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## Submission

24 March 2023

General Manager  
Content and Consumer Division  
Australian Communications and Media Authority  
PO Box 78  
Belconnen ACT 2616

### Re: ACMA's Compliance Priorities 2023-24

The Australian Communications Consumer Action Network (**ACCAN**) thanks the Australian Communications and Media Authority (**ACMA**) for the opportunity to comment on the compliance priorities for the 2023-24 work program.

ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband, and emerging new services. ACCAN provides a strong unified voice to industry and government as we work towards communications services that are trusted, inclusive and available for all.

ACCAN has identified several areas the ACMA should consider when developing its compliance priorities for 2023-24. These areas include:

- Domestic and Family Violence (**DFV**) and technology-facilitated abuse.
- Compliance with the Telecommunications Consumer Protections Code (**TCP Code**).
- Delivery of Priority Assistance service.
- Extending the 2022-23 priority area of 'improving quality captioning.'

### Technology-facilitated DFV

In Australia, DFV is a pervasive social problem affecting 1 in 6 women and 1 in 16 men, costing the Australian economy \$26 billion annually.<sup>1</sup> Technology-facilitated abuse is estimated to involve 8% to 48% of all DFV cases, with 27% of children in Australia experiencing technology-facilitated DFV.<sup>2</sup>

ACCAN recommends the ACMA consider DFV and technology-facilitated abuse as a key compliance priority for 2023-24. DFV in the telecommunications sector is of material risk to public safety and

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<sup>1</sup> Molly Dragiewicz, Bridget Harris, Delanie Woodlock and Michael Salter 'Digital media and domestic violence in Australia: Essential contexts' (2021) 5(3) *Journal of Gender Based Violence* 377, 378; Alan Duncan, Astghik Mavisakalyan and Chris Twomey 'Family and Domestic Violence in Australia: Prevalence, impacts and responses' (2021) *Bankwest Curtin Economics Centre Research Briefing Note 21/2*, 1.

<https://bcec.edu.au/assets/2021/12/BCEC-Briefing-Note-2021-2-Family-and-Domestic-Violence-in-Australia-1.pdf>.

<sup>2</sup> Molly Dragiewicz 'How children are involved in technology-facilitated coercive control' (Lecture, British Society of Criminology Annual Conference, online, 8 July 2021) 6.

intersects with critical topics, such as financial hardship, economic abuse, compromised security and privacy, and vulnerable populations.<sup>3</sup>

Discussions with ACCAN stakeholders and members have revealed concerning reports regarding the experiences of consumers affected by DFV. These reports have included instances where victim-survivors have been disconnected by their service provider, despite having identified as experiencing DFV and disputing debts associated with economic abuse.<sup>4</sup>

At present, there appears to be a lack of uniformity between communications service providers in their responses to DFV-related issues. ACCAN is concerned by the outcomes being experienced by victim-survivors. Noting the direct and immediate risk to public safety posed by the disconnection of those experiencing DFV, we consider that DFV and economic abuse should be one of ACMA's immediate priorities.

We further recommend the ACMA investigate the implications of emerging technologies, such as the Internet of Things (IoT), in addition to current industry practices for consumers affected by DFV. For example, perpetrators of DFV may remotely alter the position of a security camera to undertake surveillance of victim-survivors in their homes.<sup>5</sup>

### Compliance with the TCP Code

ACCAN recommends the ACMA compliance priorities for 2023-24 should examine industry compliance with the TCP Code. Noting reports received by ACCAN concerning consumer harm arising from non-compliance with the TCP Code, including credit assessment and financial hardship matters, a renewed focus on TCP Code compliance is merited.<sup>6</sup>

Further, ACCAN considers that a focus on compliance with the TCP Code should consider the extent to which existing commercial practices are inconsistent with the TCP Code. In particular, ACCAN is concerned that using direct debit as the default payment option has led to unnecessary consumer harm and is an unfair practice.

Forthcoming research commissioned by ACCAN and the Public Interest Advocacy Centre on direct debit indicates that 19% of surveyed consumers did not find it easy to use, and 24% did not regard direct debit as their preferred payment method. Some financial counsellors as part of the research also emphasised that they did not support direct debit as the only payment method for vulnerable consumers to pay their bills without extra costs. They also highlighted that inconsistent direct debit charges can be problematic for vulnerable consumers.<sup>7</sup>

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<sup>3</sup> Telecommunications Industry Ombudsman 'Phone or internet complaints impacted by family violence' (Web Page) <https://www.tio.com.au/guides/family-violence/phone-or-internet-complaints-impacted-family-violence>.

<sup>4</sup> See, ACCAN 'ACCAN Submission to Review of Guideline G660:2018 Assisting Customers Experiencing Domestic and Family Violence' (Communications Alliance, 2020) 1-2.; ACCAN 'ACCAN Submission to the Review of Industry Code DR C525:2022 Handling of Life Threatening and Unwelcome Communications' (Communications Alliance, 2022) 1.; ACCAN 'ACCAN submission to Review of Guideline G660:2023 Assisting Consumers Affected by Domestic and Family Violence' (Communications Alliance, 2023) 1.

<sup>5</sup> UQ News 'Survey explores impact of technology-facilitated abuse' (Media Release, 18 September 2020). <https://www.uq.edu.au/news/article/2020/09/survey-explores-impact-of-technology-facilitated-abuse>.

<sup>6</sup> See, subsection 106 of the *Telecommunications Act 1997* (Cth).

<sup>7</sup> AMR 'Paying to Pay Research' (forthcoming) 127.

This compliance priority further strengthens transparency and accountability within the telecommunications sector, leading to better protection of consumer rights whilst mitigating anti-competitive behaviour within the industry.

### **Priority Assistance service**

In response to Telstra's recent failing to comply with its priority assistance obligations, ACCAN recommends that the ACMA 2023-24 compliance priorities work plan include the priority assistance service.<sup>8</sup> This prioritisation will ensure compliance and enforcement regimes undertaken by the ACMA are safeguarding vulnerable communications consumers.<sup>9</sup>

Priority assistance is a critical issue for communications consumers, being a material risk to public safety. Better compliance with priority assistance protects and safeguards the rights and interests of consumers with serious medical conditions.

### **Extending the 2022-23 priority area of improving quality captioning**

ACCAN recommends extending the 2022-23 compliance priority area of 'improving quality captioning' for a further year. The recent captioning rule compliance breaches by Channel Seven Sydney Pty Ltd and Channel Seven Brisbane Pty Ltd are indicative of a broader problem around compliance within the industry.<sup>10</sup> Continuing this prioritisation for another year will be of interest for all television viewers who use captions.

We thank the ACMA for the opportunity to comment on their compliance priorities for the 2023-24 work program. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact me at [amelia.radke@accan.org.au](mailto:amelia.radke@accan.org.au).

Yours sincerely,

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Senior Policy Adviser

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*The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers.*

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<sup>8</sup> ACMA 'ACMA finds Telstra failed to help vulnerable consumers' (Media Release, 8 February 2023). <https://www.acma.gov.au/articles/2023-02/acma-finds-telstra-failed-help-vulnerable-consumers>.

<sup>9</sup> See, ACIF C609:2007 Priority Assistance for Life Threatening Medical Conditions Industry Code. [https://www.commsalliance.com.au/\\_data/assets/pdf\\_file/0011/1343/C609\\_2007.pdf](https://www.commsalliance.com.au/_data/assets/pdf_file/0011/1343/C609_2007.pdf).

<sup>10</sup> ACMA 'Channel Seven breaches captioning rules' (Media Release, 2 March 2023). <https://www.acma.gov.au/articles/2023-03/channel-seven-breaches-captioning-rules>.