

22 March 2013

Ms Sophie Dunstone  
Committee Secretary  
Senate Standing Committee on Environment and Communications  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

Dear Ms Dunstone

**Inquiry into feasibility of a prohibition on the charging of fees for an unlisted (silent) number service.**

The Women's Legal Centre (ACT & Region) Inc. (WLC) thanks the Standing Committee for the opportunity to make a submission in regards to the *Inquiry into feasibility of a prohibition on the charging of fees for an unlisted (silent) number service*.

The WLC is a Community Legal Centre accredited by the National Association of Community Legal Centres. The WLC has been providing services to women in the ACT and surrounding region since 1996. The main areas in which we provide advice are family law, domestic violence, employment and discrimination law and victims of crime compensation.

Our client group includes disadvantaged women, such as those from culturally and linguistically diverse communities, Aboriginal and Torres Strait Islander women, women with disabilities, and women living in poverty. More than half the women seeking assistance from the Centre in family law matters have experienced family violence. Around 16% of our clients report being born in a non-English speaking country, India, Vietnam and China top the list. Our experience assisting these women informs our comments in our submission.

The WLC is a member of the Women's Legal Services Network Australia (WLSA) which is a national network of community legal centres specialising in women's legal issues. The National Network was established to be actively involved in law reform activities to ensure that women and children, in particular, are not disadvantaged by laws and to lobby for improved access to justice.

The WLC assists over 1,000 women each year with a range of legal matters. As stated above, more than half these women are dealing with family violence. Being able to hold a silent number is a basic safety requirement which these women must put in place as one safety measure to ensure the safety of themselves and their children.



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The majority of these women struggle financially as they are recipients of a Centrelink benefit. In addition to this many of these women also have the cost of raising children. As you can imagine the cost to ensure their silent number is not published is an added burden which they are unable to afford.

We refer to *The National Plan for Australia to Reduce Violence Against Women and Children*. Outcomes sought in the *Time for Action* report that are relevant to this inquiry are that:

- Communities are safe and free from violence
- Systems work together effectively

This provides the policy underpinning the recommendation set out below.

The WLC applauds Telstra for dropping the unlisted phone number fees for domestic violence victims<sup>1</sup>. However, we believe, not only that Telstra should have taken this action further, but the far better option is for Australia's *Telecommunications Act 1997 (Cth)* to place a prohibition on the charging of fees for an unlisted number.

In February, following substantial pressure from the media, Telstra agreed to drop the fee which applied to ensure an unlisted number was not published. Telstra stated that they will do this where a victim of domestic violence has a valid protection order or is a client of a community organisation.

The WLC is concerned by the requirement that victims must have a protection order or be a client of a community organisation to access the fee waiver. This concern is based on the fact that for many women dealing with family violence a protection order is not always an option.

For a large number of women safety measures such as holding an unlisted number is a more realistic way to stay safe than applying for a protection order and not all women dealing with family violence access the services of the community sector.

When a victim applies for and is granted a protection order the perpetrator is ordered not to come into contact with the victim. For the order to be followed the perpetrator has to be aware of the area which they are to avoid. This of course alerts them to the victim's location.

For many women escaping family violence situations the safer option is for the perpetrator not to know of their victim's location.

While Telstra have made this announcement there are still many service providers who have not come forward with the same fee waiver. It is the understanding of the WLC that telephone service providers such as iPrimus, iiNet, Spintel and Can all charge a fee for someone to hold a silent number. In fact these service providers all charge different fees for this service, some more expensive than Telstra.

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<sup>1</sup> <http://www.news.com.au/technology/telstra-drops-unlisted-number-fees-for-battered-women/story-e6ffro0-1226586073721>

It is a far better situation to have a prohibition on the charging of fees for an unlisted number across the board rather than individual phone service providers undertaking different action regarding charging fees for consumers to hold an unlisted number.

The WLC agrees with recommendation 72-17 of the Australian Law Reform Council report no. 108 which sets out the following:

‘The *Telecommunications Act* 1997 (Cth) should be amended to prohibit the charging of a fee for an unlisted (silent) number on a public number directory.’

The WLC looks forward to the completion of this inquiry and is hopeful that fees which place an added burden on women dealing with family violence will be abolished.

Yours sincerely  
WOMEN’S LEGAL CENTRE (ACT & Region)

Carol Benda  
Coordinator