



Telecommunications
Industry
Ombudsman

Submission to the ACMA's
Consultation on the Proposed
Telecommunications (Customer
Communications for Outages)
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1 The TIO welcomes new rules to support better communications during outages

Thank you for inviting the Telecommunications Industry Ombudsman to comment on the Australian Communications and Media Authority's (ACMA) draft *Telecommunications (Customer Communications for Outages) Industry Standard 2024*. We welcome this new Standard as an important part of the regulatory response to the major Optus outage of 8 November 2023.

The Optus outage highlighted the essential nature of telecommunications services in modern Australia. When telco services stop working unexpectedly, it can cause significant disruption and anxiety for end-users of affected services, and for the public at large. Among other impacts, the Optus outage saw Australians unable to call friends and family, businesses unable to take payment from customers, and delays in some public transport networks. Concerningly, some Australians also reported being unable to call Triple Zero.

The disruption caused by an outage can be compounded if the affected telco does not communicate up-to-date information about the outage to the public in a timely fashion. Conversely, regular updates about an outage across a broad and far-reaching range of communication channels inform those affected about the likely cause and duration of the outage, reassure the public that work is being done to restore services, and promote confidence in the affected telco's response to the event.

In this context, new rules to ensure telcos communicate information during and about outages in a timely and effective way are important and welcome. We support the draft Standard's requirements for telcos to notify and update end-users, the public, and other telcos about major and significant local outages. We particularly welcome the requirement for telcos to notify and update the defined 'relevant stakeholders' (including our office) about outages. This requirement will assist us in conveying accurate information to consumers who may contact us for help during outages. It will also help other important stakeholders (such as the Emergency Call Person) to respond effectively to these events.

We offer the following feedback on areas where the draft could be improved, based on our experience dealing with telecommunications complaints about outages, and more generally. We look forward to seeing the final text of the Standard.

2 The scope of draft Standard will exclude some outages where affected consumers require clear information

The draft Standard excludes outages caused by natural disasters, and substantially limits the scope of significant local outages that the Standard will apply to. In our view, this will likely result in some communities not receiving timely and accurate information about outages that have significant impacts for them.

1.1 The Standard should cover outages caused by natural disasters

There are few occasions where ready access to telecommunications services is more important for the public than during natural disasters. However, when disaster events such as bushfires and floods occur, often telecommunications outages soon follow. As we highlighted in [our recent](#)

submission to the 2024 Regional Telecommunications Review,¹ this can leave those affected by a natural disaster isolated and unable to seek assistance when they require it. In this context, having access to accurate and up-to-date information about whether and when telecommunications services will be available can be vital to keeping those affected safe.

Because of this, it is critically important that communities affected by natural disasters have the easiest access possible to any information that is reasonably available about outages that affect them. In our view, the exemption from the Standard's Part 3 requirements for telcos to communicate information where an outage is solely or predominantly caused by a natural disaster should be removed.

We appreciate there are practical difficulties associated with attempting to communicate information about outages to people affected by natural disasters. The Standard should require telcos to communicate about outages caused by natural disasters when and to the extent that it is reasonably practicable for the telco to do so.

Where an outage is caused by a natural disaster, the Standard should require telcos to use best endeavours to communicate to affected communities as much of the information listed in section 14 as is available to them. The information should be provided across a broad range of communication channels, including via local broadcast and print media, if it is still in operation during the natural disaster. It is particularly important the information is communicated to, and broadcast by, the emergency services broadcasters for the affected area, as these are often the main source of truth for affected communities when telecommunications services fail during a natural disaster.

Where a natural disaster causes an outage for multiple telcos, those telcos should ideally also coordinate their communications and messaging, to improve the clarity of information available to the public.

1.2 The proposed definition of 'significant local outage' should be broadened

The draft Standard's definition of 'significant local outage' in section 5 is limited to local outages that affect (or are likely to affect) at least 50,000 services in operation (SIOs) and are (or are expected to be) longer than six hours in duration. We are concerned this definition will likely exclude several outages of high significance to local communities.

It is not uncommon for our office to receive groups of complaints from concerned consumers about outages affecting communities with relatively low populations, particularly in rural, regional or remote areas. These consumers frequently have very few or no options for back-up services in the event of an outage. As a result, outages can cause significant disruption in these communities, especially when they last for a significant period.

Recently we received several complaints from consumers living in and around a small town in regional Western Australia – an area with a population of less than 5,000. These consumers said their telco's mobile services had not been working for around a week, with some saying their whole local government area was affected. Consumers told us they had difficulty getting accurate information about the outage, including about when it would be rectified. From what consumers told us, the telco gave different consumers inconsistent information about the outage, in some cases denying there was or had been an outage. This outage caused significant disruption for the affected community, but given the community's low population, it could not have affected more

¹ See page 22 of the submission.

than a few thousand SIOs. Despite the impact of outages like these, we understand there are currently no clear regulatory obligations for telcos to notify and update affected communities.

Given the level of detriment outages can cause for these communities, they should be covered by the Standard's Part 3 obligations for telcos to notify and share information with end-users, the public, and relevant stakeholders. However, the threshold requirement that an outage affect at least 50,000 SIOs to qualify as a 'significant local outage' would exclude many outages in small or lightly populated areas.

We recommend the ACMA broaden the definition of 'significant local outage', so it will capture a greater number of outages that are of significant concern to local communities. In particular, the 50,000 SIO threshold should be lowered. There may also be scope to draw on the boundaries of local government areas when determining a reasonable definition for 'significant local outages'. We encourage the ACMA to consult with regional representative groups to determine how geographical boundaries could inform the definition.

3 The Standard should require the methods telcos use to notify and communicate information about outages to be appropriate in the circumstances

It is important telcos have flexibility in the methods they use to communicate about outages. Every outage is different, and the circumstances of outages may also change as time progresses. Telcos may need to change their approach to communications so it remains effective as an outage continues.

Nonetheless, we are concerned the current drafting gives telcos a high level of discretion about the communication methods they can use. This may result in some telcos attempting to communicate using methods that are not appropriate in the circumstances. For example, a telco may choose to notify end-users about an outage using SMS, but if the outage has impacted the telco's mobile coverage, end-users may not receive the notifications.

Similarly, a telco may choose its call centres as a method of sharing information with the public. However, if the telco's own telephone services are affected by the outage, members of the public may not be able to reach its call centres reliably to seek information. Even if the telco's telephone services have not been directly affected by the outage, they may be experiencing a significant increase in enquiries from the telco's end-users, which could make it more difficult for the public to reach its call centres.

As currently drafted, the Standard gives telcos a choice of different methods by which they can comply with the requirements to notify end-users and share information with the public. Telcos can notify end-users of outages via email, SMS or the telco's app (the telco must use at least one of these methods). When sharing information with the public, generally they can use their websites, call centres, social media or other types of media (the telco must use at least two of these methods).

We support the inclusion of a broad requirement for telcos to use the most appropriate communication channels in the circumstances of a particular outage. This approach would require telcos to avoid (or de-prioritise) communication methods that are or may be affected by an outage. When selecting methods for communicating with the public, telcos should be required to use the methods most likely to have the greatest reach in the affected location. Telcos should also be required to share information with traditional media outlets (including radio, television and internet

news outlets) in all cases. This would ensure their message reaches the broadest possible audience, as soon as possible.

4 The Standard should prioritise communications to the defined 'relevant stakeholders'

The draft Standard does not prioritise communications to any particular stakeholders. Instead, telcos must generally notify all stakeholders (including end-users, the public, other telcos, and 'relevant stakeholders') about an outage within the same timeframe.

As outlined above, we welcome the Standard's requirements for telcos to communicate information to the defined 'relevant stakeholders', including the TIO. Each of the relevant stakeholders has a significant role to play in responding to outages and assisting consumers and the public when they occur. It is therefore vital that the relevant stakeholders have access to the best information possible at the earliest possible time.

During a significant event affecting telco services (such as an outage), the TIO plays an important role in disseminating information to consumers and the public, helping the affected telco to convey information about the event. When consumers are unable to reach their telco to make enquiries (as may be the case during a major outage) they approach the TIO seeking information and updates. The media may also approach us for additional information.

While we can provide a valuable service to the public in this way, we are limited by the quality and timeliness of the information available to us when consumers or the media approach us. As we outlined in [our submission to the Senate Inquiry into the Optus Outage of 8 November 2023](#),² during the early hours of that outage we did not receive clear information from Optus about the existence, cause, scope or likely duration of the outage. This information asymmetry made it more difficult for us to respond to the outage and support consumers who contacted the TIO for help.

While requiring communication to all stakeholders 'as soon as possible' is desirable, we are concerned that in practice it may result in piecemeal communication to different stakeholder groups as an outage develops. In the chaotic environment of an unexpected outage, there is a risk that a telco's approach to communicating with stakeholders will be disorganised or disjointed. There is also a risk the telco will not appropriately prioritise communicating with those stakeholders who need the earliest possible access to relevant information.

In our view, the Standard should include a requirement for telcos to prioritise communicating information to the defined 'relevant stakeholders' over communicating it to other stakeholders more generally. This would ensure these stakeholders receive information at the earliest possible time, and can use that information to assist the public as an outage progresses. It would empower the 'relevant stakeholders' to respond to outages effectively, and support confidence in the affected telcos' management of outages.

5 The Standard should provide clear timeframes for telcos to notify and provide information about outages

The draft Standard does not generally provide clear timeframes within which telcos must notify end-users of outages and share relevant information with the public. Generally, it requires telcos to notify and share information 'as soon as possible' after they reasonably suspect there is or will be an outage. We appreciate there needs to be a level of flexibility in the notification timeframes to

² See page 2 of the submission.

account for variations in the characteristics of individual outages. Each outage is different, and the circumstances of an outage will (to an extent) determine what a reasonable timeframe is for a telco to notify and share information about that outage.

However, without further guidance in the Standard about the mandatory timeframes, telcos may not interpret them consistently. The timeframes may also be difficult for the ACMA to enforce, as it would need to consider (without additional guidance in the Standard) what 'as soon as possible' means in each individual outage.

We encourage the ACMA to include additional guidance in the Standard about how the timeframes should be interpreted. This would clarify the timeframes and support a consistent approach across industry. One way this could be achieved is by requiring telcos to notify of an outage as soon as reasonably possible, but provide a mandatory maximum notification timeframe that will apply in all cases (or in all cases that meet defined criteria).

For example, for major outages, the Standard could require telcos to notify and make information available to the public as soon as possible, but in any case no later than one hour after the telco reasonably suspects there is or will be an outage. The ACMA could include the mandatory maximum notification timeframes in a separate instrument outside the Standard, which may make them easier to amend, should they need to be changed in future.