

The Manager
National Interests Section
Australian Communications and Media Authority

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Dear Manager

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

New South Wales Telco Authority (NSWTA) thanks the Australian Communications and Media Authority (ACMA) for the opportunity to provide input to the consultation on the proposal to make the *Telecommunications (Customer Communications for Outages) Industry Standard 2024* (Standard).

NSWTA welcomes the Standard as a valuable tool to ensure that customers and stakeholders are kept informed of the status of large-scale network outages. This is of critical importance for NSWTA in the role of Telecommunications Services Functional Area (TELCOFA) Coordinator to direct emergency management activities to protect, enhance and restore telecommunications infrastructure, particularly relating to disasters and major public safety events.

The Public Safety Network (PSN) is a private trunked radio network for law enforcement, emergency management and public safety communications, which is not available for public subscription. We require a carrier licence because the PSN is available to select non-NSW Government entities, including Commonwealth agencies, to enable coordination amongst emergency agencies and across borders. This broader customer base means we do not meet the [immediate circle exemption](#), which would preclude us from having to hold a carrier licence.

In response to this consultation, NSWTA recommends the following changes to the Standard:

- NSWTA should be exempt from the requirements to provide information about network outages
- NSWTA should be included as a 'relevant stakeholder'
- The Standard should apply to outages caused by natural disasters
- The Standard should include more categories for smaller populations

NSWTA should be exempt from the requirements to provide information about network outages

This part responds to questions five and six of the consultation paper.

Due to the sensitive nature of the work of some PSN customers, NSWTA should be exempt from the requirement to provide information of network outages to the public.

PSN customers include regulatory, law enforcement, anti-corruption and national security agencies of the NSW and Commonwealth governments. Knowledge of the communications capability of these agencies has the potential to adversely impact their operations and the safety of agency personnel and the public.

Public statements regarding PSN performance and/or availability are subject to security considerations and consultation between NSWTA, the Public Information Services Functional Area Coordinator (managed by NSW Police Force) and other PSN customers as appropriate. If an outage or degradation of PSN capability happens during an emergency or natural disaster, then emergency management entities, such as the State Emergency Operations Controller, would also be informed.

NSWTA has strategies in place to inform PSN customers of any degradation in network performance and/or coverage and agency-specific business continuity arrangements are implemented if necessary. As PSN customers are not members of the public but agencies involved in support of emergency management and public safety activities, NSWTA should not be subject to the Standard's communication requirements to end-users and current processes should continue in relation to the PSN.

Due to the nature of the PSN, NSWTA should be exempt from the requirements that apply to carriers and carriage service providers during major outages and significant local outages in Part 2 of the Standard and, therefore, the requirements of Part 3. We recommend that Parts 2 and 3 should only apply to carriers and carriage service providers operating publicly available commercial services.

NSWTA should be included as a 'relevant stakeholder'

NSWTA recommends that the ACMA includes NSWTA as a relevant stakeholder enabling us to be informed about critical network information such as the network outages. Such information is vital in our carrying out of functions under state emergency arrangements. For several years, NSWTA has consistently advocated for improved communication of outages by carriers, in particular by mobile network operators (MNOs), including via the [NSW Government submission to the Optus outage](#).

NSWTA has responsibility under the *State Emergency and Rescue Management Act 1989* (SERM Act) for leading the TELCOFA and enacting its [Supporting Plan](#). This function is performed by NSWTA's Telecommunications Emergency Management Unit (TEMU).

TEMU's role is to engage with telecommunications providers, including the three Australian MNOs that are also members of the TELCOFA, and emergency service organisations to coordinate emergency management activities to protect, enhance and restore telecommunications infrastructure, particularly relating to disasters and major public safety events. This occurs from TEMU's Operations Centre, the State Emergency Operations Centre and/or in-field operations centres.

In this role, TEMU actively supports MNO networks to prevent or recover from outages by coordinating resources and deploying back-up power or cells-on-wheels as required. In order to be effective in this function, we propose that the definition of 'relevant stakeholder' includes state government agencies with a legislated role, such as a functional area (NSW), to support the provision of telecommunications services. A functional area, within the meaning of the SERM Act, means a category of services involved in the prevention of, preparation for, responses to or recovery from an emergency. Alternatively, the ACMA could specify agencies, including NSWTA and other agencies with similar functions, in the definition of 'relevant stakeholder'.

The Standard should apply to outages caused by natural disasters

This part responds to question four of the consultation paper.

NSWTA asserts that the Standard should also apply to outages caused by natural disasters.

Recent major natural disaster inquiries, including the 2020 NSW Bushfire Inquiry, the 2020 Royal Commission into National Natural Disaster Arrangements, the 2022 NSW Flood Inquiry and the NSW Select Committee on the Response to Major Flooding Across NSW in 2022 found that the catastrophic bush fires and floods in NSW and other jurisdictions demonstrated the community's reliance on the availability of public communications networks, particularly commercial carrier networks, when responding to and recovering from these devastating events.

Telecommunications outages resulting from the loss of electricity and/or damage to network infrastructure during natural disasters is both a fearful and inhibiting experience, with community members and emergency services organisation volunteer members who rely on these networks being uncontactable.

The Standard must include provisions for carriers and carriage service providers to inform the public and end-users of network outages that are caused by natural disasters, which is when communities are most distressed and communication with family and friends as well as emergency services is crucial. Information about the status of outages can assist communities in planning for alternatives.

The Standard should include more categories for smaller populations

While it is reasonable to provide requirements for major outages and significant local outages as defined in the Standard, smaller towns and communities should also be considered and additional levels or categories of outages should be included in the Standard to accommodate them.

Many smaller towns are large distances from other towns, making it very difficult to seek aid when local communications are not operational. Furthermore, many of these communities rely on a single mobile network, with examples of Parkes, Coonamble and Nyngan among many others in NSW.

Whether an outage is caused by operational issues or by natural disasters, some smaller towns and communities can be significantly impacted by network outages. A community where there are fewer than 50,000 carrier or carriage provider's services in operation could experience greater distress than some areas of larger cities experiencing a significant local outage. Towns like Lismore and Casino in the Northern Rivers area of NSW which lost communications in the 2022 floods are not currently captured by the Standard. This could attract public concern, considering the widespread criticisms in the media regarding the lack of information about outages from providers during declared disasters.

There must be stronger requirements on carriers and carriage service providers to inform the public about outages to support communities to manage these difficult times. The Standard should include requirements for areas of much lower populations that might be defined as a 'town' or 'community', so that if all or most of that town or community is affected by an outage, then the Standard would apply.

We thank you again for the opportunity to provide input to this consultation. For further information, please contact Georgina Gold, A/Director Whole of Government Connectivity, NSWTA at [REDACTED].

Yours sincerely

A black rectangular box redacting the signature of Kylie De Courteney.

Kylie De Courteney
Managing Director, NSWTA

18/10/24