

Telecommunications (Customer Communications for Outages) Industry Standard 2024

23 October 2024

Recommendations

In this submission ACCAN recommends that the ACMA:

- > Provide clearer and more expansive definitions of 'major' and 'local' outages.
- > Eliminate the exception for natural disasters.
- > Strengthen the communications requirements for carriers and carriage service providers by requiring more pro-active and broader communications to consumers in case of outages.
- > Provide explicit accessibility requirements within the standard.

About this submission

The Australian Communications Consumer Action Network (**ACCAN**) is pleased to provide this submission to the Australian Communications and Media Authority (**ACMA**) commenting on the proposed *Telecommunications (Customer Communications for Outages) Industry Standard 2024 (the standard)*. ACCAN welcomes the development of an industry standard for communications, having called for stronger action in this field following the Optus Outage on 8 November 2023.¹

ACCAN is concerned that the proposed standard provides insufficient communications standards to inform consumers exposed to outages, while also being too ambiguous for carriers and carriage service providers to effectively comply with. ACCAN strongly recommends that the ACMA revise the standard to strengthen and streamline its requirements, to better emphasise requirements which support consumer welfare.

¹ ACCAN, *Senate Inquiry on the Optus Network Outage* (Submission to the Senate Standing Committee on Environment and Communications, 21 November 2023).

Introduction

ACCAN appreciates the ACMA's efforts to codify a workable communications standard in response to major and local outages. However, ACCAN considers that the standard could be made significantly more effective and easier to implement through reducing ambiguity within the standard and imposing clearer requirements upon telecommunications carriers and carriage service providers.

This would not only reduce operational uncertainty for carriers and carriage service providers, but also support consumer confidence in the communications sector, which was severely impacted by the Optus Outage of 8 November 2023.

As noted by the Bean review, the consumer harm from last year's Optus outage was extensive:

Hospitals were hampered in their critical work. Businesses lost the ability to trade. Transport networks were disrupted. These breakdowns posed real risks to personal health and safety... loss of income and productivity and... widespread distress in many parts of our community.²

Noting these material risks to consumer health, safety and economic wellbeing that arise during outages, it is critical that the standard promotes public safety and awareness. Therefore, ACCAN urges the ACMA to amend the standard by prioritising consumer welfare and outcomes through stronger and clearer recommendations that expand the scope of the standard to better prevent and remedy consumer harms in the communications sector.



**Australian Communications
Consumer Action Network**

Australian Communications Consumer Action Network

ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband, and emerging new services.

ACCAN provides a strong unified voice to industry and government as we work towards communications services that are trusted, inclusive and available for all.

² Commonwealth of Australia, *Review into the Optus outage of 8 November 2023 – Final Report* (Report, 2024) 7.

Consultation Questions

Is the definition of a major outage appropriate? If not, why not?

The definition of ‘major outage’ as being an outage which affects ‘500,000 or more of the carrier’s or carriage service provider’s services in operation; or all carriage services provided by a carrier or carriage service provider in a State or Territory’ is far too narrow as to be reasonably invoked for the vast majority of outages. Accordingly, we consider that the proposed definition is inappropriate and inconsistent with the intention of the Minister’s direction to the ACMA.

Noting that Australian communications consumers are largely split across three different carriers – Telstra, Optus and TPG – this would potentially leave residents of Australian cities with populations of fewer than 1.5 million residents – including Adelaide, Newcastle, Canberra, the Sunshine Coast, the Central Coast, Wollongong, Geelong, Hobart, Townsville, Cairns, Toowoomba, Darwin, Ballarat, Bendigo, Albury-Wodonga and Launceston – potentially uncovered by the standard, in case of an mass outage linked to these cities and regions.

Further, the Bean Review cites the Canadian case study, in which following a similar example, the Canadian Radio-television and Telecommunications Commission defined a major service outage as one which impacted:

- i. *more than 100,000 subscribers or a material portion of the carrier’s subscribers for more than one hour;*
- ii. *subscribers that are in a geographic area served only by the affected carrier;*
- iii. *critical infrastructure;*
- iv. *major transport facilities; or*
- v. *a 9-1-1 network.*³

ACCAN recommends the ACMA follow this international example as a more appropriate method to define a major outage. In particular, we note that the population of Canada of roughly 40 million is substantially larger than Australia’s population of roughly 27 million. Therefore, ACCAN recommends the definition of major outage should be revised accordingly (changes in **bold**):

- (b) *affects, or is likely to affect:*
 - (i) **20,000** or more of the carrier’s or carriage service provider’s services in operation; or
 - (ii) **all carriage services provided by a carrier or carriage service provider in a population centre of 50,000 or more, or entire State or Territory; and**

³ Commonwealth of Australia, *Review into the Optus outage of 8 November 2023 – Final Report* (Report, 2024) 27.

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?

ACCAN considers the definition of ‘significant local outage’ to be insufficient. Without considerable revision to ensure there is a clear and consistent definition, Australian consumers, especially in smaller metropolitan and regional, rural or remote areas, are likely to be overlooked and experience consumer harm due to a lack of effective communication from their carriage service provider.

Both the terms ‘significant’ and ‘local’ lend themselves to interpretative confusion, creating the opportunity for bias, assumptions, and potential consumer harm. ACCAN therefore recommends the creation of a clear definition of local outages, corresponding to between 100 – 20,000 services in operation, or to geographic areas defined by the Australian Bureau of Statistics’ Statistical Area Level 2 (SA2), to be inserted in Section 5, as follows:

***local outage** means any unplanned full or partial unavailability of a telecommunications network used by a carrier or carriage service provider to supply carriage services to end-users that:*

- (a) results in an end-user being unable to establish and maintain a carriage service; and*
- (b) affects, or is likely to affect:
 - (i) 100 – 20,000 of the carrier’s or carriage service provider’s services in operation; or*
 - (ii) all carriage services provided by a carrier or carriage service provider in a population centre or suburb (defined as an Australian Bureau of Statistics’ Statistical Area Level 2 (SA2)); and**
- (c) is expected to be, or is, of a duration longer than 30 minutes.*

This definition creates greater regulatory certainty for the regulated entity, by clearly defining what constitutes a local outage, in contrast to a major outage. ACCAN recommends the use of SA2 boundaries as they most closely correspond with the commonsense definition of ‘suburb’ and ‘population centre’. Establishing easily definable geographic boundaries will help clarify the intent and enforceability of the standard, improving outcomes for consumers.

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

ACCAN considers it inappropriate to exempt planned outages and outages caused by natural disasters from the definitions, from both the perspective of consumer welfare and the role of telecommunications as an essential service.

The objective of regulating minimum communication requirements is to safeguard human life and promote consumer welfare. ACCANs consider that the source of outages, while relevant to assessing whether appropriate technical arrangements are in place, is irrelevant to whether consumers should be informed about an outage. Accordingly, we consider that an exemption on the basis that an outage is caused by a natural disaster to be an inappropriate basis for exclusion from communication requirements.

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.

The regulated entity should be both carrier and carriage service provider, with carriage service providers supported by carriers to provide relevant information to end-users. Carriers and carriage service providers should develop internal mechanisms to effectively liaise between each other in order to ensure clear and consistent communications to their consumers.

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

No. Both individual consumers and business consumers should receive the same communications. Special priority should be given to consumers on priority assistance.

Commencement date for the standard for major outages and local outages

ACCAN considers that a standard for communications in response to outages is long overdue, and would recommend its implementation as soon as possible, for both major and local outages. Noting the exceptional risk to consumer welfare, as well as the potential economic impacts of network outages, ACCAN encourages the ACMA to engage with its industry stakeholders to prepare them for the implementation of this outage no later than 31 December 2024.

ACCAN does not consider there to be a reasonable basis to distinguish between the implementation date of major and local outages. In our view this is likely to create regulatory confusion and uncertainty for industry and consumers alike. Further, it would likely hinder the social licence of the communications industry if consumers were to be uninformed of a local outage in-between 31 December 2024 and 30 June 2025. ACCAN recommends a uniform implementation for both major and local outages, to be implemented as soon as possible, but no later than 31 December 2024.

Are the proposed communications requirements robust and feasible?

The proposed communications requirements should be strengthened by eliminating ambiguity within the standard. ACCAN recommends the revision of Section 10, parts 2 and 3, in order to streamline the communications methods for the regulated entities and ensuring that they prioritise the most effective methods of communications. We recommend the following revisions (changes in **bold** and ~~strikethrough~~):

- (2) The carriage service provider must attempt to notify (in an easily accessible form) end-users using **both** ~~at least one~~ of the following methods of communication:
 - (a) ~~an application that the carriage service provider makes available to end-users to subscribe to, which relates to the carriage service it provides to the end-user;~~
 - (b) email; or
 - (c) SMS.

Note: SMS is short for short message service.

- (3) The carriage service provider must also make information (in an easily accessible form) about the outage available to end-users and the public using **four** or more of the following communications channels:
 - (a) the website of the carriage service provider, and ~~if that website is inaccessible due to the outage,~~ an alternative website **hosted by an alternative network** that is accessible to the public;
 - (b) call centres, **including special provisions for priority assistance;**
 - (c) **the entity's** social media; ~~or~~
 - (d) **radio and television broadcasting services; or**
 - (e) **newspapers, or other electronic services (including services provided through the internet) that are similar to newspapers, radio, or television broadcasts.** ~~one or more types of other media.~~

Additional feedback concerning the lack of accessibility provisions.

ACCAN is significantly concerned at the lack of provisions regarding accessibility within the standard. While the term 'accessibility' is used throughout the document, it is used only as a synonym for 'ease of access,' as opposed to its more technical definition to account for people with disability.

Therefore, ACCAN recommends the ACMA to make substantial revisions to the standard with regard to accessibility, including the following changes:

- Replace all mentions of the word ‘accessible’ as it is currently used in the document, substituting it with the word ‘available.’ This extends to ‘inaccessible’ to ‘unavailable,’ etc.
- Creating an ‘accessibility’ section within the standard, governing the communications that the regulated entities are to provide, including provisions to ensure that:
 - All outage-related information provided on websites or via social media must comply with the latest version of the Web Content Accessibility Guidelines to a minimum of AA Level.
 - All outage-related information on websites, social media and other written formats is provided in ‘plain language,’ i.e. to a ‘lower secondary education reading level.’⁴
 - Ensuring communications are also provided in Easy English.⁵
 - Providing Auslan translations of written information in accordance with the guidelines for English into Auslan Video Production.⁶
 - Ensuring all phone numbers and other contact details displayed visually on television be verbalised (i.e. spoken aloud).
 - Ensuring captions and transcripts for video and audio content are made available.
 - Providing text alternatives to images, where outage areas are shown on a map.

Conclusion

As detailed above, ACCAN is ultimately concerned that this industry standard, while a significant improvement, still does not provide sufficient protections for Australian consumers. It does not contain sufficient accessibility provisions, nor is its coverage sufficiently broad to protect and inform consumers in disruptive events such as natural disasters.

With the significant disruption of the Optus Outage of 8 November 2023 still fresh in the mind of consumers, ACCAN strongly advises the ACMA to revise and strengthen the standard.

ACCAN thanks the ACMA for this opportunity to comment upon the standard. Should you wish to discuss the issues raised in this submission, please do not hesitate to contact Audrey Isadora Reoch, Policy Manager, at [REDACTED]

The Australian Communications Consumer Action Network (ACCAN) is Australia’s peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers. ACCAN is committed to reconciliation that acknowledges Australia’s past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP.](#)

⁴ Commonwealth of Australia, ‘Plain language and word choice’, *Australian Government Style Manual* (Website, 2024) <<https://www.stylemanual.gov.au/writing-and-designing-content/clear-language-and-writing-style/plain-language-and-word-choice>>.

⁵ Commonwealth of Australia, ‘Easy Read’, *Australian Government Style Manual* (Website, 2024) <<https://www.stylemanual.gov.au/content-types/easy-read>>.

⁶ Gabrielle Hodge, Della Goswell, Lori Whynot, Stephanie Linder and Cathy Clark, *What Standards? The need for evidence-based Auslan translation standards and production guidelines* (Report, 2015).