

The logo for Optus, consisting of the word "OPTUS" in a bold, teal, sans-serif font.

Submission in response to  
the ACMA consultation  
paper

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

Public Version

October 2024

## EXECUTIVE SUMMARY

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1. Optus welcomes the opportunity to provide feedback on the ACMA's consultation on the Telecommunications (Customer Communications for Outages) Industry Standard 2024 (the proposed Standard). Optus is also a member of Communications Alliance and supports its submission.
2. Optus recognises and appreciates the importance of reliable telecommunications services. Interruption of services, for whatever reason, can cause significant disruption to end-users, and end-users and relevant stakeholders should be kept informed of developments relating to such disruption, to the extent and means possible during an event.
3. The Standard puts in place obligations to ensure, where possible, providers communicate with end-users and other stakeholders during such disruption events.
4. Optus notes that where direct communication with end-users is unavailable, there can be practical challenges in communicating information. Any Standard will need to balance such practical challenges with the overarching goal and other consumer experience considerations that may be relevant.
5. Optus supports the proposed Standard although notes it may need some refinement for clarification and practical workability. Of particular concern is the proposed commencement date of 31 December 2024 for some of the amendments as any changes needed are unlikely to be able to be made by this time.

## PROPOSED CHANGES

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6. Optus welcomes the opportunity to provide feedback on the ACMA's consultation on the Telecommunications (Customer Communications for Outages) Industry Standard 2024 (the proposed Standard). Optus is also a member of Communications Alliance and supports its submission.
7. As the Standard is to apply to major outages and significant local outages, careful consideration needs to be given in balancing the obligations, network operations, what may be technically feasible and consumer experience.
8. Optus' comments primarily relate to matters for clarification and practicable workability in the proposed Standard, including the timeframes for implementing the new obligations.

### Objectives and requirements of the direction

**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.

9. Optus considers the draft Standard is generally consistent with the overarching objectives of the Minister's Direction.

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

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

10. Optus would welcome further clarification in the definition of 'major outage'. In particular, what is meant by 'full or partial unavailability' of a service. For example, where there may be loss of a feature (such as SMS or the voicemail feature) but where other aspects of the service (such as voice calls) can continue to be used.
11. Partial unavailability adds considerable uncertainty to this definition and it would provide greater clarity and certainty if the definition refers to full unavailability of a service. Optus also suggests further clarity could be provided by noting this concerns voice and internet services, and would welcome the inclusion of examples to illustrate what is meant by unavailability with respect to those services.

**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?

12. Optus notes in relation to 'significant local outage' it's not clear what is meant by 'local'. That is, there is no reference to a geographic parameter regarding the number of SIOs affected by the outage. This means the cumulative amount of SIOs affected by outages caused by different factors in different parts of the country could fall under this definition and we do not think this is what was intended.
13. Optus would welcome clarification from the ACMA of this definition.

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

14. Optus considers it appropriate to exclude planned outages and outages caused by natural disasters from the definitions.
15. There are already established notification processes to end-users about planned outages (for example, where services may be affected due to network works or other maintenance). Where possible, planned network maintenance and upgrades are scheduled for times likely to cause the least amount of disruption.
16. Similarly, there are well established communication practices to contact users when there are natural disasters, noting that providers may be limited in their ability to provide detailed information about service restoration etc if areas are inaccessible due to the natural disaster (in which case there is limited information about restoration that could be supplied if providers are not able to physically assess the network).
17. In those circumstances Optus liaises with emergency services organisations in relation to access, provides updates to users as and when information comes to hand and has emergency solutions available to provide temporary service/s to evacuated customers until the network and services can be restored.

#### **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.

18. Optus notes that obligations in the standard should be drafted flexibly to accommodate different supply chain arrangements. That is, not all CSPs operate networks and not all network providers have direct customer relationships with end-users using services supplied using their network. In those cases, information will need to be shared between network providers and resellers and requirements should be drafted with such complexities in mind.

#### **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?

19. Optus considers that the Standard should apply to residential consumers and small businesses (consistent with the definition of Consumer as used in other telecommunications regulation). Optus also notes that any direct notification should be to the account holder (which could include an authorised representative).
20. Large enterprise and government customers have account managers who communicate via established account management channels. Further, that communication is usually to the manager of the account within that organisation – Optus does not have the contact details for all end-users of a large business or government organisation.
21. Optus submits the greatest benefit of communications obligations will be for residential and small business customers.

## Feasibility and cost

Question 7: Are the proposed requirements robust and feasible?

22. Optus notes the feasibility of the requirements will depend on the nature and scale of any outage and timeframes for implementation (this latter issue is discussed further in response to question 9 and 10). Comments on the feasibility of specific requirements are outlined further in the following discussion.

*Notification requirements to end-users and the public (section 10, section 15)*

23. Optus notes that while communication to customers is important, there are some practical concerns regarding the proposed requirements for notifications and updates. These are discussed in more detail below.

- (a) *Technical feasibility.* Optus considers that notification requirements should be subject to a qualification that the requirements apply where technically feasible. If the outage affects multiple services (such as the outage experienced by Optus in November 2023), affected customers may not receive any direct notification at all.

By the very definition of major outage and significant local outage which would trigger these requirements, a large volume of notifications would need to be sent. This could increase congestion on a network that may have reduced capacity as a result of the event or notifications (as required under section 10) and updates (as required under section 15) may not be deliverable at all.

- (b) *Timing and frequency of notifications and updates.* Where notifications and updates are not able to be delivered, these would be sent once services are restored and likely congest the network. However, usually upon restoration of services management practices are put in place to protect the network from such a large volume of traffic. This means that delivery of notifications would then be delayed and it would not be feasible to provide updates as per time requirements in section 15.

Optus notes that neither section 10 nor section 15 specify whether notifications or updates should be sent during certain hours (i.e. during daylight hours) and updates are required to be sent every two hours regardless of if there is new information to report about restoration of services.

It could be disturbing to customers and a poor consumer experience if multiple communications are sent during the night, particularly where there is no new information provided. It may be preferable to address such consumer experience considerations by limiting notifications to being sent during the day, for example, 7am – 11pm (11pm being the end of the typical busy period for residential customers).

It may also be a better consumer experience if updates are not required to be sent every two hours regardless of if there is new information to provide to customers or not. Updates should only be required to be sent where there is a material change to the information in the original notification.

- (c) *Website requirements.* In addition, section 10(3) requires a CSP to make information about the outage available via two or more channels, including the CSP's website or, if that website is inaccessible due to the outage, an alternative website.

Optus requests clarification over what 'inaccessible due to the outage' means – whether this is because the website itself cannot be updated or accessed due to the provider's issue or whether consumers are not likely to be able to access the internet due to the outage. In the latter case, consumers would not be able to access any other alternative website as well.

It's also unclear the types of websites that are meant by 'an alternative website' and we would welcome inclusion of examples of such websites (in the Explanatory Statement). In the event of a large-scale network outage, this proposed communication channel may not be an option.

*Real-time assistance and near real-time assistance (section 18)*

24. Optus notes the proposed section 18 requires CSPs must as far as is 'reasonably practicable' make available to end-users who may require urgent assistance during an outage, one or more contact methods to enable the end-user to seek assistance from the CSP using real-time communications or near real-time communications (such as a phone number or live chat).
25. Optus considers the feasibility of meeting this requirement will depend on the nature and scale of the outage. For example, a major outage affecting multiple different networks and services (e.g. fixed line network, mobile network, voice and data services) may affect a CSP's ability to provide real-time or near real-time communications. This must be borne in mind when this requirement is applied. A CSP should not be considered non-compliant if customers are unable to contact the CSP due to the impacts of the outage.
26. It is also unclear what is meant by 'urgent assistance'. Any customer in an emergency situation should contact the emergency call service. Otherwise, it is unclear what might be considered urgent assistance. By their very nature the impact of outages can cause varying levels of disruption to customers and the effects can be wide ranging. It may not be possible for a CSP to be able to provide assistance to a large volume of customers.
27. Optus would welcome further guidance of what is meant by 'reasonably practicable' and 'urgent assistance' in explanatory material.
28. In addition, section 18(3) requires that the proposed contact method for providing real-time or near real-time assistance must be staffed adequately and capable of responding immediately to requests for urgent assistance from end-users.
29. Optus considers this requirement is too vague and is not likely to be feasible as adequate staffing would depend on the size and nature of the outage and the number of customers needing urgent assistance. This could be highly variable and difficult to meet as there is no forewarning to outages of a large scale.
30. Further, live chat communications could be supported by AI and it is unclear how that would be considered in relation to requirements that channels be 'staffed adequately'. Optus is concerned that as currently drafted the section is not feasible.
31. Optus considers this section requires clarification to ensure obligations to provide real-time assistance are reasonable, can be practically implemented and that the obligation may be dependant on the nature and scale of the disruption.

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
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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?

32. The Standard will at the very minimum necessitate review and enhancement of existing processes to ensure these meet the Standard's requirements. For requirements for communications to a large volume of customers and with time constraints, automated processes will likely need to be in place wherever possible.
33. Automated processes will need to be able to detect outages that fall within the relevant definitions, identify impacted sites, identify impacted customers, then push communications containing specified information to customers as required by the Standard.
34. Where existing processes need changes and enhancements to address these requirements there will be an impact to operational and business systems, particularly if notifications and updates have specific information requirements or must be issued regularly at certain times.
35. **[CiC begins] [CiC ends]**
36. As Optus has noted elsewhere, it is unclear if there would be benefits to consumers in receiving updates every two hours (including during the night) if there is no material change to information, and in fact, it may negatively impact consumer experience.

#### **Commencement**

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.

37. There are concerns with the proposed commencement date. Firstly, the Standard requires review of existing notification processes, identification of gaps and then work to implement processes to address any identified gaps (particularly automated processes where there may be specific content requirements for notifications to be sent to a large number of services), as well as then capturing those processes in written documents as required by the Standard.
38. **[CiC begins:]**
39. **[CiC ends]**
40. Optus considers it unlikely these changes could be in place by 31 December 2024.

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.

41. Optus notes that as further refinement to the definition of 'significant local outage' is needed and that this may require additional system amendments depending on the criteria for determining a significant local outage, an implementation date of 30 June 2025 would be appropriate.

#### **Additional/preferable requirements**

42. 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.

43. Optus has no further comments.