

The Hon Jihad Dib MP

Minister for Customer Service and Digital Government
Minister for Emergency Services
Minister for Youth Justice



Ref: BN-01126-2025

The Manager
National Interests Section
Australian Communications and Media Authority

Email: national.interests@acma.gov.au

Re: Submission to the ACMA - consultation regarding proposed industry rules for outages

Dear Manager,

NSW Telco Authority (NSWTA) thanks the Australian Communications and Media Authority (ACMA) for the opportunity to provide input to the proposed rules for carriers and carriage service providers (CSPs) regarding outages and the related amendments to the following instruments:

- Telecommunications (Emergency Call Service) Determination 2019 ('ECS Determination')
- Telecommunications (Customer Communications for Outages) Industry Standard 2024 ('CCO Standard')
- Telecommunications (Consumer Complaints Handling) Industry Standard 2018 ('CCH Standard').

NSWTA welcomes the amendments that ensure every effort is made to keep vital communications operational, and to support the people of NSW to make emergency calls when needed.

While this submission covers NSWTA's position on each of the proposed instruments, our primary interests are to be included as a recipient of outage information in the ECS Determination and be exempted from the CCO/CCH Standards.

1 - NSWTA to receive information about outages

The proposed amendments to the ECS Determination and the CCO Standard seek to improve the quality and timeliness of information provided by carriers about network outages. This approach is welcomed by NSWTA as it will increase our capacity and readiness to support network restoration when outages occur.

In our role as Telecommunications Services Functional Area Coordinator under the *State Emergency and Rescue Management Act 1989* (NSW), NSWTA directs emergency management activities to protect, enhance and restore telecommunications infrastructure, particularly in response to outages, disasters and major public safety events.

While NSWTA's Telecommunications Emergency Management Unit has established relationships with carriers and actively deploys resources in response to network outages, our capacity to support

restoration of networks would be greatly improved if the ECS Determination and CCO Standard were amended as follows:

Section 78(2) of the draft ECS Determination sets out entities with whom a carrier must share network outage information, with a slightly different list in the section 5 definitions of ‘relevant stakeholder’ in the CCO Standard. To support NSWTA in our TELCOFA role, it is critical that NSWTA be provided with the same outage information as the named organisations in these instruments. This could be achieved by specifically listing NSWTA (and equivalent telecommunications agencies in other states and territories) or including a more general approach for ‘*entities with a legislated function or authority to support the restoration of network outages.*’

Expanding the information required from carriers in the event of an outage currently set out in subsections 78(3) of the ECS Determination and 13(1) of the CCO Standard. Including more detailed real-time information requirements for each site affected by a network outage will help agencies such as NSWTA to more effectively respond and/or provide urgent support. However, recognising the sensitive nature of the additional information requested, the instruments should ensure that all outage information provided by carriers is to a secure system, accessible by only authorised personnel. This additional information should include:

1. Site name
2. Site address
3. Site ID
4. Site status (online/offline/partial outage)
5. Coordinates (latitude & longitude)
6. Network Priority (high/medium/low - based on customer impacts & network impacts)
7. Downstream sites (number of sites and associated downstream site IDs)
8. Type of outage (intermittent / outage / one technology etc)
9. Technology Type (e.g. 3G, 4G, 5G, FFTN, FTTP etc)
10. Resulting impact on coverage to suburb(s) + LGAs (including number of customers impacted if known)
11. Estimated time of restoration
12. Potential impact to 000 (either the service or ability for people to call 000)
13. Impacts to any single carrier reliant communities (resulting in a community in telecommunications isolation).

Point 13 above is of particular importance to the scope of the draft instruments given the parameters set by the definitions of ‘major outage’ and ‘significant local outage’. In NSW and across Australia, there are some towns with less than one thousand people that could be completely isolated during an outage, and where the outage is caused by a natural disaster, it will require urgent support and information. For this reason, NSWTA proposes that provision be made for the inclusion of outages that impact single carrier reliant communities.

Additionally, details about any material change to the outage should be provided as soon as the carrier is aware of the change.

Adding to the definition of ‘significant local outage’ at subsection 78(3)(b) with the following underlined wording:

- (b) affects, or is likely to affect 1,000 or more services in operation; or affects a single carrier reliant community resulting in a community in telecommunications isolation;

This should also be accompanied by definitions of ‘single carrier reliant community’ and ‘community in telecommunications isolation’ in the instruments, such as:

Single carrier reliant community means a geographic area where telecommunications coverage is provided solely by one carrier, excluding any temporary telecommunications coverage.

Community in telecommunications isolation means a scenario where a community experiences disruption in telecommunications services leading to an inability to make or receive phone calls, text messages, cellular data or 000/112 services, potentially impacting their ability to access essential, emergency or care services.

Requiring that carriers provide network maps of the impacted and surrounding areas, ideally via an API to allow for rapid data sharing, ingestion and review. This may require carriers to be supported, or provided time, to develop the capability to provide network maps in as close to real-time from existing data.

NSWTA recommends that new subsections be inserted after 78(3) of the ECS Determination and 13(1) of the CCO Standard that requires carriers, when one of their networks experiences an outage, to provide:

- (a) A map showing impacted carrier sites (e.g. power down / requires assistance / damaged etc)
- (b) A map showing customer impacts (e.g. all service down / impact to a single or multiple technology, e.g. 3G, 4G, 5G, FTTN, etc).
- (c) If a carrier is not able to provide the maps described at (a) and (b), then data to support the development of the maps must be provided.

Understanding the flow-on effects to surrounding areas is critical as it enables agencies such as NSWTA to quickly deploy resources in the right places as required. The maps can also be compared to our data of other carrier networks to provide a better understanding of whether customers can access other networks for 000 or 112 calls.

2 - NSWTA to be exempt from the CCO and CCH Standards

It is our understanding that the ECS Determination does not apply to NSWTA as the Public Safety Network (PSN), which NSWTA owns and operates, does not carry emergency call services. The PSN is a private trunked radio network for law enforcement, emergency management and public safety communications and it is not available for public subscription. Therefore, the PSN should be exempt from the requirements of the CCO Standard; in particular, the requirement to provide information to the public about its outages of the network.

NSWTA requires 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 under the *Telecommunications Act 1997* which requires NSWTA to hold a carrier licence to provide services to those entities. As such, the CCO Standard in its current form also applies to NSWTA.

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 affect 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 personnel, such as the State Emergency Operations Controller, are informed.

NSWTA also has strategies in place to inform PSN customers of any degradation in network performance and/or coverage, and agency-specific business continuity arrangements are activated when 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 CCO Standard's communication requirements to end-users and NSWTA's current processes should continue in relation to the PSN.

In a general statement that covers NSWTA and similar agencies across Australia, the CCO and CCH Standards should include an exemption for private networks that are used primarily for emergency management or public safety purposes.

NSWTA recommends that the following wording be included in both standards:

This instrument does not apply to carriers or carriage service providers in relation to the operation of private networks that are used primarily for emergency management or public safety purposes.

Summary of proposed amendments

ECS Determination

Section	Recommendation
Definition of <i>significant local outage</i> at section 6	Include the additional wording <u>underlined</u> at (b): affects, or is likely to affect 1,000 or more services in operation; <u>or affects a single carrier reliant community resulting in a community in telecommunications isolation;</u>
6	Include additional definitions of <i>single carrier reliant community and community in telecommunication isolation</i> : <i>Single carrier reliant community</i> means a geographic area where telecommunications coverage is provided solely by one carrier, excluding any temporary telecommunications coverage. <i>Community in telecommunications isolation</i> means a scenario where a community experiences disruption in telecommunications services leading to an inability to make or receive phone calls, text messages, cellular data or 000/112 services, potentially impacting their ability to access essential, emergency or care services.
78(1)	Include the additional wording <u>underlined</u> : Carriers must share with the entities identified in subsection (2) the real-time network information at subsections (3) <u>and (4)</u> , at the times specified in <u>subsection (5)</u> . <i>See below</i>
78(2)	Include the following wording <u>as a new subsection (f)</u> entities with a legislated function or authority to support the restoration of network outages
78(3)	Amend subsection (3) to require carriers to provide the following additional information:

	<ol style="list-style-type: none"> 1. Site name 2. Site address 3. Site ID 4. Site status (online/offline/partial outage) 5. Coordinates (latitude & longitude) 6. Network Priority (high/medium/low - based on customer impacts & network impacts) 7. Downstream sites (number and site ID) 8. Type of outage (intermittent / outage / one technology etc) 9. Technology Type (e.g. 3G, 4G, 5G, FTTN, FTTP) 10. Resulting impact on coverage to suburb(s) + LGAs 11. Estimated time of restoration 12. Potential impact to 000 (either the service or ability for people to call 000) 13. Impacts to any single carrier reliant communities (resulting in a community in telecommunications isolation) <p>Details about any material change to the outage should be provided as soon as the carrier is aware of the change.</p>
New subsection 78(4) and move the current subsection (4) to (5) etc.	<ol style="list-style-type: none"> (a) A map showing impacted carrier sites (e.g. power down / requires assistance / damaged etc) (b) A map showing customer impacts (e.g. all service down / impact to a single or multiple technology (e.g. 3G, 4G, FTTN, etc). (c) If a carrier is not able to provide the maps described at (a) and (b), then data to support the development of the maps must be provided.

CCO Standard

Section	Recommendation
Definition of <i>relevant stakeholder</i> at section 5	<p>Include the following wording <u>as a new subsection (e)</u></p> <p>‘entities with a legislated function or authority to support the restoration of network outages.’</p>
Definition of <i>significant local outage</i> at section 5	<p>Include the additional wording <u>underlined</u> at (b):</p> <p>affects, or is likely to affect 1,000 or more services in operation; <u>or affects a single carrier reliant community resulting in a community in telecommunications isolation;</u></p>
5	<p>Include additional definitions of <i>single carrier reliant community and community in telecommunication isolation</i>:</p> <p><i>Single carrier reliant community</i> means a geographic area where telecommunications coverage is provided solely by one carrier, excluding any temporary telecommunications coverage.</p>

	<p><i>Community in telecommunications isolation</i> means a scenario where a community experiences disruption in telecommunications services leading to an inability to make or receive phone calls, text messages, cellular data or 000/112 services, potentially impacting their ability to access essential, emergency or care services.</p>
New subsection 7(4)	<p>This instrument does not apply to carriers or carriage service providers in relation to the operation of private networks that are used primarily for emergency management or public safety purposes.</p>
13(1)	<p>Amend subsection to require carriers to provide the following additional information:</p> <ol style="list-style-type: none"> 1. Site name 2. Site address 3. Site ID 4. Site status (online/offline/partial outage) 5. Coordinates (latitude & longitude) 6. Network Priority (high/medium/low - based on customer impacts & network impacts) 7. Downstream sites (number and site ID) 8. Type of outage (intermittent / outage / one technology etc) 9. Technology Type (e.g. 3G, 4G, 5G, FTTN, FTTP) 10. Resulting impact on coverage to suburb(s) + LGAs 11. Estimated time of restoration 12. Potential impact to 000 (either the service or ability for people to call 000) 13. Impacts to any single carrier reliant communities (resulting in a community in telecommunications isolation) <p>Details about any material change to the outage should be provided as soon as the carrier is aware of the change.</p>
New subsection after 13(2) and move the current (2) to (3) etc.	<p>A carrier or carriage service provider required to notify or communicate under Subdivision 1.1 or 1.2 must provide network maps with details of the major outage or the significant local outage as is available to the carrier or carriage service provider at the time of notifying or communicating:</p> <ol style="list-style-type: none"> (a) A map showing impacted carrier sites (e.g. power down / requires assistance / damaged etc) (b) A map showing customer impacts (e.g. all service down / impact to a single or multiple technology (e.g 3G, 4G, FTTN, etc). (c) If a carrier is not able to provide the maps described at (a) and (b), then data to support the development of the maps must be provided.

CCH Standard

Section	Recommendation
New subsection at 4(c)	This instrument does not apply to carriers or carriage service providers in relation to the operation of private networks that are used primarily for emergency management or public safety purposes.

For further information, please contact [REDACTED], Director Whole of Government Connectivity, NSWTA at [REDACTED].

Yours Sincerely

[REDACTED]

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