

Assistance for Konec customers experiencing domestic and family violence

Communications Alliance Ltd Industry Guideline G660:2018: Assisting Customers Experiencing Domestic and Family Violence has guided us in developing this policy.

Part A – Domestic and family violence: Konec’s response

1 Domestic and family violence

Domestic and family violence can mean violent, threatening or other behaviour by a person that coerces or controls a member of the person’s family or causes them to be fearful or isolated.

It can include:

- physical, emotional, technology-facilitated, and other forms of abuse, threats, and control within families and domestic partnerships;
- economic or financial abuse that undermines a person’s ability to leave the situation, or efforts to become economically independent – financial abuse is about power, control and manipulation of a person; and
- monitoring or controlling the person’s access to or use of telecommunications services or causing their telecommunications service to be transferred or cancelled. This includes a situation where a person relies on a mobile phone service that is registered in the name of the perpetrator.

2 Konec’s response to domestic and family violence

In our role as a mobile voice and data service provider, we will take relevant steps to support victims of domestic and family violence.

The support we provide may change over time but right now, this Policy’s aim is to make sure that a victim who relies on a mobile phone service, that is registered in the name of the perpetrator, can gain full control of that service – subject to reasonable anti-fraud measures.

Here’s how we do this.

Part B – If you are a victim

3 Tell us you need our help

We won’t know that you are experiencing domestic and family violence unless you tell us. Be as clear as you can about that and why you are contacting us. We’ll arrange for a senior team member to manage your case once we understand the situation.

4 We’re not a specialist domestic and family violence support service

We can help you with matters relating to our mobile phone services but if you need other support, here’s a good place to start.

<https://www.servicesaustralia.gov.au/help-from-other-places-for-family-and-domestic-violence?context=60033>

If you are in immediate danger, call 000.

5 You know how best to keep yourself safe

Every instance of domestic and family violence is different and only you know how to keep yourself safe.

We'll listen for your concerns and how you wish to proceed but sometimes the options for us to help are limited. We'll tell you what we can do and let you choose how to proceed.

6 Tell us how to communicate safely with you

Let us know how we can communicate with you in a way that doesn't put you at more risk.

Part C – Unique process for keeping a mobile service number

7 About this process

In some cases:

- a victim of domestic and family violence is the usual user a mobile phone;
- the phone account and its number are legally registered in the name of a perpetrator;
- the perpetrator can control, monitor, or cancel the victim's use of or access to the mobile phone; and
- if the victim loses access to that mobile number, friends, family, employers and others may not be able to contact them.

We have a unique process that may allow a victim to take control of the mobile number and use it with a new service account.

8 The victim will know best if this is the right solution

Our unique process may be an option, but it might be safer to stop using an existing phone number and open a new account with a new number.

We'll let a victim decide whether the special process is right for them.

9 Our unique process is an exception to the rule

There are laws, rules and procedures in place that would normally prevent a person from taking control of a mobile phone number without the permission of its legally registered holder – especially because taking unauthorised control of a number is often part of a fraud.

Our unique process recognises that in situations of domestic and family violence, gaining control of an existing mobile service may be paramount to protecting the victim. At the same time, the process takes steps against fraud.

10 Unique process

10.1 Termination of service and recalling a mobile number

If we determine, in accordance with this Part C, that:

- a) a person (**Account Holder**) has an Konec mobile service account (**Existing Account**) that is associated with a particular mobile phone number (**Relevant Number**);

- b) another person (**End User**) is likely to be the usual end user of that mobile service, including the Relevant Number; and
- c) the End User has been the subject of domestic and/or family violence by the Account Holder –
- d) we may terminate (**Special Termination**) mobile service to the Relevant Number and recall the Relevant Number without issuing the Account Holder a replacement number.

10.2 Notice of Special Termination

- a) Because of the nature and circumstances of Special Termination, we may or may not give the Account Holder notice, before or after it occurs.
- b) We will consult with the End User to identify a process (**Notification Process**) for notifying the Account Holder that their account in respect of the Relevant Number, and their right to use the Relevant Number, have been terminated. We recognise that a that notification may create safety issues for the End User so we'll, be guided by them.
- c) If and when a safe Notification Process is identified, we shall notify the Account Holder accordingly.

10.3 End User evidence

- a) As well as our concern for victims of domestic and family violence, we are obliged to protect our customers, including the Account Holder, from fraudulent use of our unique process.
- b) We need evidence that:
 - the End User is associated with the Relevant Number; and
 - the End User has been the subject of domestic and/or family violence by the Account Holder.
- c) We will consult with the End User before deciding exactly what form/s of evidence will be required.

10.4 End User evidence – association with Relevant Number

To establish that the End User is associated with the Relevant Number, we may:

- a) send a one-time code to the Relevant Number, which the End User can confirm back to us;
- b) obtain from the End User, and verify, part of the call history of the Relevant Number; or
- c) use another method that we accept after consulting with the End User.

10.5 End User evidence – domestic and/or family violence

To establish that the End User has been the subject of domestic and/or family violence by the Account Holder, we may accept:

- a) a certified copy of:
 - i) an Apprehended Violence Order;
 - ii) a Family Violence Order;
 - iii) a Court Order;
- b) a Statutory Declaration;
- c) a letter from a shelter, financial counsellor, or other community advocate – that we can verify; or
- (d) other evidence that we accept after consulting with the End User.

10.6 Further steps

Further steps in our special process are in our internal documentation and will be explained to the End User via an agreed safe communications channel.

11 Release

Account Holders and End Users release us from any claim, action or demand arising out of anything we do in connection with this Policy or our unique process, unless we have acted with gross negligence or in bad faith.