

Friday 14 March 2025

The Manager
National Interests Section
Australian Communications and Media Authority
By email: national.interests@acma.gov.au

To the Manager of the National Interests Section of ACMA,

RE: Telco Industry Rules for Network Outages

I am writing on behalf of Financial Counselling Victoria (FCVic), the peak body for financial counsellors in Victoria who collectively assist more than 23,000 of the most vulnerable Victorians every year.

I write today on the three ACMA consultations relating to network outages –

- Improving the emergency call service during outages
- Improving customer communications for outages
- Changes to consumer complaints-handling rules

Given the inter-related nature of our feedback, we have chosen to provide feedback to all three consultations in this one submission.

We have previously provided feedback on the draft *Telecommunications (Customer Communications for Outages) Industry Standard 2024* back in September 2024. We were pleased to see that our feedback relating to the importance of ensuring ongoing telecommunications connectedness in the immediate aftermath of a natural disaster was noted, with section 19 of the Standard amended accordingly.

We are pleased to provide further feedback on the three consultations above, with a view to improving outcomes for the most vulnerable consumers.

Definition of significant local outage

Firstly, while we understand the reasoning behind the chosen definition of ‘significant local outage’, we suggest that defining this as only locations in regional or remote Australia is unnecessarily limiting. We agree that these locations are particularly vulnerable as there is a greater risk of communities being isolated because of the lack of alternative telco infrastructure.

However, *financial and social isolation* in metropolitan areas is still a concern – just because there are alternative mobile networks available, it doesn’t mean that someone experiencing an outage on an Optus mobile network has the available means to access a Telstra mobile network, or to make wi-fi enabled calls through a different home internet connection. While we recognise that these people may still be able to make Triple Zero calls if there is another network carrier at the location, we argue that they should still be covered under the customer communications and complaints obligations on carriers.

Therefore for consistency's sake across these different instruments, we recommend that the definition of significant local outage be amended to remove the phrasing '*in regional or remote Australia*' – with all other wording in the definition to remain as is.

Sharing information with emergency service organisations

Secondly, we suggest that the wording in section 78 of the *Telecommunications (Emergency Call Service) Amendment Determination 2025* be amended to reflect the unique inter-related nature of towns on state borders.

If there is a network outage in Albury NSW, requiring the carrier to only share information with '*an emergency service organisation located in the State or Territory affected by the major outage or significant local outage*' would mean that emergency services in Wodonga VIC across the border would not receive this crucial information, despite only being five minutes apart.

We suggest amending 2(c) of section 78 to '*all emergency service organisations located within 100kms of the area affected by the major outage or significant local outage*' to best address this situation.

Requirement to communicate with the public

We suggest that the wording in section 9 of the *Telecommunications (Customer Communications for Outages) Industry Standard 2024* be amended to remove paragraph 2 – if the sole or predominant cause of the outage is a natural disaster, the carrier should simply be required to comply with paragraph 1 with no exceptions made on the need to communicate through the primary social media account or other types of media.

Communicating information solely through the carrier's website may not be sufficient especially given the social shift to rely on social media for a primary source of news content – see ACMA's own 'How we access news' research¹ for the growing trend of younger Australians who are shifting away from online news websites and towards social media platforms and apps.

Allowing network outage complaints where the cause is a natural disaster

The *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* currently does not allow for complaints to be made when the sole or predominant cause of the network outage is a natural disaster.

We do not agree with this exclusion – an outage of any type has an impact on a consumer whether or not it is caused by a natural disaster. Complaints should still be allowed relating to any poor handling of this outage, such as poor communication from the service provider which contravenes the Customer Communications for Outages Standard.

Improving definitions to protect consumer rights

We have a few recommendations on amending two definitions used in the Consumer Complaints Handling Standard to better protect the rights of consumers.

Complaint – should include the opportunity for customers to complain about items like the Bulk Resolution Offer where this is deemed to be inadequate for the loss experienced.

Financial hardship – should be simplified and reference the definition provided in the *Telecommunications (Financial Hardship) Industry Standard 2024* to better future-proof this Standard. We note that there are some limitations to the definition provided in the Financial

¹ <https://www.acma.gov.au/publications/2024-02/report/communications-and-media-australia-how-we-access-news>

Hardship Standard, notably that it presumes that financial hardship is time-limited and temporary. Financial counsellors know that financial hardship can be chronic and long-term, reflecting social and economic pressures outside of individual control.

Nominating a representative

Section 8 and Section 10B of the Consumer Complaints Handling Standard relating to the accessibility of complaints handling processes make reference to *‘allow consumers to nominate a representative to make and handle a complaint’*.

We recommend that this wording be amended to place a stronger onus on the service provider to facilitate this process, as follows – *‘make it simple for consumers to nominate a representative to make and handle a complaint, including by acceptance of established third party authority forms such as the standard Financial Counselling Agency Authorisation Form’*.

Changing references to the TIO

Section 10 of the Consumer Complaints Handling Standard requires service providers to include the following statement on their complaints handling process – *‘If you are not satisfied with how we have handled your complaint, you have a right to take it to the Telecommunications Industry Ombudsman’*. We recommend that this statement be improved to describe the TIO as independent – understanding that often, consumers may have a level of distrust of processes that they view as biased.

The revised statement could read – *‘If you are not satisfied with how we have handled your complaint, you have a right to take it to the independent external dispute resolution service offered by the Telecommunications Industry Ombudsman’*.

Requirements for staff training

In a few instances through the Consumer Complaints Handling Standard, there are references to ensuring that personnel / staff are provided with documentation relating to the complaints handling process. We suggest that this should be supplemented with initial and annual training, in line with the Telecommunications Consumer Protections Code, as documentation alone is not sufficient for ensuring comprehension and compliance by personnel.

Additionally...

In addition to the comments provided above directly responding to the three consultations, our financial counsellor members report that loss of communications during a power outage are often due to telcos not having sufficient (or sometimes any) battery backup for their exchanges and towers.

They note that during an extended power outage, electricity networks tend to restore power based on customer numbers. Telecommunications infrastructure including towers are usually located at the top of a hill which often makes them remote and surrounded by low numbers of customers – making them lower priority for restoration. *If customers cannot rely on effective telecommunications during natural disaster events, the disconnection with real-time updates will put their safety at risk.*

This was well-evidenced in the final report of the Victoria’s Network Outage Review which recommended that ‘The Victorian Government to work with the Commonwealth Government and telecommunications carriers to ensure that there are appropriate arrangements via existing services or alternatives, for communities to stay connected for 72 hours without network power supply’. The Victorian Government have supported this recommendation in their formal response to the Review’s final report, and we urge ACMA to also consider how they

can support this recommendation and use their role to promote prioritisation of restoration of power to telco assets to ensure community safety.

Thank you for your consideration. To discuss these recommendations further or for any further queries, please contact FCVic's Advocacy Manager [REDACTED] on [REDACTED].

Yours sincerely,

A large black rectangular redaction box covering the signature of James Degenhardt.

James Degenhardt
Acting Chief Executive Officer
Financial Counselling Victoria