

## ACMA Draft Standard

Thank you for the opportunity to attend the workshops relating to the development of the draft Domestic, Family and Sexual Violence Standard for the telecommunications industry. It was clear at the workshop that you are receiving extensive and valuable input across the sector who are keen to work together to help ensure that the standard is both reasonable and practical in its application and implementation, and that it leads to improved outcomes for victim-survivors of domestic, family and sexual violence (DFSV).

We have limited our written comments to a few key issues, as addressed below. Overall, we appreciate the force of a standard, and the Government's commitment, to effect substantive improvements. We reiterate that it is essential that the standard be survivor-centred, but that this cannot be effectively achieved without:

- being more direct in the language of the standard to require CSPs to ensure that they are centering the survivor. The current language does not appear to ensure this.
- resourcing the sector to support its development and implementation.

There also needs to be explicit recognition and a commitment to address issues arising from telecommunications' employees who are also perpetrators of DFSV.

### Application of the standard (Q.2)

The DFSV Standard should apply to not-for-profit and/or small business customers. We have worked with survivors of DFV who have been subjected to technology-facilitated abuse directed at their small businesses. In particular, some of the technology such as mobile device management and other products only generally used at a business level, are misused by abusers. Therefore the definition of account-holder and end user for the purposes of the standard should be expanded to include small business and not-for-profit customers.

### Implementation of the standard (Q.5)

There are currently estimated to be 9,000 workers in domestic and family violence services across Australia<sup>1</sup>, working out of approximately 360 frontline services. Work intensity and workloads have increased significantly in recent years in an already stretched workforce,

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<sup>1</sup> Domestic, Family and Sexual Violence Commission (2024), *Annual Report 2023-2024*, <https://www.dfsvc.gov.au/sites/default/files/2024-11/DFSVC%202023-24%20Annual%20Report%20-%20Final%20Accessible%20Digital.pdf>

and funding has not met or kept up with increasing demand. The demands on the sector are profound. While services must be involved if the standard is to achieve its stated objectives, it is unrealistic and unfair to create a further unfunded impost on services. This is potentially a critical failing of the standard and the likelihood of its effective and timely implementation.

## Definitions (Q.6)

Definitions are notoriously difficult to achieve consensus on due to the evolving nature of our collective understanding of violence against women. Nonetheless, it should be made clear that the sources are authoritative and have already been the subject of recent and extensive consultation with the sector. These sources would include the [National Plan to End Violence Against Women and Children](#), and the [National Principles to Address Coercive Control in Family and Domestic Violence](#).

### Coercive control

See [National Principles to Address Coercive Control in Family and Domestic Violence](#). It may benefit the definition to define it in the context of FDV - for example, explaining that coercive control is an underpinning dynamic of FDV.

### Domestic and family violence

Domestic and family violence should be defined broadly to encompass physical, sexual or psychological harm. Coercive control could be mentioned here as an underpinning dynamic (while still maintaining a separate definition for it).

### Affected person

“Subject” is not commonly used. The person either ‘experiences’ family and/or domestic violence (FDV) or is a ‘victim-survivor’ of it.

While we appreciate the inclusion of ‘suspect’ - this is a standard, not a court of law - we would ideally like to see some onus on employers to assist workers (who may also be the subject of abuse) to understand the characteristics of FDV. This supports both the safety of workers and clients.

### Account holder vs end-user

We understand the legal ramifications of ultimate authority of the account resting with the account holder, and appreciate the necessity for a distinction which often goes to the core of problems experienced by victim-survivors when perpetrators are commonly the account holder. Any review of rights associated with the end user would need to be considered very carefully to ensure that any loosening of ‘account holder’ did not adversely impact victim-survivors (for example, did not give a perpetrator claims to a number that they were not entitled to). This probably requires a front-end positive onus on telcos to educate and highlight the legal necessity of end-users to be account holders unless they are minors.

## Sexual violence (Q.7)

Consideration should be given to sexual violence occurring through trafficking, sexual servitude, early and forced marriage and other forms of gender-based violence, for example, abuse in institutional situations, such as aged care and disability care.

## Timeframes (Q.9)

Reasonable timeframes 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, will be shaped by the limited capacity and availability of experts and practitioners in the DFV sector.

## Other hotlines and helplines (Q.19)

There are [other helplines](#) which would be useful to include in the standard.

## Privacy (Q.20)

Metadata and data preservation requirements need to be considered in the context of overlap or potential conflicts with requirements in the draft DFSV Standard.

## Urgent complaints (Q.22)

Wesnet strongly agrees with the proposal to make a subsequent amendment to the definition of an urgent complaint in the Complaints Handling Standard to incorporate a complaint made by a person who is or may be experiencing DFV if the subject matter of the complaint may reasonably be considered to impose a direct threat to that person's, or their children's, safety. The absence of this will imperil lives.

Thank you again for the opportunity to be a part of this process.

Yours sincerely,



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