

PROPOSED TELECOMMUNICATIONS (CUSTOMER COMMUNICATIONS FOR OUTAGES) INDUSTRY STANDARD 2024.

Submission lodged by B.Bebbington

PROPOSED INDUSTRY STANDARD FAILS AS IT DOES NOT ADDRESS PLANNED OUTAGES OR OUTAGES DURING NATURAL DISASTERS.

The press release emphasises the need for communications about outages, with the following quotes attributable to the Minister for Communications, the Hon Michelle Rowland MP.

“Telecommunications services are essential to participation in modern life, and ensuring that systems and processes are working to support people during stressful outages is fundamental””

And

“The Optus outage on 8 November 2023 shone a light on systems and processes in the telecommunications ecosystem that are in critical need of reform. The directions I have issued today will help improve how telcos communicate and engage with their customers in outage situations”.

The press release also states

- a) “...standards to improve how telecommunications companies communicate with customers, particularly during major outages”.
- b) “reduce the impact of future outages on the Australian community including improving communication and complaints processes”
- c) “...make new rules to ensure telcos keep customers informed and updated regarding major outages...”
- d) “...This addresses one of the key shortcomings of Optus during the crippling November 2023 outage, and establishes clear regulatory expectations to drive better industry communications”
- e) “...make rules to improve customer communications during significant local outages that are smaller in scale...”

Further, the ACMA website, outlining the consultation process contradicts the proposed standard.

The issue

There are currently no rules for the way telco providers must communicate with customers about outages.

We are proposing an industry standard that makes carriers give information to customers and stakeholders during an outage.

The ACMA website refers to communication about outages, which would imply all outages, planned and unplanned, and refers to communications during outages, rather than communication of planned outages.

THE FOLLOWING REFERS TO CONCERNS ABOUT THE WORDING OF THE PROPOSED STANDARD, NOT WHETHER THE PROPOSED STANDARD IS ADEQUATE.

CONTRADICTIONS IN STANDARD AS TO WHEN THE STANDARD APPLIES

The definitions of major outage and significant local outage in the draft standard is-

major 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) 500,000 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 State or Territory; and
- (c) is expected to be, or is, of a duration longer than 30 minutes

significant 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, 50,000 or more of the carrier's or carriage service provider's services in operation; and
- (c) is expected to be, or is, of a duration longer than 6 hours; and
- (d) is not a major outage.

The key condition of a major outage or significant local outage is the wording "any unplanned full or partial unavailability of a telecommunications network..."

It excludes any planned outage or where the provider is aware of a failure that has not yet occurred but is expected to occur, such as when electricity supply has failed, and the systems is operating on limited life batteries and limited life generators.

The draft standard clause, however, states

Part 2—Requirements that apply to carriers and carriage service providers during major outages and significant local outages

7 Major outages

A carrier or carriage service provider who:

- (a) reasonably suspects that there is, or will be, a major outage affecting the telecommunications network that the carrier or carriage service provider uses to supply carriage services to end users; or
- (b) becomes aware (through being notified in accordance with this instrument) that a major outage is, or may be, affecting its end-users,

must comply with the requirements set out in Part 3 that apply to the carrier or carriage service provider, in relation to the outage.

8 Significant local outages

A carrier or carriage service provider who:

- (a) reasonably suspects that there is, or will be, a significant local outage affecting the telecommunications network that the carrier or carriage service provider uses to supply carriage services to end users; or
- (b) becomes aware (through being notified in accordance with this instrument) that a significant local outage is, or may be, affecting its end-users,

must comply with the requirements set out in Part 3 that apply to the carrier or carriage service provider, in relation to the outage.

Part 3—Notification, communication and information sharing requirements

9 Interpretation

In this Part, *outage* means a major outage or a significant local outage.

Division 1 Notification and communication requirements

10 Requirement to notify and communicate with end-users and the public – carriage service providers

- (1) As soon as possible after a carriage service provider reasonably suspects that there is, or will be, an outage, the carriage service provider must:
 - (a) in accordance with subsection (2), attempt to notify each of its end-users affected or likely to be affected by the outage, of the outage;
 - (b) in accordance with subsection (3), communicate with end-users and the public about the outage; and
 - (c) include in a notification or communication under paragraph (a) or (b), the information set out in section 14.

- (2) The carriage service provider must attempt to notify (in an easily accessible form) end-users using 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 two or more of the following communications channels:
 - (a) the website of the carriage service provider, or if that website is inaccessible due to the outage, an alternative website that is accessible to the public;
 - (b) call centres;
 - (c) social media; or
 - (d) one or more types of other media.

11 Requirement to notify other carriers and carriage service providers – carriers and carriage service providers

As soon as possible after a carrier or carriage service provider reasonably suspects that there is, or will be, an outage, the carrier or carriage service provider (the **affected carrier or carriage service provider**) must:

- (a) notify each other carrier or carriage service provider:
 - (i) with whom the affected carrier or carriage service provider has a commercial arrangement for the supply of telecommunications services; and
 - (ii) whose end-users may be affected by the outage; and
- (b) include in the notification the information set out in section 14.

The contradiction occurs in that the definition of a major outage or significant local outage, specifically applies only to unplanned outages (excluding those cause by a natural disaster) however, the clauses stipulate “suspects that there, is or will be, a major outage...a significant local outage affecting the telecommunications network...”

The clauses stipulate that it applies where there is or will be an outage.

The clauses do not stipulate that it only applies to unplanned outages.

The wording of the clauses is that “reasonably suspects that there is or will be a major outage or significant local outage”.

This would mean all outages, planned and unplanned.

A planned outage is as outlined in the clauses, an occasion where the carrier or carriage service provider knows there will be an outage, because it has planned a shutdown of either infrastructure or the technology.

An outage which has occurred because of damage to infrastructure during a natural disaster, is one which would apply under part 2, however, it does not apply because of part 19 and the definitions.

It is clear from the wording of the clauses, that the standard is to apply to all major outages and significant local outages, planned and unplanned, however, the definition does not support the requirements of the standard.

WHY DOES THE INTERPRETATION APPLY TO PART 3 AND NOT PART 2

Part 3—Notification, communication and information sharing requirements

9 Interpretation

In this Part, *outage* means a major outage or a significant local outage.

The interpretation only appears in Part 3 and therefore only applies to Part 3.

Part 2 indicates that the standard applies to all major and significant local outages, planned or unplanned and during a natural disaster, reinforced specifically as clause 19 only refers to Part 3 and not Part 2.

Part 3, during which the interpretation applies, would refer to the definition of a major outage or significant local outage, which only applies to unplanned and does not apply to planned or natural disaster outages.

Yet clause 19 outlines that contrary to Part 2, Part 3 does not apply if the sole or predominant cause is a natural disaster.

EXEMPTIONS DURING NATURAL DISASTER

Division 3 Exemptions

19 Outages during natural disasters

A carrier or carriage service provider is not required to comply with the requirements in this Part in relation to an outage, if the sole or predominant cause of the outage is a natural disaster.

Firstly, the clause is entitled “outages during natural disasters”.

This would indicate that whilst the natural disaster is occurring, such as during a cyclone.

19 should either be entitled “outages during natural disasters” if it only applies during the natural disaster event or “Outages caused by natural disasters” if it is intended to apply to the event and outages following the event, caused by the natural disaster.

If 19 is to refer to during and after a natural disaster, then it would be worded “Outages caused by natural disasters”.

It should also refer to what a natural disaster is, because the interpretation only stipulates to major outage and significant local outage, not to the definition of natural disaster, noting that Part 2 is, as I pointed out earlier, at odds with the definition.

EXEMPTION FOR NATURAL DISASTERS SHOULD BE REFERRED TO IN PART 2.

If it is intended that, Part 2, does not include natural disasters, which is the only exemption under the standard, then this should form part of Part 2.

Part 2—Requirements that apply to carriers and carriage service providers during major outages and significant local outages

7 Major outages

A carrier or carriage service provider who:

(c) reasonably suspects that there is, or will be, a major outage affecting the telecommunications network that the carrier or carriage service provider uses to supply carriage services to end users; or

(d) becomes aware (through being notified in accordance with this instrument) that a major outage is, or may be, affecting its end-users,

must comply with the requirements set out in Part 3 that apply to the carrier or carriage service provider, in relation to the outage.

8 Significant local outages

A carrier or carriage service provider who:

(c) reasonably suspects that there is, or will be, a significant local outage affecting the telecommunications network that the carrier or carriage service provider uses to supply carriage services to end users; or

(d) becomes aware (through being notified in accordance with this instrument) that a significant local outage is, or may be, affecting its end-users,

must comply with the requirements set out in Part 3 that apply to the carrier or carriage service provider, in relation to the outage.

An example of the wording could be

“Part 2- Requirements that apply to carriers and carriage service providers during major outages and significant local outages

In this part, Major outages and significant outages exclude outages caused by a natural disaster, as defined in Section 5.”

I do not support that natural disasters during their occurrence and post their occurrence, are exempt from the requirements. In this section I am stating that if the intention is to retain the exemption, it should be stated in Part 2.

THE FIRST NOTIFICATION

12 Requirement to notify other end-users and the public – carriage service providers affected by outage of another carrier or carriage service provider

- (1) This section applies to a carriage service provider who is notified of an outage by another carrier or carriage service provider (*the first notification*) under section 11.
- (2) The carriage service provider must, as soon as reasonably practicable after receiving the first notification:
 - (a) attempt to notify (in an easily accessible form) its end-users who are, or are likely to be, affected by the outage;
 - (b) include in the notification all the information provided to the carriage service provider in the first notification; and
 - (c) make that information available to end-users and the public.
- (3) The carriage service provider must attempt to notify its end-users using one or more of the methods described in subsection 10(2).
- (4) The carriage service provider must make the information in the first notification available to end-users and the public using two or more of the methods described in subsection 10(3).

Section 12 refers only to carriage service providers affected by an outage of another carrier or carriage service provider.

It introduces the term “the first notification” and applies only when the outage is caused by another carrier or carriage service provider, not their own outage.

15 Requirement to provide regular updates – carriers and carriage service providers

- (2) The carrier or carriage service provider must, until the outage is rectified, provide the person and the public with updates on the outage:

- (a) if the carrier or carriage service provider becomes aware that there is a material change to any of the information set out in paragraphs 14(1)(a) to (f) – as soon as possible after becoming aware of that material change; or
- (b) every two hours from the first notification or any subsequent updates under this subsection,

Whilst the intent may be that all carriage service providers must provide an update every two hours from first being notified of an outage or when there is a material change, the use of the term the first notification in Section 12 could cause misinterpretation of the intent.

For example, as Telstra and Optus are both carriers (holder of a carrier licence) and carriage service provider, an outage is not caused by another carrier, as they are the carrier, so it could be argued that 15(2)(b) does not apply to them.

Reconsideration of the use of the same term “the first notification” in either Section 12 or Section 15 (2)(b) would appear prudent.

For example, the use of the term “initial notification” in 15(2)(b) would ensure that carriage service providers notified by another supplier, are clear on their responsibilities and all carrier and carriage service providers are clear on their update requirements under 15(2)(b), regardless of whether it is their failure or that of another provider.

CONCERNS ABOUT THE PROPOSED STANDARD.

STANDARD MAY EXCLUDE PLANNED OUTAGES

As outlined earlier, Part 2 indicates the standard applies to outages that are occurring and those that the providers expect may occur, at odds with the definitions.

Noting the comments made by the Minister in announcing the standard-

“Telecommunications services are essential to participation in modern life, and ensuring that systems and processes are working to support people during stressful outages is fundamental”

And

“The Optus outage on 8 November 2023 shone a light on systems and processes in the telecommunications ecosystem that are in critical need of reform. The directions I have issued today will help improve how telcos communicate and engage with their customers in outage situations”.

The press release also states

- (e) “...standards to improve how telecommunications companies communicate with customers, particularly during major outages”.
- (f) “reduce the impact of future outages on the Australian community including improving communication and complaints processes”

- (g) “...make new rules to ensure telcos keep customers informed and updated regarding major outages...”
- (h) “...This addresses one of the key shortcomings of Optus during the crippling November 2023 outage, and establishes clear regulatory expectations to drive better industry communications”
- (i) “...make rules to improve customer communications during significant local outages that are smaller in scale...”

Why would the standard only apply to unplanned outages?

Doesn't a planned outage of mobile phone services have the same impact on someone trying to make a phone call have the same impact as an unplanned outage?

The same outcome applies to the consumer, they can not make a phone call.

People cannot make alternative arrangements when an unplanned outage has occurred, but they can make alternative arrangements when they know that a planned outage is going to happen.

Why should people be warned in advance of an outage if the carrier or carriage service provider knows it is going to occur?

The Minister stated that the directions “will help improve how telcos communicate and engage with their customers in outage situations”.

How does the standard improve communication with customers when they do not tell them there is a planned outage, and the only way to find out is by checking on systems which are not working or not accessible, when the customers could have been notified in advance of a planned outage?

The press release also outlines the making of “new rules to ensure telcos keep customers informed and updates regarding major outages...and significant local outages” whilst not requiring notification of planned outages.

IS THE DEFINITION OF MAJOR OUTAGE APPROPRIATE

NO

major 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) 500,000 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 State or Territory; and
- (c) is expected to be, or is, of a duration longer than 30 minutes,

The key components are

- 500,000 or more of the carrier's or carriage service providers services in operation

- all carriage services provided by a carrier or carriage service provider in a State or Territory

- expected to be or of a duration longer than 30 minutes.

Based on the Australian Bureau of Statistics figures, the Northern Territory has a population of 254,000, ACT 472,000 and Tasmania 575,000.

Based on population growth last year, the ACT will pass 500,000 in three years.

A complete failure of all carriage services provided in what is considered to be the Canberra area, will not comply with the standard, as Jervis Bay is part of the ACT and if there is a single service provided in that area, it will not qualify as a major outage.

If a carriage service provider has less than 500,000 services in operation, it will not be a major outage for say 250,000 customers despite the carrier notifying the service provider that there is a major outage.

Part 3 stipulates that a carriage service provider is required to notify outages, using the interpretation, however, it is not an outage for that carriage service provider.

Does the standard clearly require that in such a circumstance, a carriage service provider must act in accordance with Part 3, as if it were a major outage, as the definition for them is that is not a major outage?

The 500,000 trigger, is designed to accommodate the cities of Melbourne, Sydney, Brisbane, Adelaide and Perth, but does not provide for areas outside of those cities.

Why is it more important that consumers in cities, who are likely to have multiple avenues for accessing alternative communications channels than for regional, rural and remote consumers who may not have alternative communications channels?

The figure should be reduced to at least 100,000 and should also include a geographical area.

It seems that the standard has been worded to accommodate the ACT, so why isn't there a geographical area specified, so that all of Australia can be protected rather than just five cities and two Territories.?

A geographical area, of say 1,000 square kilometres, would provide far more protection to all Australians.

WHEN WOULD A MAJOR OUTAGE OCCUR THAT DOESN'T QUALIFY AS A MAJOR OUTAGE FOR A CARRIER OR MULTIPLE CARRIAGE SERVICE PROVIDERS

If a carriage service provider is a community provider, or a small provider operating in a region or even a city, it may have less than 500,000 services in operation.

As an example, the ACMA website refers to the Regional Broadband Scheme-

In the first 5 years of the scheme, an individual carrier (or if within a group, the carrier nominated as the 'controller') may have access to concessions to reduce the total number of chargeable premises associated with a local access line under either:

- the first 55,000 potentially chargeable premises that are recently connected greenfield premises
- the first 25,000 potentially concessional premises that are not recently connected greenfield premises.

These are examples of carriage service providers that clearly have less than 500,000 services in operation, to highlight the existence of such situations.

Therefore for a carriage service provider with a small number of services, would qualify under (ii) as all carriage services provided by a carrier or carriage service provider in a State or Territory, is likely to apply.

So an outage, which is neither a major outage or significant local outage and for which only 50,000 customers are affected, becomes a major outage under the standard.

The carriage service provider would have no control over the carrier, can not determine the problem, which may be affecting other small carriage service providers, but not exceeding 500,000 total services from the carrier, but is required to issue notices on the expected duration of the outage, but the carrier is not required to provide them with the information under the proposed standard.

DEFINITION OF SIGNIFICANT LOCAL OUTAGE

significant 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, 50,000 or more of the carrier's or carriage service provider's services in operation; and
- (c) is expected to be, or is, of a duration longer than 6 hours; and
- (d) is not a major outage.

The figure is more appropriate in rural, regional and remote areas, as the basis for a major outage.

The standard says that if there are between 50,000 and 500,000 services affected this is okay to affect those customer for six hours before any action has to be taken, but if there are 500,000 customers it must be done for a 30 minute outage.

Why aren't all Australians being treated equally, in that if it is significant enough to take action when someone doesn't have a phone or broadband for 30 minutes, that others have to wait six hours?

STANDARD MUST APPLY IN NATURAL DISASTERS

natural disaster means an emergency event (such as a fire, flood, storm, or an earthquake) that:

- (a) causes widespread disruption to a community; and
- (b) requires a significant and coordinated response.

This is when telecommunications are most important.

When there is a fire that has caused widespread disruption in a community, and is possibly still threatening more of the community, there is no requirement to warn or communicate about the loss of essential communications.

In rural areas, we lose power we lose all internet on Skymuster, mobile is limited by lack of coverage and battery life.

Yet the standard says that it is not necessary to advise people in a storm, fire, food, that their communications will be restored, or for their loved ones to know when they may be able to check on them.

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20 October 2024

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Ph ██████████ (if it works, since Telstra are refusing to repair the landline and continue with forced migration off our copper line.