



28 March 2013

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

Dear Sir/Madam,

Silent fees for unlisted number services

1. Women's Legal Services NSW (WLS NSW) thanks the Environment and Communications References Committee for the opportunity to comment on the feasibility of a prohibition on telecommunications providers charging fees for their unlisted (silent) number service.
2. WLS NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women's human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. We provide specialist legal services relating to domestic and family violence, sexual assault, family law, discrimination, victims compensation, care and protection, human rights and access to justice.
3. In summary, we support the Australian Law Reform Commission's (ALRC) recommendation that 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.¹ Whilst we welcome Telstra's recent decision to waive silent line fees for victims of abuse we do not consider that this change goes far enough. A blanket prohibition on all silent line fees is required to properly address this issue and to ensure that all telecommunication service providers waive silent line fees for all customers.

Background

4. At present, Telstra and other telecommunications providers charge ongoing and monthly fees for customers who want a silent number. This fee has recently attracted public criticism because it conflicts with people's privacy expectations and presents a particular

¹ Recommendation 72.17 contained in report 108 of the Australian Law Reform Commission on Australia Privacy Law and

problem for customers with safety and security concerns (i.e. victims of domestic violence).

5. On 27 February 2013, Telstra announced a new policy to waive silent line fees for Australians who require a silent number because their personal safety is at risk. Pursuant to this policy, anyone who has a valid protection order recognising a security threat, or is a client of a community organization that provides services to people who face security threats, does not have to pay the silent line fee.
6. While this policy certainly represents a positive step in the right direction, there are obvious implications associated with the test proposed for determining whose personal safety is "at risk". There are many women whose personal safety is at risk but who do *not* have personal safety orders in place and are *not* clients of community organizations. This is one reason why a blanket prohibition on silent number fees is crucial to properly address the issue.
7. Violence against women is a community problem that requires a full community response and therefore all telecommunications providers (not just Telstra) should be prohibited from charging fees for silent numbers.

Who do silent line fees affect?

8. Charging for silent lines is a particular issue for low-income earners and individuals on government benefits. Telecommunications providers (in particular Telstra) charge customers an ongoing fee of \$2.93 per month for having a silent number, which equates to an approximate amount of \$36 per year.
9. Other members of society that we think are particularly impacted by the silent number fee include (but are not limited to):
 - a. Victims/survivors of domestic violence - we regularly advise women who are victims of domestic violence (many of whom are harassed by phone) to change their numbers and/or to obtain silent numbers;
 - b. Domestic violence workers - many domestic violence workers are advised when they start work in the field to remove themselves from the electoral roll as a safety precaution (i.e. so they cannot be easily located). For the same safety concerns, these women benefit greatly from having silent numbers.
 - c. Workers in rural, regional and remote areas – particularly in small towns, where "everyone knows everyone" community workers may not wish to be contacted on their home phone numbers and should be able to have silent numbers at no cost.

What are the limitations associated with Telstra's new policy?

10. Administratively there will be challenges associated with providing a copy of the Order or proving that you are a member of a relevant service. It would be much easier if the fee was abolished entirely.
11. The other shortcoming of Telstra's policy is that it misses a lot of women who suffer from domestic violence or whose safety is at risk but have not, for whatever reason, sought assistance and have not engaged with services or obtained protection orders.

Electoral role considerations

12. It is free to remove details from the electoral roll so it should therefore be free to have a silent number. Both processes are available as a safety precaution and to assist people in protecting their privacy. With respect to domestic violence workers, who provide a very important service to the community but incur significant risks in doing so, it is inimical to the public interest that such workers are required to pay a fee to obtain a private number and better ensure their safety.

Human Rights Implications

13. Privacy is recognized internationally as a human right. This is reflected in the preamble to the *Privacy Act* 1988 (Cth) that makes reference to human rights, and specifically to those guaranteed in the International Covenant on Civil and Political Rights.² Australia is obliged at international law 'to give effect to the right of persons not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence' and to protect privacy and individual liberties'. Charging a fee for silent numbers represents a financial obstacle to accessing a service which will help you protect your personal privacy. Charging a fee for a private a number impinges on the ability of individuals to control the use and dissemination of their personal information.

Yours sincerely.

Kirsty Irving
SOLICITOR, INDIGENOUS WOMEN'S LEGAL PROGRAM

² Paragraph 72.254 contained in report 108 of the Australian Law Reform Commission on Australia Privacy Law and Practice

