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Resolving Financial Abuse Issues: Telecommunications and Utilities

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Acknowledgement of Country

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Disclaimer: This presentation is not a substitute for legal advice. If you or someone you know has a legal issue, please contact your local community legal centre or the Financial Abuse Service NSW

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1. Financial Abuse Service NSW

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Financial Abuse Service NSW

The Financial Abuse Service NSW is an interdisciplinary model, consisting of the following teams and practice areas:

- **Family Law**
- **Credit and Debt Law**
- **Company and Tax Law**
- **Financial Counselling**
- **Social Work**
- **Community Engagement Worker**

FAS Eligibility:

- Financial abuse from an intimate partner
- Legal issue in FAS expert areas
- Matter is connected to NSW
- No ADVO or charges required for victim survivors to access FAS
- Visa/citizenship status is irrelevant
- Our service is not means tested

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2. Intimate Partner Financial Abuse

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Intimate Partner Financial Abuse

A form of domestic violence where a current or former intimate partner uses money to gain power and to control the victim-survivor.

It is a pattern of control, exploitation, or sabotage of money or finances.

Domestic violence is "*a pattern of abusive behaviour in an intimate relationship or other type of family relationship where one person assumes a position of power over another and causes fear… It is often referred to as a pattern of coercion and control*." (1800RESPECT)

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What could financial abuse look like?

- Refusing to contribute to joint household expenses
- Monitoring or limiting the victim survivor's ability to access finances
- Opening credit cards, personal loans, or BNPL accounts in the victim survivor's name
- Forcing the victim survivor to pay for traffic fines/tolls and incur any associate demerit points
- Blocking access to social or economic participation i.e. retaining employment
- Opening telecommunications or utilities account solely in the victim survivor's name, and
- Denying accumulation of personal assets or eroding those assets.

SOURCE: *Restoring Financial Safety: Legal Responses to Economic Abuse*

The Subtleties of Financial Abuse

- Can be disguised as financial hardship or accepted as traditional gendered or cultural background arrangements.
- Doesn’t necessarily end with the relationship or separation. The consequences can continue for many years, especially when dealing with ongoing consumer contracts, tax debts, negative credit scores, or eroded financial security.
- Victim survivors may have no choice but to take out personal or pay-day loans to cover ongoing expenses or consolidate debts.
- Considering safety concerns when assisting victim survivors.

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3. Telecommunications

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Telco Industry Guidelines and Standards

- **Telecommunications Consumer Protection (TCP) Code 2019 – *subject to significant reform***
- **Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025**
- **Telecommunications (Financial Hardship) Standard 2024**
- **Australian Media and Communications Authority (ACMA)**
- **Telecommunications Industry Ombudsman (TIO)**

Telecommunications Consumer Protection (TCP) Code

- TCP Code is an enforceable industry Code of Conduct.

- Key Code rules:
  - clear and accurate sales representations and advertising
  - provide support and assistance to vulnerable consumers
  - provide effective customer service
  - follow rules around billing
  - appropriate assess and manage credit and debt issues
  - ensure that consumers can change telcos securely and efficiently.

- Code is registered with ACMA – currently looking to enforce an Industry Standard to replace the Code.

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Telecommunications (Domestic, Family and Sexual Violence Consumer Protections) Industry Standard 2025

Mandatory protections:

- Communicating with an affected person
- General support options
- Security and privacy
- Credit management and service limiting actions

4. Telecommunications complaints

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Telecommunications Industry Ombudsman (TIO)

- Free, independent dispute resolution service for Australian telcos.
- If you have attempted to resolve complaint directly with telco and have not achieved reasonable outcome, a complaint may be a useful bargaining tool.
- Complaints can be made on behalf of another person.
- How TIO handles complaints: https://www.tio.com.au/common-issues/domestic-and-family-violence
- TIO expectations for good outcomes: https://assets.tio.com.au/files/492d3686e47094ba75be73dcc79385542b21686c.pdf

Telecommunications Industry Ombudsman

SOURCE: Telecommunications Industry Ombudsman website - https://www.tio.com.au/

Australian Communications and Media Authority (ACMA)

- Regulatory body for media and communications in Australia

- Complaint to ACMA if telcos have not followed mandatory rules or issue is systemic

- ACMA in process of reforming current TCP Code.

Australian Government | acma Australian Communications and Media Authority

Complaints – time limitations

Telecommunications Industry Ombudsman:

- 2 years from when problem is discovered
- 6 years – only if TIO consider there to be a ‘good reason’.

Australian Communications and Media Authority:

- There is no time limit, however, prompt action is encouraged.

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5. Utilities

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Utilities

- Under National Energy Retail Rules (NERR), places on obligation on all energy providers to have a published DFV policy on how they support victim survivors.
- Australian Energy Regulator (AER) published Customer Hardship Policy Guideline.
- Water account is linked to property ownership, and account is name of landholder.
- Complaints to EWON (for NSW residents)

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Utilities in Financial Abuse Context

- Substantial utilities debts are a common way for perpetrators to control victim-survivors.
- Cutting off or forcing disconnection of energy, gas, or water services.
- Legal barriers in severing joint accounts/debts
- Debt can be transferred into a victim survivor's name when establishing or transferring an account, sometimes with disconnection and reconnection fees.

6. Electricity and Water Ombudsman NSW (EWON)

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EWON – Domestic violence



Energy & Water Ombudsman NSW

Free, fair and independent

- Government approved dispute resolution scheme for NSW.
- Investigate complaints made about energy, gas, or water suppliers.
- Suppliers must be members of EWON.
- EWON’s Family Violence Response.

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Complaints – time limits

Complaints to Energy and Water Ombudsman NSW (EWON):

- 2 years from when problem is discovered
- 6 years – only if EWON consider there to be a ‘good reason’.

7. Legal Advice

- Debts associated with financial abuse
- Statement of Claim
- Chased by a debt collector
- Disconnection of services
- Questions around breaches of guidelines or standards

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8. Questions

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Financial Abuse Service – Contact

Call: (02) 8037 8090

Email: fasintake@rlc.org.au

Online form: rlc.org.au/fas

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