



# Telecommunications (Customer Communications for Outages) Industry Standard 2024

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The Australian Communications and Media Authority makes the following industry standard under subsection 125AA(1) of the *Telecommunications Act 1997*.

Dated:

Member

Member/General Manager

Australian Communications and Media Authority

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**DRAFT FOR CONSULTATION**

## Part 1—Preliminary

### 1 Name

This instrument is the *Telecommunications (Customer Communications for Outages) Industry Standard 2024*.

### 2 Commencement

Each provision of this instrument specified in column 1 of the table commences in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Column 1	Column 2
Provisions	Commencement
1. Sections 1 to 7, and sections 9 to 20	31 December 2024.
2. Sections 8 and 21	30 June 2025.

Note 1: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

Note 2: The Federal Register of Legislation may be accessed free of charge at [www.legislation.gov.au](http://www.legislation.gov.au).

### 3 Authority

This instrument is made under subsection 125AA(1) of the *Telecommunications Act 1997* and in accordance with sections 5 and 6 of the *Telecommunications (Customer Communications for Outages Industry Standards) Direction 2024*.

Note: The *Telecommunications (Customer Communications for Outages Industry Standards) Direction 2024* was given to the ACMA by the Minister under subsection 125AA(4) of the Act.

### 4 Application

For the purpose of subsection 125AA(1) of the Act, this instrument:

- (a) applies to the section of the telecommunications industry consisting of carriers and carriage service providers that supply carriage services to end-users;
- (b) deals with the information and advice a carrier must provide to other carriers, carriage service providers and the public, in the event of an actual or suspected major outage or significant local outage, that impacts a telecommunications network that is used by the carrier to supply carriage services to end-users;
- (c) deals with the information and advice a carriage service provider must provide to end-users, other carriage service providers, carriers and the public, in the event of an actual or suspected major outage or significant local outage, that impacts a telecommunications network that is used by the carriage service provider to supply carriage services to end-users; and
- (d) is intended to give effect to the objectives set out in subsection 6(1) of the Direction and address the matters set out in subsection 6(2) of the Direction as they relate to the carriers and carriage service providers referred to in paragraph (a).

## 5 Definitions

In this instrument:

**Act** means the *Telecommunications Act 1997*.

**Direction** means the *Telecommunications (Customer Communications for Outages Industry Standards) Direction 2024*.

**emergency call person for 000 and 112** means the emergency call person who is the recognised person who operates an emergency call service for the emergency service numbers 000 and 112.

Note: At the time this instrument was made, the emergency call person for 000 and 112 was Telstra Limited.

**emergency call person for 106** means the emergency call person who is the recognised person who operates an emergency call service for the emergency service number 106.

Note: At the time this instrument was made, the emergency call person for 106 was Concentrix Services Pty Ltd (ACN 166 171 991).

**End user means a person or small business to whom a C/CSP supplies a Listed Carriage Service, but excludes enterprise, government or large business customers.**

**major outage** means any significant unplanned adverse impact to voice or data services 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 360 minutes.

**NOTE: A 'significant unplanned adverse impact' means that services are degraded to the extent that the end user cannot use the core aspect of the service. For instance, for a voice service, this would mean being unable to make and maintain a call, and for a data service, it would mean being unable to access the internet.**

**material change** means a change to the scale, geographic area, number of carriage services impacted or expected time of rectification of an outage, that is likely to result in a significant increase or decrease in the severity of an outage, or in the time taken to rectify an outage.

**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.

**near real-time communications** are any mode of telecommunications:

- (a) that are not real-time communications; and
- (b) in which all users can exchange information with minimal latency or transmission delays.

**other media** includes:

- (a) newspapers;
- (b) radio and television broadcasting services;
- (c) electronic services (including services provided through the internet) that are similar to newspapers, radio or television broadcasts.

**real-time communications** are any mode of telecommunications in which all users can exchange information instantly or with negligible latency or transmission delays.

**relevant stakeholders** include:

- (a) the emergency call person for 000 and 112 and the emergency call person for 106;
- (b) the ACMA;
- (c) the Department administered by the Minister administering the Act; and
- (d) the Telecommunications Industry Ombudsman.

**services in operation** means carriage services that are:

- (a) connected to a telecommunications network, or would, but for an outage, be connected to a telecommunications network; and
- (b) provided by a carrier or carriage service provider to an end-user under an arrangement between the carriage service provider and the end-user.

**significant local outage** means any significant unplanned adverse impact to voice or data services~~any unplanned full or partial unavailability of a telecommunications network (outside of a metropolitan service area)~~ 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 (in a localised geographic area); and
- (c) is expected to be, or is, of a duration longer than 6 hours; and
- (d) is not a major outage.

**social media** means internet-based technology or applications, if –

- (a) the sole or primary purpose of the technology or application is to enable social interaction between 2 or more end-users; and
- (b) the technology or application allows end-users to link to, or interact with, some or all of the other end-users; and
- (c) the technology or application is a means by which a person may create and share content generated by the person.

Note: A number of other expressions used in this instrument are defined in the Act, including the following:

- (a) ACMA (section 7);
- (b) carriage service (section 7); For the purposes of this Standard, carriage service excludes an IoT or M2M service.
- (c) carriage service provider (section 87); -
- (d) carrier (section 7);
- (e) emergency call person (section 7);
- (f) emergency call service (section 7);
- (g) emergency service number (section 7);
- (h) telecommunications network (section 7).

## 6 References to other legislative instruments

In this instrument, unless the contrary intention appears a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

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## 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~~ detects or becomes aware (through being notified in accordance with this instrument) ~~that,~~ a major outage affecting the telecommunications network that the carrier or carriage service provider uses to supply carriage services ~~is or may be affecting 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) ~~detects or becomes aware (through being notified in accordance with this instrument) that~~ 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 ~~is or may be affecting 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~~detects or becomes aware (through being notified in accordance with this instrument) 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 detects or becomes aware (through being notified in accordance with this instrument)~~reasonably suspects that there is, or will be~~, of 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. (G i), ii) and iii) should be excluded.

## **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).

## **13 Requirement to communicate with the public – carriers**

- (1) As soon as possible after a carrier reasonably suspects that there is, or will be, an outage, the carrier must make information (in an easily accessible form) about the outage available to the public using two or more of the following communications channels:
  - (a) the website of the carrier, or if that website is inaccessible due to the outage, an alternative website that is accessible to the public;
  - (b) social media; or
  - (c) other media.
- (2) The information in subsection (1) must include the information set out in section 14.

## **14 Contents of a notification or communication**

- (1) A carrier or carriage service provider required to notify or communicate under sections 10, 11 or 13 must include as much of the following information about the outage as is available to the carrier or carriage service provider at the time of notifying or communicating:
  - (a) whether the outage is a major outage or a significant local outage;
  - (b) the scale or suspected scale of the outage;
  - (c) subject to subsection (2), the cause or likely cause of the outage;
  - (d) the geographic areas impacted or likely to be impacted by the outage;
  - (e) the types of carriage services impacted or likely to be impacted by the outage;
  - (f) the estimated timeframe for rectification of the outage; and
  - (g) details about how end-users can obtain additional information or assistance during the outage including:



- (i) contact information such as an email address, a phone number or social media account information;
  - (ii) a website address (primary website) or the address of an alternative website if the primary website is affected by the outage;
  - (iii) where possible - alternative and easily accessible contact channels that enable end-users to contact the carrier or carriage service provider in real-time or near real-time if an end-user requires urgent assistance during the outage.
- (2) The carrier or carriage service provider is not required to give information about the cause or likely cause of an outage if it has reasonable grounds to believe that disclosing this information could compromise its telecommunications network security or national security.

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

- (1) This section applies to a carrier or carriage service provider who is required to:
  - (a) notify a person under paragraphs 10(1)(a), or 11(a) ~~or 12(2)(a)~~; or
  - (b) communicate with the public under paragraph 10(1)(b), ~~paragraph 12(2)(c)~~ or section 13.
- (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,

whichever occurs first.
- (3) An update provided under subsection (2) must:
  - (a) if the update was as a result of a material change – set out details about the material change; or
  - (b) if the update was not a result of a material change – explain that there has been no material change.
- (4) An update provided to a person under subsection (2) must be notified in the same manner as a notification previously provided to the person under sections 10, or 11 ~~or 12~~ (whichever applies).
- (5) An update provided to the public under subsection (2) must be provided using two or more of the methods described in subsection 10(3).

## 16 Requirement to notify rectification of outage – carriers and carriage service providers

- (1) This section applies to a carrier or carriage service provider who:
  - (a) is required to:
    - (i) notify a person under paragraphs 10(1)(a), 11(a) or 12(2)(a); or
    - (ii) communicate with the public under paragraph 10(1)(b), paragraph 12(2)(c) or section 13; and
  - (b) considers that all services affected by the outage have been restored, or that the outage has been fully rectified.

- (2) The carrier or carriage service provider must, as soon as possible after the carrier or carriage service provider becomes aware that all of the services affected by the outage have been restored, or that the outage has been fully rectified:
  - (a) notify each person it was required to notify under paragraphs 10(1)(a), 11(a) or 12(2)(a), of the restoration or rectification; and
  - (b) inform the public of the restoration or rectification.
- (3) A notification provided under paragraph (2)(a) must be notified in the same manner as a notification previously provided to the person under sections 10, 11 or 12 (whichever applies).
- (4) A communication provided to the public under paragraph (2)(b) must be provided using two or more methods described in subsection 10(3).

## **Division 2 Information sharing and real-time or near real-time assistance**

### **17 Requirement to share information with other carriers, carriage service providers and relevant stakeholders**

- (1) As soon as possible after a carrier or carriage service provider detects or becomes aware (through being notified in accordance with this instrument)~~reasonably suspects that there is, or will be, of~~ an outage affecting the telecommunications network of the carrier or carriage service provider, the carrier or carriage service provider must share information with:
  - (a) other carriers and carriage service providers who have not been notified under Division 1 whose end-users may be affected by the outage; and
  - (b) relevant stakeholders.
- (2) The information to be shared under subsection (1) must include:
  - (a) subject to subsection (3), the information specified in subsection 14(1) about the outage;
  - (b) updates about the outage provided at the same times as specified under subsection 15(2); and
  - (c) once all the services have been restored or the outage has been rectified - information about the restoration or rectification of the outage.
- (3) The carrier or carriage service provider is not required to give information about the cause or likely cause of an outage if it has reasonable grounds to believe that disclosing this information could compromise its telecommunications network security or national security.

### **18 Requirement to provide real-time or near real-time assistance – carriage service provider**

- (1) A carriage service provider who is required to comply with sections 10 or 12 must, as far as is reasonably practicable, make available to its 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 carriage service provider using real-time communications or near real-time communications.
- (2) For the purposes of subsection (1), a contact method may include:
  - (a) for real-time communications – a phone number or live chat;
  - (b) for near real-time communications –live chat.

Note: A carriage service provider may use other alternative communications methods as real-time or near real-time communications.

- (3) The carriage service provider must ensure that any contact method used to comply with the requirement in subsection (1) (including the methods specified in paragraphs (2)(a) or (b)) is:
- (a) easily accessible;
  - (b) ~~staffed~~resourced adequately; and
  - (c) capable of responding immediately to requests for urgent assistance from end-users.

### **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.

## Part 4—Written procedures for communicating during outages

### 20 Written procedures regarding communications during major outages

- (1) Carriers and carriage service providers who supply carriage services to end-users must have written procedures in place that outline how they will:
  - (a) communicate with end-users, the public, other carriers and carriage service providers and relevant stakeholders during a major outage; and
  - (b) manage real time or near real-time communications with end-users who require urgent assistance during a major outage.
- (2) The written procedures must be published on the carrier's or carriage service provider's website and be easily accessible.
- (3) Subject to subsection (4), a carrier or carriage service provider must comply with the written procedures, if the carrier or carriage service provider reasonably suspects that there is, ~~or will be~~, a major outage.
- (4) To the extent that there is any inconsistency between a carrier's or carriage service provider's written procedures and a requirement in Part 3, the carrier or carriage service provider must comply with the requirement in Part 3.

### 21 Written procedures regarding communications during significant local outages

- (1) Carriers and carriage service providers who supply carriage services to end-users must have written procedures in place that outline how they will:
  - (a) communicate with end-users, the public, other carriers and carriage service providers and relevant stakeholders during a significant local outage; and
  - (b) manage real time or near real-time communications with end-users who require urgent assistance during a significant local outage.
- (2) The written procedures must be published on the carrier's or carriage service provider's website and be easily accessible.
- (3) Subject to subsection (4), a carrier or carriage service provider must comply with the written procedures, if the carrier or carriage service provider reasonably suspects that there is, ~~or will be~~, a significant local outage.
- (4) To the extent that there is any inconsistency between a carrier's or carriage service provider's written procedures and a requirement in Part 3, the carrier or carriage service provider must comply with the requirement in Part 3.