



4 April 2011

Director
Consumer Policy and Privacy
Department of Broadband, Communications and the Digital Economy
GPO Box 2154
CANBERRA ACT 2601

By email: tiodiscussionpaper@dbcde.gov.au

Dear Director,

Reform of the Telecommunications Industry Ombudsman scheme

1. Women's Legal Services NSW (WLS NSW) thanks the Department of Broadband, Communications and the Digital Economy's (DBCDE) for the opportunity to contribute to its inquiry into Reform of the Telecommunications Industry Ombudsman scheme.
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. WLS NSW is a member of the Australian Communications Consumer Action Network's (ACCAN), and we endorse the submission made by ACCAN to this inquiry. We encourage the DBCDE to actively pursue the recommendations made in the ACCAN submission.
4. As part of our services, WLS NSW operates three free telephone advice services – the Women's Legal Contact Line, the Indigenous Women's Legal Contact Line and the Domestic Violence Legal Advice Line. An ongoing concern for us is the cost for clients to call our services from mobile phones.
5. WLS NSW also provides advice to clients around the use and abuse of telecommunications, particularly in the context of domestic violence. For example, a recent telecommunication issue that we have become aware of is the ease with which pre-paid SIM cards can be obtained in another person's name. In several cases, a perpetrator of domestic violence bought a prepaid SIM in the victim's name and then used it to send threatening and abusive text messages to themselves. The perpetrator then relied on the



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messages as evidence to support an apprehended violence order being made for their protection from the victim, or to discredit the victim. While phone records can be subpoenaed and signatures can be checked, local courts will not always accommodate the delay required to do this.

6. WLS NSW sees this inquiry as a significant opportunity for reforming and improving the telecommunications industry. While acknowledging the important work of the TIO to date we believe the TIO is constrained by its current governance structure and limited resources. Changes to the TIO governance structure to make it a unitary structure, with equal industry and consumer representation and an independent Chair, would make the TIO more effective and provide a solid basis for further improvements to the industry. These improvements include increasing access to justice for the vulnerable, adequately addressing systemic issues and effecting cultural change within the telecommunications sector. This fundamental change in governance structure would also allow the TIO to respond quickly in an ever-changing communications environment.
7. Australia's human rights record was recently reviewed for the first time before the United Nations Human Rights Council under the Universal Periodic Review. Several of the recommendations called for a comprehensive social inclusion strategy. Ensuring Australians have accessible, affordable and available communications services that meet their needs is an important part of such a strategy.
8. If you would like to discuss any aspect of this submission, please contact Edwina MacDonald, Law Reform and Policy Coordinator, or Janet Loughman, Principal Solicitor, on 02 8745 6900.

Yours sincerely,



Edwina MacDonald
Law Reform and Policy Coordinator