Proposal to make the Telecommunications (Customer Communications for Outages)
Industry Standard 2024

Consultation paper

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Executive summary

We are making new rules to improve the information provided to users of
communications services when there is a major outage or significant local outage in telecommunications networks.

Reliable access to phone and internet services is necessary to support work, education, health, entertainment, social connection and government services. Network outages disrupt our home and work lives and can pose significant risks to the health and safety of our community.

While no telecommunications network will ever be fully resistant to the technical faults and failures that cause outages, telcos providing constructive and regular information to end-users and the public will help to mitigate the impact.

In March 2024, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts published the [*Review into the Optus outage of 8 November 2023 – Final Report*](https://www.infrastructure.gov.au/department/media/publications/review-optus-outage-8-november-2023-final-report). The review considered the adequacy of requirements for customer communication in national service outages. It recommended that we develop a standard or determination requiring carriers to communicate information to customers during and about outages, with a focus on communications between the affected network provider and its customers and other stakeholders.

On 21 August 2024, the Minister for Communications directed[[1]](#footnote-2) the ACMA to make industry standards outlining the information to be provided, or made available, by carriers and carriage service providers for major outages and significant local outages that impact a telecommunications network used to supply carriage services to end-users.

The industry standard for major outages must be determined by 14 November 2024 and commence by 31 December 2024. The industry standard for significant local outages must be determined by 30 April 2025 and commence by 30 June 2025. We are proposing to make one industry standard to cover both major and significant local outages. However, the commencement date for the rules about significant local outages will be 30 June 2025, consistent with the minister’s direction.

Under the *Telecommunications Act 1997*, compliance with industry standards is mandatory. A range of enforcement options apply to non-compliance with industry standards, including infringement notices and civil penalties.

The ACMA invites comments on the draft Telecommunications (Customer Communications for Outages) Industry Standard 2024.

# Issues for comment

We invite comments on the draft standard, including:

### Objectives and requirements of the direction

The direction sets out the objectives and requirements of the standard. It requires the provision of timely, relevant and appropriate information about major outages and significant local outages in telecommunications networks. This is to be made available to end-users of telecommunications services and shared with other carriers and carriage service providers. It also permits us to make rules and requirements about the content and frequency of communications and channels used to communicate.

**Question 1:** Does the draft standard fulfil the objectives and content requirements of the direction? If not, please explain why and describe any alternative and/or additional approaches that could be used to meet these.

### Definition of a major outage and a significant local outage

The terms ‘major outage’ and ‘significant local outage’ were not defined in the direction. The explanatory statement to the direction states that the intention is that the terms will be defined by the ACMA in making the standard, including through consultation. The standard is not intended to cover all outages but rather those that cause significant disruption, including those that are lesser in scale but have a significant impact on local communities.

Our objective in defining a major outage is that it should be clear and easy to apply in a short timeframe by carriers and carriage service providers who are also trying to diagnose and resolve the service outage. The explanatory statement advises the ACMA to ensure that the definition is objective, quantifiable and measurable.

The proposed definitions of ‘major outage’ and ‘significant local outage’ are set out in
section 5 of the draft standard. We propose that the standard applies only to outages caused by network failures within the telecommunications network, and not from natural disasters (such as fire, flood, storm or earthquake). There would be nothing to prevent providers from adhering to the principles or actions proposed in the standard during such events. However, these would not be mandated under the standard.

**Question 2:** Is the definition of a major outage appropriate? If not, why not?

A significant local outage has been defined without reference to a distinct local geographic area.

**Question 3:** Does the definition of ‘significant local outage’ meet the objective of the direction that it should capture outages that are lesser in scale than major outages, but have a significant impact on local communities?

**Question 4:** Is it appropriate to exempt planned outages and outages caused by natural disasters from the definitions?

###  Exemptions for certain carriers and carriage service providers

**Question 5:** Are there certain classes of carrier and carriage service provider that should be exempt from the requirements of the standard? Please explain your answer and give reasons for your position.

### Different classes of customers

**Question 6:** Should the standard deal with matters differently for different classes of end-users of carriage services supplied by carriers and carriage service providers?

### Feasibility and cost

**Question 7**: Are the proposed requirements robust and feasible?

**Question 8:** For carriers and carriage service providers, what are the likely costs and benefits of implementation for your organisation? (Please provide specific cost estimates in your response.) Are there alternative ways to achieve the objective of the direction that would be consistent with its terms and provide for lesser costs or greater benefits?

We welcome detailed information about issues, costs and benefits from an economic and social view against the requirements of the draft standard.

### Commencement

The direction requires that the standard for major outages (which must be determined by
14 November 2024) commence at the earliest opportunity, but no later than
31 December 2024.

**Question 9:** We are seeking views, and the reasons for them, on the earliest practical date for the standard for major outages to commence in full. This must be no later than
31 December 2024.

The direction requires the standard for significant local outages (which must be determined by 30 April 2025) commence at the earliest opportunity, but no later than 30 June 2025.

**Question 10:** We are seeking views, and the reasons for them, on the earliest practical date for the standard for significant local outages to commence in full, noting that this must be no later than 30 June 2025.

### Additional/preferable requirements

The direction sets out what the standard must contain and limits additional inclusions by the ACMA, except to meet the objectives.

**Question 11:** We are seeking feedback on whether there are:

* Additional matters aligned to the objectives which should be included in the standard?
* Matters included in the draft standard for which alternative arrangements should be considered?

Please provide evidence to support your position.

# The draft standard

## Objective

The objectives of the standard are:

1. that communications with end-users during – or in relation to – a major outage or significant local outage in a telecommunications network used to supply carriage
services will:
2. be timely and up-to-date
3. be accessible, and made through a mix of public and direct communication channels
4. identify, as appropriate, methods for customers to seek a real-time or near real-time update or assistance
5. include information that the telecommunications network is subject to a major outage or significant local outage
6. include available information about the status, scale, cause and estimated timing for rectification of the major outage or significant local outage
7. provide prompt notification when services are restored.
8. that carriers and carriage service providers must share information about major outages with other carriers, carriage service providers and relevant stakeholders to enable effective communication with customers affected by the major outage or significant local outage
9. that carriers and carriage service providers make information about their process for communicating about major outages publicly available and easily accessible.

The standard will also allow direct enforcement of rules governing how carriers and carriage service providers communicate with customers when there is a major outage in telecommunications networks.

## The direction

The direction provides the legal authority for a new industry standard to be made under section 125AA of the *Telecommunications Act 1997*. It requires (see section 6(2)) the standard to include rules for carriers and CSPs on the following matters:

* Requirements for carriers and carriage service providers to attempt to notify customers and the public as soon as possible after the carrier or carriage service provider suspects a major outage or significant local outage is taking place.
* Requirements to provide timely updates to customers, at relevant frequencies, during or in relation to the major outage or significant local outage.
* Requirements to provide accessible communications through a variety of channels – for example, the relevant carrier or carriage service provider’s website, social media, call centres, applications, email, telecommunication, television, radio and other media.
* Requirements relating to the content of communications – for example, on the status, scale and cause of the major outage or significant local outage, and estimated timeframes for rectification.
* Requirements to provide prompt notification when services are restored.
* Requirements for carriers and carriage service providers to share information about major outages or significant local outages with other carriers, carriage service providers and relevant stakeholders, to enable communications with customers affected by
the outage.
* Other matters the ACMA believes will help achieve the objectives set out at
subsection 6(1).

The direction also allows us to define any terms that we consider appropriate or necessary.

## The review into the Optus outage of 8 November 2023

The national Optus outage of 8 November 2023 disrupted services for customers of Optus and its resellers. It interrupted critical services for consumers and businesses, as well as essential government and public health and safety infrastructure. It was estimated to have affected around 10 million customers and nearly half a million businesses.[[2]](#footnote-3)

On 9 November 2023, the Australian Government announced it would undertake a post-incident review into the Optus outage. The review was conducted by the Department and led by Richard Bean. The objective of the review was to determine what industry, government and the community could learn from the event, with a focus on emergency calls, along with customer communications, complaints***-***handling and compensation processes.

The [*Review into the Optus outage of 8 November 2023 – Final Report*](https://www.infrastructure.gov.au/department/media/publications/review-optus-outage-8-november-2023-final-report) was published in March 2024. It noted that the Optus outage had a significant impact on a range of Australians, affecting emergency services, government services, businesses and vulnerable people, and that it was a source of frustration and distress for many.

The review received submissions from personal and business customers expressing their dissatisfaction with Optus’s handling of the outage***.*** Itnoted that letters and emails were sent to the Minister for Communications by members of the public, with many expressing dissatisfaction with communications from Optus.

Consumer advocates advised the review that they considered Optus’s communications with its customers during the outage to be inadequate, with the lack of timely and clear information causing distress. They also noted that when an outage like this occurs, it has a greater impact on vulnerable community members who already face challenges in accessing communications services. This includes those living with disabilities or on lower incomes, as well as those in regional, rural or remote areas.

The review found that:

* Communication during the Optus outage was inadequate.
* There are no set requirements for the way in which service providers communicate with their customers. Each provider has its own approach. Competitive pressures alone do not appear to be improving consumer communications and consumer outcomes through the course of recent crises.
* The combination of the delays in advising customers, the lack of detailed answers and explanations as to the cause and impact of the outage across the day and the absence of timeframes regarding its rectification, call into question the adequacy of the current voluntary communication guidance.

These findings led to recommendation 10 in the final report:

The ACMA should develop a standard or determination requiring carriers to communicate specific information to customers during and about outages. The Communications Alliance Emergency Communications Protocol – Industry Guideline G663:2022 or one or more of the carriers’ existing internal communications protocols could be used as a base but there needs to be an explicit focus on communications between the affected network provider and its customers as well as other stakeholders.

## The government response to the review

In April 2024, the Australian Government published its [*Response to the Bean Review Final Report*](https://www.infrastructure.gov.au/department/media/publications/australian-government-response-bean-review-final-report-review-optus-outage-8-november-2023-april)**,** noting that ‘it is critical we respond to the lessons of this incident to reduce the risk of further outages and the impacts they have on our community and the day-to-day services we rely on’.

The government agreed with recommendation 10 of the report and acknowledged the public’s dissatisfaction with Optus’s communications on the day of the outage. It noted that ‘there is a strong, and reasonable demand for service providers to communicate with customers in a timely manner about outages. This enables consumers to make what alternative arrangements they can and helps alleviate the uncertainty that develops without this information’.

In relation to recommendation 10 of the report, the government directed the ACMA to develop an industry standard requiring telecommunications providers (carriers and carriage service providers) to communicate information to customers during and about outages.

On 21 August 2024, the minister directed the ACMA to make the Telecommunications (Customer Communications for Outages) Industry Standard 2024.

# Invitation to comment

## Making a submission

We invite comments on the issues set out in this consultation paper.

* [Online submissions](https://www.acma.gov.au/have-your-say) can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.
* Submissions by post can be sent to:

The Manager
National Interests Section
Australian Communications and Media Authority
PO 13112 Law Courts
Melbourne Victoria 8010

The closing date for submissions is **5 pm (AEDT) on Sunday 20 October 2024**.

You can email consultation enquiries to national.interests@acma.gov.au.

### Publication of submissions

We publish submissions on our website, including personal information (such as names and contact details), except for information that you have claimed (and we have accepted) is confidential.

Confidential information will not be published or otherwise released unless required or authorised by law.

### Privacy

View information about our policy on the [publication of submissions](https://www.acma.gov.au/publication-submissions), including collection of personal information during consultation and how we handle that information.

Information on the *Privacy Act 1988*, how to access or correct personal information, how to make a privacy complaint and how we will deal with any complaints, is available in our [privacy policy](https://www.acma.gov.au/privacy-policy).

1. <https://www.legislation.gov.au/F2024L01060/asmade/text>. [↑](#footnote-ref-2)
2. [*Review into the Optus outage of 8 November 2023 – Final Report*](https://www.infrastructure.gov.au/department/media/publications/review-optus-outage-8-november-2023-final-report), page 12. [↑](#footnote-ref-3)