must not request and obtain evidence or material. We believe this is the sort of practical support needed to assist industry with its compliance efforts and reduce the regulatory burden to ensure better safeguards for consumers, particularly persons experiencing DFV.

IMPLEMENTATION OF THE STANDARD

Recommendation 9: The DFV Standard should commence 6 months following a revised DFV Standard that is drafted following the proposed multi-stakeholder collaboration.

Recommendation 10: There should be a staged implementation process to allow smaller providers more time and assistance to comply.

This section responds to the below question(s):

Question 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?

Question 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

As noted under Recommendation 1, we do not consider the Draft Standard up-to-par, nor is it appropriate to be considering the Draft Standard given the lack of in-depth multi-stakeholder collaboration on this important issue. As such, we reiterate it is crucial that such a forum take place before the ACMA progresses with finalising a DFV Standard. In that light, it is difficult to propose a suitable timeframe for implementation.

¹ <https://www.acma.gov.au/consultations/2024-12/proposal-vary-telecommunications-service-provider-customer-identity-authentication-determination-2022>

However, in general, we note that the DFV Standard as a new regulatory instrument will introduce a significant number of changes, many of which will take time for industry to implement. For example, providers will need to develop segregated data storage systems to store data for affected persons, ways to ensure billing and other information can be sent via separate channels, as well as thorough training of staff, and in some cases, potentially the hiring of new staff.

Furthermore, given the grave subject matter, it is crucial that providers properly implement such changes in order to provide meaningful and effective support for affected persons. As such, we believe that industry should be given a minimum grace period of 6 months following the commencement of the DFV Standard to allow for thorough and meaningful compliance with the Standard.

We also reiterate the disproportionate regulatory burden on smaller providers that are finding the complex regulatory landscape of the telecommunications increasingly prohibitive. We therefore recommend a staged implementation approach whereby applicable carriers and/or CSPs with less than 30,000 active services in operation are given a further 6 months to comply. We consider this a reasonable approach as the majority of consumers will be covered by carriers and/or carriage service providers with over 30,000 active services in operation.

We also request commitment from the ACMA that its enforcement approach will focus on occasions of non-compliance that exemplify gross negligence for the first 12 months following the commencement of the proposed changes.

However, given the grave issue, we would support the ACMA in working with providers to immediately adopt positions or change processes to better support affected persons irrespective of the provisions and when the DFV Standard is introduced. For example, accepting the claim of an affected person at face value, or not requesting supporting material or evidence unless legally required are actions that providers can adopt prior to the commencement of the DFV Standard. Furthermore, reading and adhering the DFV Guidelines and applying the DFV Action Framework are all steps that the ACMA should encourage providers to do prior to the commencement of the DFV Standard.

Recommendation 11: The DFV Standard should include safe-harbour provisions.

In addition, we request that the DFV Standard includes a safe harbour provision that sets out protections for carriers and carriage service providers where a provider has taken all reasonably practicable steps and has acted in good faith to comply with its requirements under the DFV Standard. Given the intense complexity of DFV and its interaction with telecommunications, we contend that there may be scenarios where perpetrators are able to continue abusing telecommunications and regulatory processes to perpetrate DFV irrespective of how a provider has provided support.

Moreover, again, in light of the complexity and the interaction between the DFV Standard and other legislative instruments, we request safe harbour provisions setting out protections for providers that inadvertently breach other legislative provisions such as the Identity Verification Determination due to steps taken by the provider to provide support for affected persons under the DFV Standard.

Once again, IAA appreciates the opportunity to contribute to the draft *Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025*. In recognition of critical importance in affording appropriate protections for persons affected by domestic and family violence, we are sincerely committed to working with the ACMA, DFV specialists, consumer bodies and other industry representatives to develop a regulatory framework that will best support affected persons.

ABOUT THE INTERNET ASSOCIATION OF AUSTRALIA

The Internet Association of Australia (IAA) is a not-for-profit member-based association representing the Internet community. Founded in 1995, as the Western Australian Internet Association (WAIA), the Association changed its name in early 2016 to better reflect our national membership and growth.

Our members comprise industry professionals, corporations, and affiliate organisations. IAA provides a range of services and resources for members and supports the development of the Internet industry both within Australia and internationally. Providing technical services as well as social and professional development events, IAA aims to provide services and resources that our members need.

IAA is also a licenced telecommunications carrier and provides the IX-Australia service to Corporate and Affiliate members on a not-for-profit basis. It is the longest running carrier neutral Internet Exchange in Australia. Spanning seven states and territories, IAA operates over 30 points of presence and operates the New Zealand Internet Exchange on behalf of NZIX Inc in New Zealand.

Yours faithfully,
Internet Association of Australia