

INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND ISSUES IN NSW

Organisation: Australian Communications Consumer Action Network
(ACCAN)

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About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards availability, accessibility and affordability of communications services for all Australians.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will activate its broad and diverse membership base to campaign to get a better deal for all communications consumers.

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Introduction

ACCAN welcomes the opportunity to contribute to this inquiry into domestic violence trends and issues in NSW.

While ACCAN does not specialise in domestic violence issues, many of our members and supporters do, including community legal centres, women's health centres and financial counsellors working with survivors of violence. They have raised concerns about the cost to their clients of calling domestic violence and related support services on 1800, 1300 and 13 numbers from a mobile phone. As the national peak body representing all consumers on communications issues, with a vision of available, accessible and affordable communications for all, the barriers to accessing affordable support services offered on 1800, 1300 and 13 numbers for all survivors of domestic violence is an area of great concern for ACCAN.

Many services designed to assist people experiencing domestic violence are offered on 1800, 1300 and 13 phone numbers. ACCAN strongly urges the Committee to consider the cost of these calls to vulnerable consumers and the NSW government. Increasingly, these calls are being made from mobiles and are not free or low-cost calls, as they are from landlines, but are charged at a per-minute rate.

This issue is particularly important in the context of Australia's human rights obligations. In January 2011, Australia was reviewed for the first time by the United Nations Human Rights Council under the Universal Periodic Review (UPR) mechanism. This is a peer review undertaken by United Nations member states and focussed upon Australia's human rights record and its work in the promotion and protection of human rights.

7 of the 145 UPR recommendations related to the adoption and/or implementation of the National Plan to reduce violence against women and children (National Plan).¹ To be successfully implemented, a whole of government commitment and response to the National Plan including Commonwealth, State and Territory Governments, is required.

On 15 February 2011, Minister for the Status of Women Kate Ellis and Attorney General Robert McClelland announced the endorsement of Commonwealth, State and Territory Governments, including the NSW Government, of the National Plan to Reduce Violence against Women and their Children 2010–2022.² In June 2011, Australia presented its formal response to the United Nations Human Rights Council and accepted all the recommendations relating to the implementation of the National Plan.³ ACCAN warmly

¹ UPR Recommendations 86.72, 86.76 – 86.81, United Nations Human Rights Council, *Draft report of the Working Group on the Universal Periodic Review Australia A/HRC/WG.6/10/L. 8*, 3 February 2011, Recommendations accessed on 23 September 2011 at:

http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/AU/Australia-A_HRC_WG.6_10_L.8-eng.pdf

² Minister for the Status of Women Kate Ellis and Attorney General Robert McClelland, 'National Plan to reduce violence against women and children', 15 February 2011, accessed on 22 September 2011 at:

<http://www.alp.org.au/federal-government/news/national-plan-to-reduce-violence-against-women-and/>

³ United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review Australia Appendix, Views on conclusions and/or recommendations, voluntary commitments and replies by States under*



welcomes the Australian government's acceptance of the UPR recommendations and the endorsement of the National Plan by all State and Territory Governments, as well as the Commonwealth Government.

An important part of the National Plan is the provision of a number of free or low cost 1800, 1300 and 13 numbers, including 1800 RESPECT,⁴ 1800 numbers provided through 'the line',⁵ the 1300 Mensline⁶ and the legal support services offered on 1800 and 1300 numbers.⁷ In NSW, services designed to assist people experiencing domestic violence are also offered on these numbers.

1. 1800, 1300 and 13 numbers.

1800 numbers are free to call from a landline and 13/1300 numbers cost a flat-fee (the rate of a local call, approx. 30c). These numbers were established in their current form by the *Telecommunications Numbering Plan 1997* which specifies that the above charging system only applies to 'standard telephone services', i.e. landlines and not mobile or VoIP phones.

From a mobile, calls to 1800, 1300 and 13 cost between 22 cents to \$1.78 per minute.⁸ These calls are often excluded from post-paid plans, adding extra costs to a post-paid monthly charge. For pre-paid customers, there is a genuine risk that calls to 1800, 1300 or 13 numbers will rapidly erode credit and a call will cut out after a long wait to get through to customer service.

ACCAN has been raising this issue with our **Fair Calls For All** campaign.⁹

2. Costs

2.1 Call costs as a barrier to accessing services that are designed to assist people experiencing domestic violence

"Our Centre provides 24/7 telephone crisis support to anyone in Australia who needs assistance as a result of sexual assault or domestic violence. It is essential that our clients can contact us. For many, reduced access to services may mean further violence and sometimes injury or death. This could be an appalling outcome just because someone does not have credit on their phone."

- Karen Willis, Executive Officer of NSW Rape Crisis Centre

review A/HRC/17/10/Add.1, 31 May 2011 at 5, accessed on 23 September 2011 at:

<http://c742005.r5.cf2.rackcdn.com/files/Australias-Formal-UPR-Response.pdf>

⁴ National Plan to reduce violence against women and their children, at 27 accessed on 22 September 2011 at:

http://www.fahcsia.gov.au/sa/women/progserv/violence/nationalplan/Documents/national_plan.pdf; see also FaHCSIA's website which describes 1800RESPECT as "free, confidential and available 24 hours a day, 7 days a week." <http://www.fahcsia.gov.au/sa/women/progserv/violence/help/Pages/default.aspx>

⁵ Ibid p18.

⁶ Ibid p22.

⁷ Ibid p30.

⁸ ACCAN (2011), *Fair Calls For All*, p 4, available at:

<http://accan.org.au/files/Campaigns/Fair%20Calls%20For%20All%20PDF.pdf>

⁹ See www.accan.org.au/numberwoman for more information

In NSW, domestic violence telephone assistance services are primarily offered on 1800, 13 and 1300 numbers. In some cases services can only be accessed by a 1800 number. For example a referral to a refuge accommodation place through NSW Women's Refuge Resource Centre can only be obtained by calling the 1800 Domestic Violence Crisis Line.¹⁰ In other cases, these numbers may act as a crucial first point of contact for a service that will be used for many months, such as NSW Legal Aid, NSW Community Legal Centres or LawAccess. A list of primary domestic violence assistance services is provided in table one.

ACCAN does not have statistics for all of these services but, based on our understanding of the use of other social services offered on 1800/1300 numbers, a significant number of callers would use a mobile phone. For example, LawAccess is a free NSW Government telephone service that uses a 1300 number to provide legal information, advice and referrals with a focus on assisting vulnerable people. Over the last 12 months 49,953 calls (23% of calls overall) to the LawAccess 1300 number came from a mobile phone.¹¹

Reports to ACCAN from lawyers who work with survivors of domestic violence suggest that calls relating to domestic violence are unlikely to be made from a landline in the home, due to safety concerns and a lack of privacy. We have had reports that indicate people who work with survivors of domestic violence have to make calls for clients in their office or create strategies for survivors to leave home and make calls on a mobile [see case study one and testimonial one]. Calls to these numbers from a mobile add an extra financial burden in an already difficult situation. Some people have no option but to use a mobile phone, indeed 14% of Australians only use mobile phones.¹²

Table one: primary domestic violence assistance services in NSW.

Service	Number	Provided by	Funding
Domestic Violence Crisis Line	1800 656 463	NSW Government: Family and Community Services	NSW Government
Domestic Violence Legal Advice Line	1800 810 784	Women's Legal Services NSW	Commonwealth and State Governments
Homeless Persons Information Centre	1800 234 566	City of Sydney	City of Sydney
Indigenous Women's Legal Contact Line	1800 639 784	Women's Legal Services NSW	Commonwealth and State Governments

¹⁰ See: <http://www.wrrc.org.au/>

¹¹ See ACCAN (2011), *Numbering: Consultation paper four*, Appendix two, letter from the National legal Assistance Forum. Available at: <http://accan.org.au/files/Submissions/Numbering%20consultation%20four%20FINAL.pdf>

¹² Australian Communications and Media Authority (2010), *Take-up and use of voice services by Australia consumers*, p 4, 22.

LawAccess NSW	1300 888 529	NSW Government	NSW Government and Law Organisations
NSW Rape Crisis Counselling	1800 424 017	NSW Rape Crisis Centre	NSW Health
NSW Women's Refuge Resource Centre	All referrals to refuges are arranged by phoning the Domestic Violence Crisis Line (1800 656 463 – see above)		
Translating and Interpreting Service	13 14 50	Federal Government service	NSW Government funds translation services for eligible NSW NGO lines
Women's Legal Contact Line	1800 801 501	Women's Legal Services NSW	Commonwealth and State Governments

Case study one: Call cost as an added pressure in domestic violence situations

Source: Case provided by solicitor working at a NSW Community Legal Centre, details kept anonymous for privacy and safety.

The solicitor worked with a client who had been in a marriage with a history of domestic violence. The couple had two children and the client came to see the solicitor for legal advice regarding separation as she wanted to leave the family home and take her children with her. The client did not want her partner to know that she was planning to leave as she feared he would be angry and become violent towards her and try to stop her from leaving. The client had no friends or family to move in with and very limited finances.

As part of her legal advice, the solicitor referred the client to services that could assist her with domestic violence issues, financial issues and crisis housing. The client was not able to make calls to these services whilst at home because her abusive partner would overhear. The solicitor and the client developed plans to get her out of the house to make these calls.

The client was planning to leave her partner's home the day after speaking to the solicitor so had limited time to make the most important call to the crisis accommodation service so that she could arrange to go to a refuge. This call would provide her and her children a safe space to live. The number for the refuge service began with '13'; if the client was able to call from a landline it would have cost about 30 cents. The client was forced to call from her mobile due to personal circumstances and had to pay a high per-minute mobile rate for this very urgent phone call. This client was already severely economically disadvantaged; she was on a full Centrelink benefit, the cost of making this call added extra pressure on an already stressful situation.

Testimonial one: from a solicitor who regularly works with people affected by domestic violence who contacted ACCAN

The cost of calling services with 1300 or 1800 numbers from a mobile is a problem for many

women in domestic violence relationships. These women cannot make phone calls to services to get assistance from home when their partner is around and are forced to make such calls when they are out of the house on their mobile. Because of their personal situation they do not get the benefit of the free call or local call rate. This puts such clients at a further disadvantage. It may mean that women do not make the calls to the services they need assistance from because they cannot afford the cost of the mobile call. These call charges put in place an additional barrier for vulnerable women who need to access essential services that might be able to assist them to cope in their situation, leave a violent relationship or access their legal rights.

2.2 Costs impacting upon survivors of domestic violence

Survivors of domestic violence who relocate face extra expenses in re-establishing homes and lives. Essential services, from Centrelink to utilities, are offered online and via 1800, 1300 and 13 numbers. When relocating, a survivor may not immediately set up a landline phone and rely on a mobile phone. Case study two illustrates this situation.

The difficulty people experience in contacting government services from a mobile phone has been raised repeatedly by ACCAN and other community organisations including the National Welfare Rights Network.¹³ In a survey conducted by ACCAN and Financial Counsellors Australia, utilities were the services clients of financial counsellors had the most difficulty calling because of high mobile costs. Comments indicated that difficulty contacting utilities and service providers exacerbated financial problems and contributed to the spiral of debt.¹⁴ Survivors of domestic violence can face financial difficulty and we believe the cost of accessing services by mobile phone adds an additional and unnecessary barrier to successfully leaving violent situations.

Case study two: Long-term costs

Source: Financial counsellor, personal details have been changed for privacy and safety.

Ms L is a sole parent with four children living in rental housing. In December 2010 she was forced to move from her rental property due to family violence. Ms L could not afford to connect a landline at her new property and relied on a pre-paid mobile phone service. Ms L advised her electricity retailer that she was moving and arranged disconnection at her old property and reconnection at her new property. Her electricity retailer did not disconnect her old property on the agreed date and she has needed to make a number of calls to the electricity retailer's '13' phone number to have the electricity disconnected and to ensure that electricity remained connected at her new property. As Ms L only had a mobile she paid mobile rates for calls to her electricity retailer.

¹³ National Welfare Rights Centre, (2009) *Submission to Better Dealings with Government: Innovation in Payments and Information Services' Discussion Paper for Industry Consultation*, p 12.

¹⁴ See ACCAN (2011), *Numbering: Consultation paper four*, p 14 and Appendix One.

Ms L estimates she has spent more than one hour on the phone to her electricity retailer. All of this time has been at mobile rates. If she was able to call from a landline, each call would cost about 30 cents.

2.3 Cost to the NSW Government as service provider

Organisations that use 1800, 1300 and 13 phone numbers pay to receive calls and often pay more to receive calls from mobiles.¹⁵ Organisations are unable to offer a freephone or low cost calling option for mobile callers even though many would like to.¹⁶

As can be seen from table one, the NSW government provides funding for many domestic violence assistance services that operate a 1800, 1300 and 13 number. One of the initial benefits of the 1800, 1300 and 13 number range was that the call was free to the caller, with the cost of the call being absorbed by the receiving party. In cases when a mobile phone is used, the caller is charged a per-minute rate to make the call and the service provider is charged a per-minute rate to receive the call. ACCAN suspects that this is unnecessary and that the cost of the call is already being borne by the receiving party.¹⁷

3. Conclusion: Solutions

The solution to this difficulty lies with the telecommunications industry. Freephone or local-rate numbers can work from mobile phones. The United States, Italy, the Netherlands all have freephone ranges that are available to call for free from mobile phones and the United Kingdom is exploring how to make their 0800 range free to call from mobiles.¹⁸

ACCAN has been concerned about this issue for some time, and has raised this with the Australian Communication and Media Authority (ACMA), the Australian Competition and Consumer Commission (ACCC), the Department of Broadband, Communications and the Digital Economy (DBCDE) and industry bodies [see appendix one].

We have asked the ACMA to exercise its information gathering powers to investigate this range of numbers and for the wider telecommunications industry to change revenue sharing arrangements for mobile calls to 1800, 1300 and 13 numbers. The charging system needs to change to recognise that many people now rely on mobile communications, and cannot access free and local rates for 1800, 1300 and 13 numbers from a landline phone.

This issue has an affect on people experiencing or leaving domestic violence but it is a much broader problem. People suffering financial hardship are burdened with these call costs when they try and call Centrelink, phone counselling or basic utilities from a mobile. A comprehensive overview of how these costs affect vulnerable consumers with different needs, from people experiencing homelessness to Aboriginal and Torres Strait Islander

¹⁵ See ACCAN (2011), *Numbering: Consultation paper four*, pp 26 -30 for further detail about the costs businesses incur to receive calls on their 1800, 1300 or 13 number.

¹⁶ See testimonials from Women's Legal Services NSW and NSW Rape Crisis Centre, ACCAN (2011), *Numbering: Consultation paper four*, p 24

¹⁷ See *Fair Calls For All*, pages 5-6.

¹⁸ *Ibid.*



people, can be found in section three of ACCAN's response to the ACMA's recent Numbering Plan consultation.¹⁹

We urge the committee to support reforms to ensure that people can contact essential services at fair rates. As a funder of many services that use 1800, 1300 and 13 numbers, the NSW Government should encourage the ACMA and the DBCDE to urgently address this issue.

¹⁹ ACCAN (2011), *Numbering: Consultation paper four*, pp 10 - 26

Appendix One

Timeline: ACCAN actions in raising the cost of calling 1800, 1300 and 13 numbers from mobile phones.

- 10 September 2010: ACCAN, AFCCRA (now Financial Counsellors Australia) and the Australian Council of Social Services issue a super-complaint to the Australian Communications and Media Authority (ACMA) about the cost of calling 1800, 1300 and 13 numbers from mobile phones.²⁰
- December 2010: The ACMA consults on this issue in connection to the Numbering Plan Review²¹, ACCAN responds asking the ACMA to use its information gathering powers to find out the net revenue collected by telecommunications service providers for 1800, 1300 and 13 numbers.²²
- May 2011: ACCAN launches the Fair Calls For All campaign²³ to raise public awareness of the cost of calling 1800, 1300 and 13 numbers from mobile phones. As part of this campaign ACCAN has met with telecommunications service providers, industry bodies (Communications Alliance) and raised the issue in political forums.
- July 2011: An additional paper in the ACMA's Numbering Plan Review consults on consumer perception of 1800, 1300 and 13 numbers.²⁴ ACCAN responded with a paper outlining specific consumer detriment from mobile charges to 1800, 1300 and 13 numbers.²⁵ 27 organisations submitted endorsements of ACCAN's submission.
- July 2011: ACCAN raises this issue in relation to call interconnect arrangements in a paper to the ACCC.²⁶

²⁰ <http://accan.org.au/files/Campaigns/Super-complaint%20re%201800%20and%2013%20numbers%20FINAL.pdf>

²¹ http://www.acma.gov.au/WEB/STANDARD/pc=PC_312323

²² <http://accan.org.au/files/Submissions/Submission%20to%20Numbering%20Plan%20review%20-%20Consultation%20Paper%201%20Dec%2010.pdf>

²³ www.accan.org.au/numberwoman

²⁴ http://www.acma.gov.au/WEB/STANDARD/pc=PC_312527

²⁵ <http://accan.org.au/files/Submissions/Numbering%20consultation%20four%20FINAL.pdf>

²⁶ <http://accan.org.au/files/Submissions/Final%20Submission%20To%20ACCC%20Discussion%20Paper.pdf>