

Enforceable Undertaking by Telstra Limited

Section 572B Telecommunications Act, 1997 (Cth)

The commitments in this Undertaking are given to the Australian Communications and Media Authority under section 572B of the Telecommunications Act 1997 by

Telstra Limited (ACN 086 174 781)
Level 41, 242 Exhibition Street
Melbourne VICTORIA 3000

A. DEFINITIONS

In this Undertaking:

ACMA means the Australian Communications and Media Authority;

Carrier Licence Conditions means the *Telecommunications (Carrier Licence Conditions – Telstra Corporation Limited) Declaration 2019*;

CSP means carriage service provider;

Effective Date means 31 January 2023, unless the ACMA has not accepted the Undertaking before that date, in which case Effective Date means the day on which the ACMA accepts and duly executes a copy of the Undertaking that has been executed by Telstra;

EMR means Emergency Medical Request, within the meaning of the PA Policy;

LTMC means life-threatening medical condition;

PA means priority assistance;

PA Documentation means resources providing information about PA and a method that customers can use to apply for PA;

PA Policy means Telstra's Priority Assistance Policy;

Relevant Period means the period between 24 October 2019 and 1 August 2022;

Telecommunications Act means the *Telecommunications Act 1997 (Cth)*;

Telstra means Telstra Corporation Limited (ACN 051 775 556) for the period up to 31 December 2022 and Telstra Limited (ACN 086 174 781) for the period commencing 1 January 2023;

Undertaking means this undertaking given to the ACMA by Telstra under section 572B of the Telecommunications Act.

B. BACKGROUND

B1. Telstra's priority assistance obligations

1. Telstra supplies data and voice carriage services to the public. Accordingly, it is a CSP for the purposes of the Telecommunications Act.
2. Paragraph 12(2)(c) of the Carrier Licence Conditions requires Telstra to develop, implement and maintain processes, systems, and practices to ensure that priority customers can be

identified and provided with PA. Failure to comply with the Carrier Licence Conditions is a contravention of subsection 68(1) of the Telecommunications Act.

3. Telstra has a PA Policy in place to help it meet its PA obligations under its Carrier Licence Conditions. Clause 4.1 of the PA Policy requires Telstra to forward PA Documentation to customers who enquire about PA.
4. Telstra self-reported the conduct described at paragraph 9 to the ACMA.
5. Telstra acknowledges that it failed to comply with clause 4.1 of the PA Policy on 266 occasions as a result of the conduct described at paragraph 9 and on one additional occasion in relation to an individual who Telstra did not correctly identify as an individual with a LTMC. Telstra acknowledges that it did not have adequate processes in place during the Relevant Period to ensure oversight and verification that PA Documentation was sent by its third-party mail house provider in all cases.

The ACMA's findings

6. The ACMA has concluded that Telstra's non-adherence to clause 4.1 on 267 occasions resulted in Telstra contravening paragraph 12(2)(c) of the Carrier Licence Conditions.
7. Telstra acknowledges the ACMA's findings and offers this Undertaking in response to the ACMA's concerns regarding Telstra's compliance with the Carrier Licence Conditions.

The Conduct

8. During the Relevant Period, Telstra had a process in place which involved instructing a third-party mail house provider to send PA Documentation to customers who enquired about PA.
9. Telstra identified that some customers who enquired about PA were not sent PA Documentation during the Relevant Period in some specific circumstances, notably where:
 - a) a customer was living in areas that experienced a natural disaster at the time of making a PA request;
 - b) errors were made by Telstra front of house staff entering the address of a customer such that Telstra did not provide a valid mailing address to the mail house; or
 - c) the instructions to the mail house did not include the type of PA Documentation that should be sent.
10. Telstra self-reported the above categories of failures to send PA Documentation to the ACMA.

B.2 Remedial actions

Remediation for affected customers

11. Telstra has re-sent PA Documentation to all customers referred to in paragraph 9 above to ensure that they have the opportunity to apply for PA.

Process improvements

12. To improve its PA processes more generally, Telstra has implemented a range of additional measures, including:
 - a) conducting mandatory briefing sessions on Telstra's existing PA procedures for both front of house and back of house staff;

- b) system enhancements to allow front of house staff to more easily identify potential PA customers, and automatic prompting as to where to direct enquiries about PA;
 - c) updating training programs;
 - d) improved knowledge management for EMR identification and associated processes; and
 - e) updated coaching and consequences framework for agents in relation to the identification of PA cases and EMR.
13. Telstra has also proactively enhanced its technical capability to undertake automated monitoring of voice calls and messaging interactions. This capability allows Telstra to monitor calls or messaging interactions that may indicate that a customer may be eligible for PA.
14. Telstra has implemented frequent auditing of agent conversations to confirm adherence to PA processes in relation to customers with unexpected LTMCs.
15. If potential misses are identified, they are escalated for further assistance and remediation.

C. UNDERTAKINGS

Remedial actions

16. Telstra undertakes to:
- a) implement a process to verify that all requests by Telstra to any applicable third-party mail house provider to send PA Documentation are carried out by Telstra's third-party mail house provider, and where there are no records of PA Documentation being sent, ensuring that PA Documentation is sent either physically or using an alternative method;
 - b) review and re-design its PA registration and renewal process to align with the process described at paragraph 16(a);
 - c) review and amend Telstra's guidelines and service level agreements with any third-party mail house provider that it uses to include further requirements about sending and reporting to Telstra on PA Documentation sent to customers in exceptional circumstances including where:
 - i) customers are living in areas experiencing a natural disaster;
 - ii) valid address details are not provided by Telstra; and / or
 - iii) instructions from Telstra do not include the type of PA Documentation that should be sent.
17. Telstra will complete delivery of the actions specified in paragraph 16 no later than 12 months after the Effective Date.

D. REPORTING

18. Telstra will provide two written half-yearly reports to the ACMA on its progress in implementing the undertakings in paragraph 16. These reports will specify:
- a) whether the undertaking in each subparagraph has been completed;
 - b) when Telstra expects to complete any undertaking that has not already been completed; and

- c) a summary of any changes to Telstra's policies or procedures that have been implemented pursuant to the undertaking in each subparagraph.
19. Each half yearly report referred to in paragraph 18 must be provided no later than 30 days after the end of the six-month period to which the report relates, with the first six-month period commencing on the Effective Date.
20. Telstra will provide four written quarterly reports to the ACMA on its use of automated monitoring referred to in paragraphs 13 to 15. These reports will specify:
- a) the number of agent conversations that have been analysed using automated monitoring during the quarter;
 - b) the number of customers that were sent PA Documentation following any escalation process undertaken as a result of the analysis at paragraph 20(a); and
 - c) the percentage of customers that confirmed their PA status after being sent PA Documentation following an escalation process of a type referred to at paragraph 20(b).
21. Each quarterly report referred to in paragraph 20 must be provided no later than 30 days after the end of the quarter to which the report relates, with the first quarterly period commencing on the Effective Date.

E. DURATION OF THE UNDERTAKING

22. This Undertaking comes into effect upon the Effective Date.
23. This Undertaking ceases to have effect from the date on which Telstra has provided both its final reports to the ACMA under paragraphs 18 and 20, unless:
- a) the ACMA gives written notice to Telstra cancelling this Undertaking in accordance with subsection 572B(4) of the Telecommunications Act, in which case this Undertaking ceases to have effect on the day that written notice of the cancellation is given to Telstra; or
 - b) the ACMA consents to the earlier withdrawal of this Undertaking in accordance with subsection 572B(3) of the Telecommunications Act, in which case this Undertaking ceases to have effect in accordance with the ACMA's consent.

F. VARIATION OF THE UNDERTAKING

24. This Undertaking may be varied in accordance with subsection 572B(3) of the Telecommunications Act, in which case this Undertaking will have the effect as varied in accordance with the consent granted by the ACMA.

G. ACKNOWLEDGMENTS

25. Telstra acknowledges that the ACMA may:
- a) issue a media release on execution of this Undertaking referring to its terms;
 - b) publish this Undertaking or make this Undertaking available for public inspection; and
 - c) refer to this Undertaking publicly from time to time.

EXECUTED by Telstra Limited (ACN 086 174 781) by its authorised representative on

20 December 2022



Signature of authorised representative

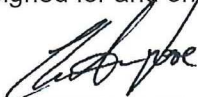
Lyndall Stoyles

Name of authorised representative

The Undertaking offered by Telstra Limited is accepted by the Australian Communications and Media Authority pursuant to section 572B of the Telecommunications Act 1997 on

21 DECEMBER 2022

Signed for and on behalf of the Australian Communications and Media Authority by:



Signature of Member

Christian Jose

Name of Member



Signature of Member

JAMES CAMERON

Name of Member

