



Senate Inquiry into the Feasibility of a Prohibition on Charging Fees for an Unlisted Number Service

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About Hunter Community Legal Centre

The Hunter Community Legal Centre (HCLC) was established in 1991. The HCLC is an independent, not for profit, community legal centre funded by the State and Federal Attorneys General Departments and the Public Purpose Fund.

The HCLC provides free legal advice and representation to disadvantaged people who live, work or study in the Newcastle, Lake Macquarie, Hunter Valley, Port Stephens and Great Lakes regions.

The HCLC's Family Law Program (FLP) provides a free duty solicitor service for unrepresented parties in the Newcastle Family Court and Federal Magistrates Court. The FLP also provides free legal advice by appointment in separation, divorce and parenting matters, to people who meet the FLP criteria for assistance. The HCLC also provides free legal advice to parents undertaking family dispute resolution at the Newcastle and Taree Family Relationship Centres.

The HCLC auspices the Hunter Children's Court Assistance Scheme (HCCAS) which provides support to young people and their families who are attending the Children's Court in the Hunter Region.

The HCLC provides a Community Legal Education (CLE) program for community groups and community sector workers on a range of legal matters. The HCLC also engages in law reform projects to address inequalities in the legal system that are relevant to the needs of its clients.

Submission:

This submission is made in response to a call for submissions by the Senate Standing Committee on Environment and Communications regarding a prohibition on charging a fee for an unlisted phone number.

Comment:

The HCLC supports the Australian Law Reform Commission recommendation number 72.17 that the *Telecommunications Act 1997* (Cth) be amended to prohibit the charging of a fee for an unlisted (silent) number on a public number directory.

It is our submission that a fee unduly inhibits the privacy of telephone subscribers.

There are many reasons why an individual may choose to keep their phone number private. For example where a person's occupation exposes them to unpredictable and unstable individuals, such as police work, social work or counselling and they wish to protect their privacy by having an unlisted (silent) number to prevent harassment.

Furthermore people elect to have an unlisted (silent) number when they feel threatened or unsafe. For example, victims of domestic violence who have escaped a violent relationship may choose not to have their number listed in order to limit the possibility they will be located by the perpetrator of the violence.

Whilst Telstra has now agreed to waive their unlisted number fee for those people who are under a protection order or at risk of violence¹ the fee is still otherwise payable by other vulnerable and disadvantaged persons leaving their privacy at risk. We further note that Internode charges no fee for unlisted numbers:

'... unlike other providers, Internode charges no fee for your right to privacy'.²

We note that the following telecommunications providers continue to charge extra for unlisted (silent) numbers.

Company	Fee*
Telstra	\$2.93 per month (unless under a protection order or at risk of violence).
iPrimus	\$3.50 per month
iiNet	\$2.93 per month

¹ ACCAN, 'ACCAN welcomes moves by Telstra on silent-line fee exemption' (Media Release, 26 February 2013) http://accan.org.au/index.php?option=com_content&view=article&id=545:accan-welcomes-moves-by-telstra-on-silent-line-fee-exemption&catid=105:phones&Itemid=232

² Internode, *Integrated Public Number Database* (26th March 2013) Internode FAQs http://www.internode.on.net/support/faq/phone_and_voip/nodephone/ipnd/

Spintel	\$2.95 per month
Southernphone	\$2.93 per month

* All fees were taken from company websites as at 26th March, 2013.

Although the fee itself may be considered to be minimal, it can still be unaffordable for those persons who are vulnerable and disadvantaged. Removal of the monthly fee will allow vulnerable and disadvantaged persons to protect their privacy and ensure that they can maintain some level of control over what information is available in the public domain.

It is our submission that privacy is an important public interest consideration, particularly considering the range of tools available for reaching individuals and accessing personal information in the age of social media. We note that there has been a push in Australian law recently to give individual privacy a legal foundation.³

It is our submission that a prohibition of fees for silent lines gives individuals back the ability to choose which parts of their life can be accessed by others, and to control the extent, manner and timing of the use of that information⁴.

³ New South Wales Law Reform Commission, *Protecting Privacy in New South Wales*, Report no 127 (2010).

⁴ Yael Onn et. al., *Privacy in the Digital Environment* (Haifa Center of Law & Technology, Niva Elkin-Koren, Michael Birnhack, eds., 2005), 1.