



Cairns Community Legal Centre Inc

Our Ref: CLS

Your Ref:

27 March 2013

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
CANBERRA ACT 2600

Via email: ec.sen@aph.gov.au

INQUIRY INTO THE FEASIBILITY OF A PROHIBITION ON CHARGING FEES FOR AN UNLISTED (SILENT) TELEPHONE NUMBER SERVICE

We refer to the Senate Standing Committees on Environment and Communications' inquiry and report into the feasibility of a prohibition on charging fees for an unlisted (silent) telephone number service.

Background and Experience of the Cairns Community Legal Centre Inc.

The Cairns Community Legal Centre Inc (the Centre) is a not for profit community organisation. The Centre, which has been operating since approximately 1991, is funded by Commonwealth and State governments.

The Centre provides legal services for the benefit of socially and financially disadvantaged members of the community in Far North Queensland. The objects of the Centre include the provision of free and accessible legal services.

The Centre operates 5 service programs:

- Core (General) Service
- Disability Discrimination Legal Service (DDLS)
- Seniors Legal and Support Service (SLASS)
- Family Law Service (FLS)
- Consumer Law Service (CLS) – pilot

The activities undertaken by the Centre include legal advice, information, referrals, casework, law reform and social policy work, and community legal education.

We thank the Senate Standing Committees on Environment and Communications for the opportunity to provide a submission in relation to the inquiry and report.

Cairns Community Legal Centre Inc

1st Floor Main Street Arcade
85 Lake Street (PO Box 7129)
Cairns Q 4870
Phone: (07) 4031 7688 or 1800 062 608
Fax: (07) 4041 2134

Incorporating

Disability Discrimination Legal Service
Phone: (07) 4031 7358 or 1800 650 197

Seniors Legal and Support Service
Phone: (07) 4031 7179 or 1800 650 931

Submission

We congratulate Optus for adopting a policy where consumers are not charged fees for having a silent telephone number. We believe that all telecommunications providers in Australia should be prohibited from charging such fees.

We welcome Telstra's decision to revise its policy on charging silent line fees for victims of domestic violence and other Australians who require a silent number because their personal safety is at risk. We believe that waiving silent line fees for customers in these circumstances will assist people who are already vulnerable.

Whilst we appreciate Telstra's decision to apply the waiver to anyone who has a valid protection order recognising a security threat, and to anyone who is a client of a community organisation providing services to people who are facing a security threat, in our view, the waiver should not be restricted to such a limited category of consumers.

In our experience, the security of a private telephone number is of particular importance to victims of domestic violence, victims of crime and other victims of harassment and/or violence. We note Telstra's policy change seeks to 'capture those who need it most,' however Telstra's waiver in its current form is unduly restrictive and does not extend far enough.

For example, the waiver does not recognise people who may feel that they are at risk but do not have the courage or access to resources to obtain a protection order, nor does it recognise people who feel that they are facing a security threat and are in the process of obtaining a protection order.

Likewise, when a protection order expires, would the person then be charged a fee to have their silent number remain silent? In our experience, the security threat and risk posed by a perpetrator does not simply cease simultaneously with the expiration of a protection order.

Telstra's waiver also excludes other vulnerable and/or disadvantaged people in our community. We would like to see the exemption extended to include all consumers generally.

The government's introduction of a blanket prohibition on the charging of fees for a silent telephone number service for all telephone numbers would help ease the financial burden for financially disadvantaged people. The prohibition would particularly assist pensioners and low or no income earners.

Further, in our view, the payment of a fee for an unlisted (silent) number service unduly inhibits the privacy of all telephone subscribers, as the fee essentially charges a person to maintain their privacy. We agree that privacy is a fundamental human right and that an unlisted telephone number should be free for all. We note that the Australian Communications Consumer Action Network (ACCAN)'s position is that the fee should be removed for all consumers and we support that position.

For the reasons listed above, we encourage the government to introduce a prohibition on the charging of fees for an unlisted (silent) number telephone service for all telephone numbers.

We commend the Senate for referring this matter to the Senate Standing Committees on Environment and Communications for inquiry and report and we thank the Committees for conducting the inquiry in consultation with interested individuals and organisations. We appreciate the opportunity to tender this submission and thank you for taking the time to consider our views.

Yours faithfully

CAIRNS COMMUNITY LEGAL CENTRE INC

per: