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ISSUES & INSIGHTS

# Regulating Safety-Critical Private Services in Domestic and Family Violence Contexts

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**Technology-facilitated domestic and family violence (DFV) has expanded the range of risks faced by women escaping abuse. Surveillance, covert tracking, unauthorised recording, and misuse of vehicle and device technologies are now commonplace; aided by the relatively low cost and ease of accesses to surveillance and tracking technologies. They are acknowledged features of coercive control.**

In response, a growing number of private providers offer services such as bug sweeps, GPS tracker detection, and vehicle or device inspections. These services increasingly operate in lieu of overstretched public systems, notably policing services, to provide women with a safe space to facilitate such assessments, but this too puts vulnerable women at risk.

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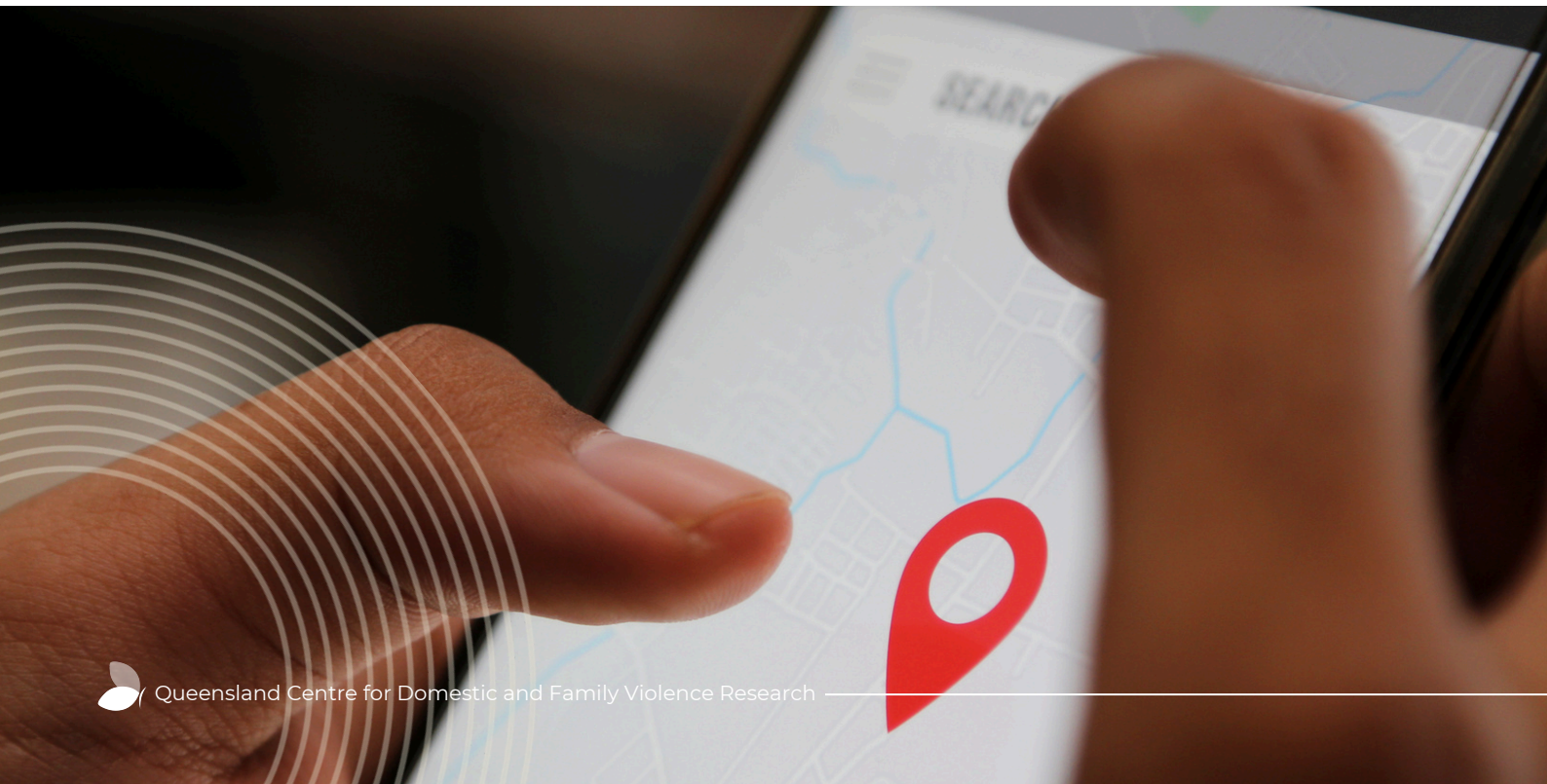
While this private sector response can address unmet needs, the absence of consistent standards, training requirements, and accountability mechanisms presents a significant structural risk, and does not lend itself to ease of discovery and access. This discussion paper considers the argument that safety inspection services in DFV contexts should be subject to formal regulation, or at a minimum, structured civil regulation through training, certification, and oversight. It encourages dialogue regarding the best approach to promote safe service accessibility. The evidence indicates that leaving such services to informal market arrangements exposes victim-survivors to inconsistent quality, privacy breaches, and potential harm.

## The growing role of private security in DFV response

Research by Harkin (2019) documents the rapid expansion of private sector involvement in DFV-related safety services in Australia. As police, crisis accommodation, and specialist services struggle to meet demand, private security providers have moved into areas including counter-surveillance, GPS detection, and residential or vehicle safety inspections. This growth reflects genuine service gaps, but it also introduces new risks where providers operate without DFV-specific training, ethical frameworks, or public oversight.

Harkin argues that this trend necessitates a model of 'civil regulation,' where private security practices are aligned with public interest standards rather than left to market self-regulation. Such an approach recognises the legitimacy of private provision while asserting that DFV contexts require heightened safeguards due to the severity and asymmetry of risk involved.

Empirical support for this position is found in research on Protective Services in Victoria. Harkin and Fitz-Gibbon (2017) show that private providers can improve victim confidence and perceived safety, but only when services are trauma-informed, confidential, and delivered by professionally competent staff. Where these conditions are absent, private provision risks compounding harm rather than alleviating it.



## The limits of technology-based “solutions” in the hands of laypersons

A recurring theme in the literature is the inadequacy of technology as a standalone solution. Harkin and Merkel (2022) caution against over-reliance on GPS detection apps, digital sweeps, or consumer surveillance detection tools, noting that such technologies can generate false reassurance or trigger escalation if misused or misunderstood.

Their analysis emphasises that technical tools must be embedded within trained, victim-centered human systems rather than with laypersons and the vulnerable. Detection of surveillance technologies is not just a basic technical act, absent of inherent risks. It requires judgement about safety planning, timing, documentation, and referral pathways. Without training and ethical grounding, even well-intentioned providers may inadvertently increase risk. This evidence strengthens the case for regulation focused on provider capability rather than devices or software. ‘Tech’ cannot replace expertise, accountability, or contextual understanding.

## The need for privacy and safety frameworks in DFV technology use

Bennett Moses et al. (2022) highlight significant gaps in privacy law, data governance, and consent management in the context of technology-facilitated DFV across Australia and New Zealand. They warn that interventions intended to counter surveillance can themselves create new vulnerabilities if personal data, location information, or evidence is mishandled.

Inspections of vehicles or devices often involve access to sensitive information, including movement patterns, communication histories, or evidence of abuse. Without explicit standards governing data handling, retention, disclosure, and confidentiality, providers may unintentionally expose victims to further harm.

This analysis directly supports the case for credentialing, registries, or mandatory standards. Any entity inspecting vehicles or devices in DFV contexts should be subject to clear privacy and data obligations, enforced through training, audit, and disciplinary mechanisms. The challenge again remains determining the scope and application of measures and critically whether they should be subsumed into self-regulatory frameworks or formalised through regulation.

## Emerging models for ethical and professional regulation

The concept of civil regulation proposed by Harkin and Merkel (2022) aligns with regulatory developments in adjacent fields. Research on perpetrator program accreditation demonstrates the value of independent standards, training requirements, and external oversight in managing high-risk interventions (Day et al., 2018). Similar principles are evident in work on ethical governance of technological interventions in social policy contexts (Kouzani, 2023).

Across these domains, hybrid regulatory models are common. These include accreditation through independent bodies, professional associations with enforceable codes of conduct, mandatory training in risk and ethics, and accessible complaints and audit mechanisms. Such arrangements do not always require immediate statutory licensing, but they establish shared expectations and accountability. Applied to DFV safety inspection services, these models could underpin an opt-in certification scheme or a pre-regulatory pilot. Over time, they could form the basis of a formal national register or remain as opt-in standards/certification should the evidence suggest the model is working and effective.

## Policy and coordination challenges

Effective regulation cannot operate in isolation from the broader DFV service ecosystem. Notko et al. (2021) demonstrate that fragmented collaboration between police, health professionals, and social services undermines consistency and safety in DFV responses. Unclear role definitions and uneven standards contribute to gaps in protection.

This finding reinforces the need for any regulatory framework governing private safety services to be integrated with existing DFV pathways. Providers conducting inspections should have clear referral protocols, shared understanding of risk escalation, and defined interfaces with police and specialist services. Without this integration, even well-regulated providers risk operating in silos.

## Conclusion

Across multiple strands of research, a consistent conclusion emerges. Unregulated private safety and surveillance services pose a structural risk in DFV contexts. While private providers can fill critical gaps, their involvement demands safeguards proportionate to the risks involved. Alternatives such as gratis training (potentially through micro-credentials delivered by higher education providers), opt-in certification, professional membership, and self-audit mechanisms can improve practice and reduce harm. However, without enforceable standards and independent oversight, these measures remain partial.

The evidence supports a phased approach to civil regulation, incorporating mandatory DFV and privacy training, certification against defined standards, audit and complaints mechanisms, and eventual movement toward a national registry. Such a framework aligns with both empirical research and ethical imperatives, shifting responsibility from individual victims to systems designed to protect them. Nonetheless, should ‘opt-in’ certification achieve the same outcome, then it warrants consideration as a plausible ‘enduring’ response to the challenge. Membership based self-regulation may also offer comparable benefits without the costs of regulation and enforcement associated with a national registry and external model of regulation and review. In DFV contexts, it must be acknowledged that safety inspections are not a basic consumer service. They are safety-critical interventions, that have implications for women, families and the vulnerable. Treating them as such is not regulatory excess, it is a recognition of the dialectic process of regulation and contravention. It is a necessary condition of ethical practice, and the safety of some of Australia’s most vulnerable people.

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