



Submission in response to
the ACMA consultation
papers

**Proposed amendments to the
Telecommunications (Customer
Communications for Outages
Industry Standard;
Telecommunications (Emergency
Call Service) Determination and
Telecommunications (Consumer
Complaints Handling) Industry
Standard**

Public Version

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INTRODUCTION

1. Optus welcomes the opportunity to provide comments on proposed changes to the following instruments:
 - (a) Telecommunications (Customer Communications for Outages) Industry Standard 2024 (Outage Standard);
 - (b) Telecommunications (Emergency Call Service) Determination (ECS Determination); and
 - (c) Telecommunications (Consumer Complaints Handling) Industry Standard (Complaints Handling Standard).
2. Optus' comments relate to technical and operational aspects of the proposed changes. Optus also has comments on operational aspects of the Outage Standard now that it has been in place for two months.
3. Optus' submission includes detailed discussion on:
 - (a) The proposed definition of significant local outage, given this definition operates across all three instruments;
 - (b) Operational aspects of the CCO Standard; and
 - (c) The proposed obligations in the ECS Determination regarding wilting, as this discusses technical aspects and diagrams assist in explanation.
4. The remainder of Optus' responses to consultation questions and comments on proposed changes are contained in a table for each instrument for ease of reference.

PROPOSED DEFINITION OF 'SIGNIFICANT LOCAL OUTAGE'

5. The proposed amendments introduce a new concept of 'significant local outage' into the Outage Standard, ECS Determination and the Complaints Handling Standard. This will have the effect of extending the following obligations to significant local outages:
 - (a) Communications requirements under the CCO Standard
 - (b) Welfare check requirements under the ECS Determination; and
 - (c) Complaints handling requirements under the CH Standard
6. In considering the suite of obligations across all instruments, it is important the definition of significant local outage is targeted appropriately.
7. The ACMA has a number of questions related to the proposed definition in both the CCO Standard Consultation paper and the ECS Determination Consultation Paper. These are set out below:
 - (a) Question 1: Is the proposed definition of significant local outage workable? If not, please provide suggested wording for an alternative definition giving

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reasons. (CCO Standard Consultation Paper and ECS Determination Consultation Paper)

- (b) Question 2: Does the definition adequately capture outages that are lesser in scale than major outages, but have a significant impact on local communities in the areas that may have lower levels of access to alternative telecommunications networks? (CCO Standard Consultation paper)
 - (c) Question 3: Please provide data on the nature and volume of outages in telecommunications networks that would be captured by the proposed definition of significant local outage. Explain the impact of meeting the requirements under the proposed amendments in relation to significant local outages. (ECS Determination Consultation Paper)
8. Optus has reviewed data on outages from July to December 2024 and notes that based on the ABS remoteness classifications, there were **[CiC begins] [CiC ends]**
 9. This would be a significant amount of work to fulfil communications requirements (as well as other obligations for network outages under the ECS Determination and Complaints Handling Standard) for this number of outages. Adopting such a small definition of SNO risks undermining the intent of the changes.
 10. In relation to the Outage Standard, Optus notes that for example, there is a significant amount of manual effort required to fulfil these obligations. Currently all communications obligations require significant manual effort. For example, this includes: **[CiC begins]**

[CiC ends]

11. The above requires a significant number of people across multiple different business units, to be on call in case a major network outage occurs in the middle of the night. While Optus is planning on automating what it can of the above processes, there will still be a significant number of manual activities and processes in place. This includes: **[CiC begins]**

[CiC ends]

12. Performing these functions for potentially **[CiC begins]** **[CiC ends]** per week would likely require additional resourcing and staff to share this load with further resource implications when obligations under the ECS Determination and Complaints Handling Standard are taken into account.
13. Optus notes that if the definition referred to only 'remote Australia' (meaning Remote Australia and Very Remote Australia under the ABS Remoteness Structure) the number of outages would reduce to **[CiC begins]** **[CiC ends]** over the same period which is a more manageable volume of outages. If the definition meant Remote Australia, Very Remote Australia and Outer Regional Australia under the ABS Remoteness Structure the number of outages would have been **[CiC begins]** **[CiC ends]** which is still a reasonably significant amount of outages.
14. This data also only relates to the Optus mobile network and does not take account outages on other networks, such as the NBN. Optus notes processes related to outages on the NBN are likely to be highly manual given challenges determining impacted services and the inability to automate this as part of a solution.
15. Focussing on the Remote and Very Remote geographic areas would capture those areas less likely to have overlapping coverage and more limited connectivity alternatives, where the impact of a smaller outage can be more significant. Optus

submits this appropriately targets the measures to incidents where it would achieve the greatest benefit.

OPERATIONAL ASPECTS OF THE OUTAGE STANDARD

16. Now that the outage Standard has been in place for a couple of months, Optus would welcome further refinement of operational aspects of the Outage Standard. It is common to discover issues during implementation. For example, **[CiC begins]** **[CiC ends]**
17. There are a number of matters that Optus submits require refinement, including:
 - (a) Clarity over the services subject to the Outage standard
 - (b) Obligations applying to carriers / carriage service providers
 - (c) Clarity regarding restoration / rectification of an outage (when notification obligations cease)
 - (d) Exceptions in certain circumstances (upgrades or maintenance that may impact a provider's ability to comply with standards)
 - (e) Clarity regarding definition of natural disaster
18. These are discussed below.

Clarity over services subject to the outage

19. Optus notes the definition of 'services in operation' in the Outage Standard refers to 'carriage services', which is broadly defined in the Telecommunications Act. Optus submits the definition of 'services in operation' needs to be clarified to be clear it refers to those critical services supplied to consumers and businesses, namely voice and broadband services.
20. As currently drafted, the definition could potentially apply to a range of other services, such as services supporting IoT devices (e.g. smartmeters). There are challenges with determining the number of services supporting IoT devices if impacted by an outage due to the way in which these devices are supported. That is, these services are not 'always on' the way a carriage service supporting mobile or fixed voice/broadband services might be. Services supporting IoT devices only connect when the device activates, for example, to send through data.
21. **[CiC begins]** **[CiC ends]**
22. Optus submits it would still achieve the objectives of the Minister's direction if it was made clear it was referring to voice and broadband services, as well as sms. This would be possible by amending the definitions of 'major outage', 'significant local outage' and 'services in operation' to refer to 'relevant services' instead of carriage services, and by then defining 'relevant services' for example:

'relevant service means a standard telephone service, SMS or data service. It does not include a data service used to support an Internet of Things (IOT) device.'
23. Optus would be happy to engage further with the ACMA to explore wording.

Obligations applying to carriers/carriage services providers

24. The Outage Standard contains obligations specifically applying to carriers (subdivision 1.1) and others specifically applying to CSPs (subdivision 1.2) and some applying to both. This inadvertently creates complexity as it assumes services are supplied in certain ways, yet in practice that may not be the case. For example, it assumes the entity that supplies wholesale services to other CSPs is a carrier when it may actually be a wholesale CSP where there is an integrated provider. Similarly, the carrier entity is not always known by consumers.
25. Optus notes it is possible to fulfil the intention of provisions (for example, by the wholesale CSP entity advising other CSPs of any outages). Therefore, Optus asks that the ACMA take a pragmatic view to these provisions until such time as a more thoughtful review can be undertaken – for example, if a one year review of the standard is conducted.

Clarity regarding restoration of services / full rectification of an outage

26. Optus notes that s. 14(2) and s. 15(2) refer to full rectification of an outage or services being restored. Optus would welcome clarity in relation to those obligations regarding the following points:
- (a) That where a network outage has been resolved, yet some services may not be working (for example, a modem may require switching off and on to reboot) the outage is considered fully rectified, and providers can advise consumers the outage is fully rectified. (Noting that providers can provide advice as to troubleshooting if a service is not working after an outage).
 - (b) Where temporary services are being provided updates are not required. For example, where infrastructure is damaged but temporary services are being supplied (e.g. by a Sat Cell on Wheels or similar) a provider would not need to provide updates – such updates may need to be provided for an extended period of time.
27. Optus would suggest:
- (a) s. 14(2) delete the word 'fully' prior to 'rectified'.
 - (b) s. 15(2) '~~...a carrier or carriage service provider considers that all services affected by a major outage or a significant local outage have been restored or fully rectified...~~'.

Clarity where provider may not technically be able to send communications

28. There are certain circumstances where a provider may not technically be able to fulfil the communications requirements under the Outage Standard. This includes where the outage itself affects the systems or tools used for fulfilling communications requirements or where a system used for fulfilling communications requirements is unavailable due to maintenance or upgrades.
29. Optus requests clarity that in those circumstances where it would not be possible to send the required communications, not providing the communications is still consistent with the requirements under the Outage Standard as communications are required 'as soon as practicable' (and in those circumstances it is not practicable).

30. If the ACMA does not consider this to be allowable under the current drafting, Optus submits there should be an exception for such matters, so that providers do not contravene the Outage Standard if they are unable to send communications due to the systems/tools needing to be used being unavailable.
31. Optus considers it reasonable that providers be able to maintain/upgrade systems and tools without worrying about those systems or tools being offline and being unable to comply with requirements if an outage occurs.

Clarity regarding definition of natural disaster

32. Optus notes the definition of 'natural disaster' in the Outage Standard 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'.
33. Optus has concerns with this definition because it does not point to a well-known, independent classification of natural disaster. For example, 'a significant and coordinated response' is too uncertain and unclear and is not commonly used in industry regulation.
34. In addition, it is unclear why a weather event causing a significant local outage (which could be tens of thousands of services, but less than 100,000) would not be treated in the same way as a natural disaster causing major outages. A severe localised storm could cause a significant local outage and it is too complex given the definition of natural disaster for providers to treat weather events differently.
35. Optus considers the definition of natural disaster should also specifically include reference to extreme weather conditions, such as those specified in the Customer Service Guarantee (CSG) Standard 2023 (schedule 3). Schedule 3 lists (but is not limited to) the following as extreme weather conditions:
 - (a) Large hail, being hail with a diameter of at least 2 centimetres.
 - (b) Heavy rainfall, being rainfall that exceeds the 10 year average recurrence interval (ARI) (the rainfall amount that has a probability of 10% or less of being exceeded in a year over a given duration).
 - (c) Flash flood, being a reported flash flood, or reported heavy rainfall that is conducive to flash flooding.
 - (d) Hazardous winds, being gale force winds (10 minute mean winds of at least 63 kilometres per hour) or gusts of wind of at least 90 kilometres per hour.
 - (e) Lightning, being 'cloud to ground' lightning strikes.
 - (f) Blizzard, being gale force winds (10 minute mean winds of at least 63 kilometres per hour) combined with falling or blowing snow that reduces visibility to less than 200 metres.
 - (g) Tornado.
 - (h) Large waves, being unusually large surf waves (surf exceeding 5 metres) expected to cause dangerous conditions on the coast and leading to significant beach erosion.

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- (i) Storm tides, being abnormally high tides caused by winds and expected to exceed highest astronomical tide.

WILTING OBLIGATIONS IN THE ECS DETERMINATION

36. It is proposed a new obligation regarding wilting be inserted into the ECS Determination:

s. 73 Carrier must wilt mobile base station

(1) This section applies if a carrier's mobile base station that is used to carry emergency calls on the carrier's mobile network loses connectivity to the carrier's core network.

(2) The carrier must wilt the mobile base station until the base station is able to establish and maintain connectivity to the carrier's core network.

37. 'Wilt' is defined to mean 'in relation to a mobile base station, means to make the mobile base station unavailable so that a mobile phone can no longer connect to it'. 'Core network' is defined to mean 'the part of the telecommunications network that is not the customer access network' and 'mobile base station' means 'a base station in a mobile network in a fixed location, equipped with one or more antennae, that transmit and receive signals between mobile networks and mobile phones'.
38. Optus has concerns with the proposed drafting, because where there is a multi-operator core network (MOCN) arrangement, requirements to wilt the mobile base station could affect the users of all operators, not just the users of the operator with the core network failure.
39. In a MOCN arrangement, (like the arrangement between Optus and TPG), two operators each with their own core networks agree to share infrastructure (mobile base stations), with the operator whose infrastructure is being used (i.e. the mobile base stations) being the host network and the other operator is the tenant network. Calls from mobile users of both operators connect via the mobile base stations of the host operator (Figure 1).
40. If the host operator were to experience a failure in its core network, users of the tenant network would be unaffected by the failure of the host operator's core network (see Figure 2). Users of the host network would still be able to make emergency calls. Calls would connect via the tenant's core network.
41. However, if the host operator is required to wilt its mobile base stations (such as by powering the mobile base stations down) when experiencing a core network failure, neither emergency calls from the host operator's users nor any calls (including emergency calls) from the tenant operator's users could connect via the mobile base stations.
42. Therefore, it is important that the host network not be required to wilt the mobile base stations when only one connected core network is not operating.
43. The diagrams below show how MOCN arrangements operate and the impact on users, including when there are core network failures:
- (a) Figure 1 shows a MOCN arrangement under normal conditions (no failures).
 - (b) Figure 2 shows a MOCN arrangement where there is a failure in the Host operator core network (PLMN A)
 - (c) Figure 3 shows a MOCN arrangement where there is a failure in the tenant operator core network (PLMN B)

- (d) Figure 4 shows the impact in a MOCN arrangement where there is a failure of both core networks

44. Note in the diagrams that follow:

- (a) 'subs' means subscribers;
- (b) EC means Emergency calls
- (c) PLMN A is Host / PLMN B is tenant means the RAN Node (i.e. mobile base station) is owned/operated by PLMN A but is used by both PLMN A subscribers and PLMN B subscribers
- (d) S1/N2 denotes signalling/interface
- (e) In Figure 4, if both PLMN A and PLMN B fail, if subscribers are within coverage of another network, their phones will camp on to that network.

Figure 1: Normal Operating Conditions (MOCN arrangement, no failures):

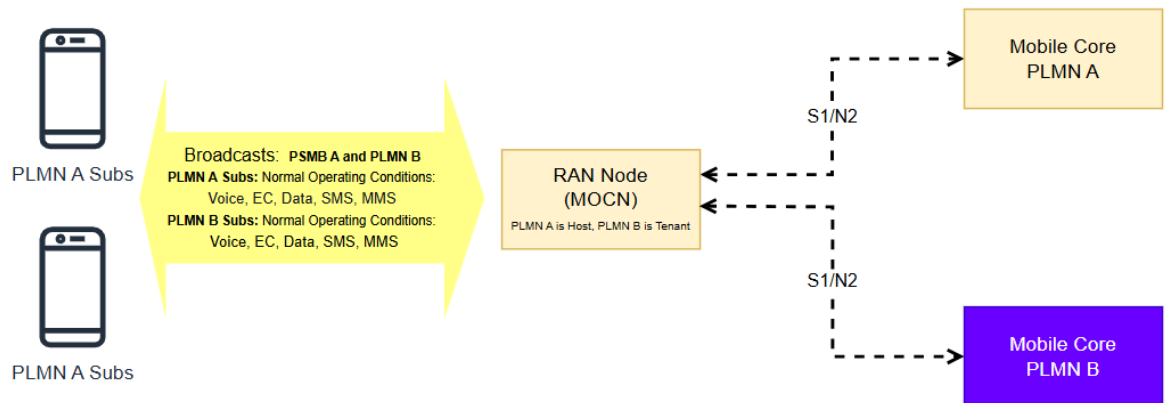


Figure 2: PLMN A Core Network is unreachable (failure of PLMN A core network):

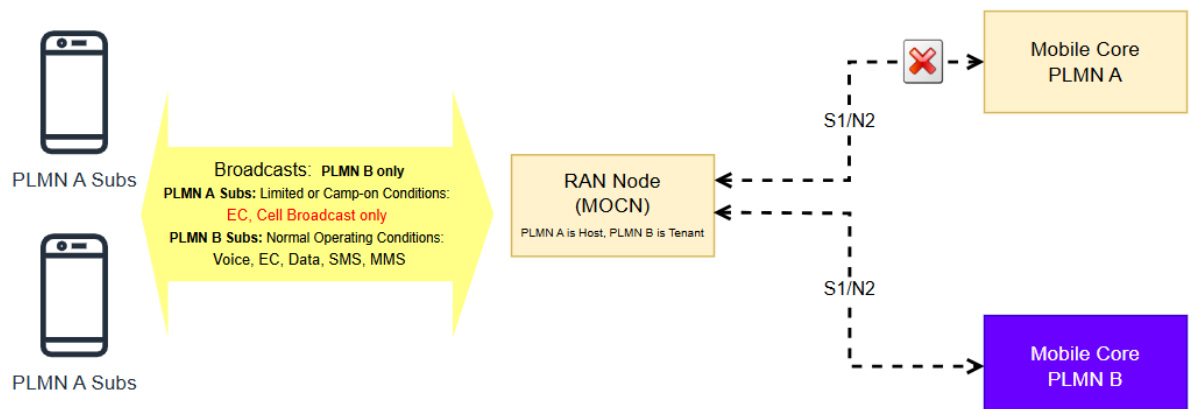


Figure 3: PLMN B Core Network is unreachable (failure of PLMN B core network):

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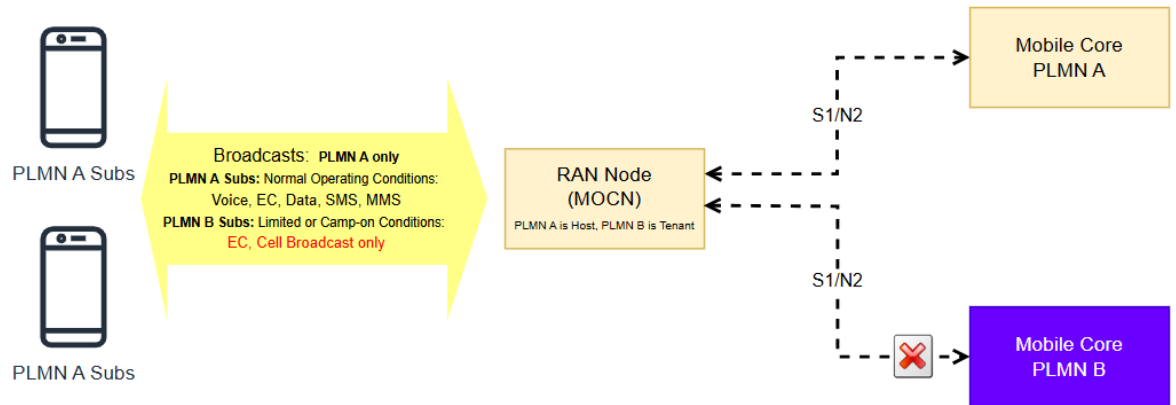
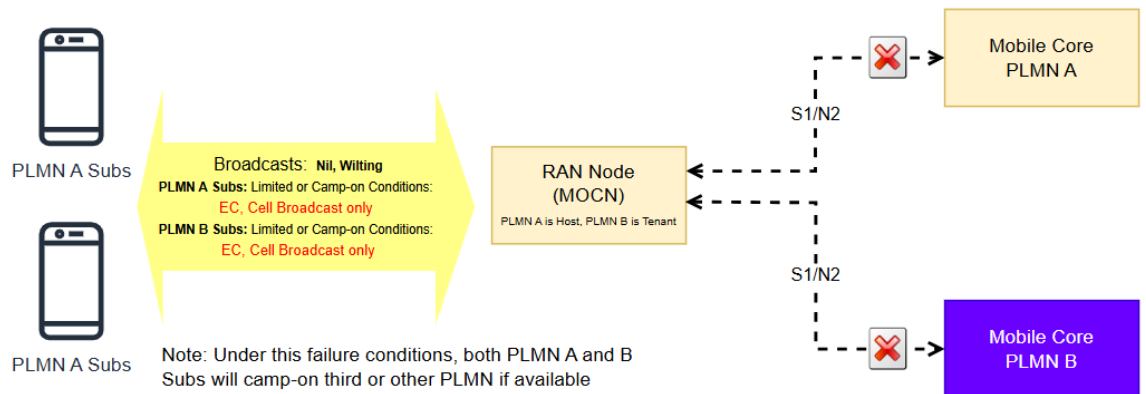


Figure 4: Both PLMN A and PLMN B Core Network are unreachable (failures of both PLMN A & B core network):



45. In figure 4, if there is a failure of both the host operator's and tenant operator's core networks, then emergency calls from users of both operators will camp on to another network provided another network is available.
46. Optus expects there could be more MOCN infrastructure sharing arrangements in future as it is a more efficient approach to rolling out infrastructure.
47. As such, to potentially avoid issues with MOCN arrangements, clarifications should be inserted regarding the operation of wilting where there is shared network infrastructure.
48. Optus suggests amendments to proposed section 73 as per below:

73 Carrier must wilt mobile base station

(1) This section applies if a carrier's mobile base station that is used to carry emergency calls on the carrier's mobile network loses connectivity to the carrier's core network.

(2) The carrier must wilt the mobile base station until the base station is able to establish and maintain connectivity to the carrier's core network.

(3) Where a mobile base station is connected to multiple independent core networks, this section only applies when the mobile base station loses connectivity to all connected core networks.

Note: To be clear, where a mobile base station connected to multiple core networks loses connectivity to a single core network, there is no obligation to wilt that mobile base station.

(4) In a situation where a mobile base station is connected to multiple core networks the carrier operator of the core network that loses the ability to carry an emergency call from its mobile base station to the core network must take action such that an emergency call will be rejected and forced to the network of another carrier (if available).

49. It is also important to note that wilting is a technical feature built into mobile base stations by equipment manufacturers and 'wilting' of base stations themselves is not controlled by mobile network operators.
50. There are only certain actions a mobile network operator could undertake that may have the same effect or outcome as wilting of mobile base stations (i.e. that can prevent a device from connecting with the base station), and Optus submits that this must be borne in mind when imposing obligations to 'wilt' base stations and defining what is meant by 'wilt'.
51. It may be possible for mobile network operators to send messages to devices that a network is unavailable which means the device does not connect to a mobile base station. In that case the device would likely look for an alternative network (i.e. camp on) for the purpose of an emergency call.
52. Optus would support a more general definition of 'wilt' so as to not foreclose any possible action an operator could take to address the issue.
53. Optus would support a definition such as 'wilt means to prevent the base station providing any connectivity or communication service to mobile devices.'
54. A summary of clauses and suggestions (based on this discussion and responses to questions in the consultation paper) is in the section that follows for ease of reference. Responses to the consultation paper questions are in the tables that follow that.

SUMMARY

55. For ease of reference, Optus has included the list of matters and suggested approach discussed in its submission and the tables responding to the consultation papers for the Outage Standard and the ECS Determination.
56. Optus has not yet been able to work through proposed drafting changes related to Optus' comments on the Complaints Handling Standard in Table 4, but, would be happy to engage further with the ACMA on proposed changes to all three instruments.

Table 1: of suggested drafting approaches – Outage Standard and ECS Determination

Reference	Suggestion
Definition of significant local outage – all instruments	Target the geographic aspect to Remote and Very Remote Australia, as per the ASGS Remoteness Structure.
Definition of major outage, significant local outage and services in operation – all instruments	Replace carriage service with 'relevant service' and insert new definition of relevant service for example: 'relevant service means a standard telephone service, SMS or data service. It does not include a data service used to support an Internet of Things (IOT) device.'
Restoration of services / rectification of network (ss. 14(2) and 15(2), Outage Standard	s. 14(2) delete the word 'fully' prior to 'rectified.' s. 15(2) '...a carrier or carriage service provider considers that all services affected by a major outage or a significant local outage have been restored or fully rectified...'
Communications requirements in ss. 8, 9, 9A, 10, 12, 12A, 12B, 14(3) and 15(2) that refer to 'as soon as practicable' – Outage Standard	Clarify that if a provider is unable to provide communications because management tools/systems are unavailable this is consistent with the clauses. Alternatively, include an exception from the communications requirements that communications are not required where management tools or systems need to provide communications are unavailable and it is not practicable to provide communications.
Clarify definition of 'natural disaster' – all instruments	Amend definition of 'natural disaster' to also include specific reference to extreme weather events, including but not limited to: <ul style="list-style-type: none"> • Large hail, being hail with a diameter of at least 2 centimetres. • Heavy rainfall, being rainfall that exceeds the 10 year average recurrence interval (ARI) (the rainfall amount that has a probability of 10% or less of being exceeded in a year over a given duration). • Flash flood, being a reported flash flood, or reported heavy rainfall that is conducive to flash flooding. • Hazardous winds, being gale force winds (10

	<p>minute mean winds of at least 63 kilometres per hour) or gusts of wind of at least 90 kilometres per hour.</p> <ul style="list-style-type: none"> • Lightning, being 'cloud to ground' lightning strikes. • Blizzard, being gale force winds (10 minute mean winds of at least 63 kilometres per hour) combined with falling or blowing snow that reduces visibility to less than 200 metres. • Tornado. • Large waves, being unusually large surf waves (surf exceeding 5 metres) expected to cause dangerous conditions on the coast and leading to significant beach erosion. • Storm tides, being abnormally high tides caused by winds and expected to exceed highest astronomical tide.
s. 78 – ECS Determination	<p>Amend provision to accommodate multi-operator core network arrangements:</p> <p><i>73 Carrier must wilt mobile base station</i></p> <p><i>(1) This section applies if a carrier's mobile base station that is used to carry emergency calls on the carrier's mobile network loses connectivity to the carrier's core network.</i></p> <p><i>(2) The carrier must wilt the mobile base station until the base station is able to establish and maintain connectivity to the carrier's core network.</i></p> <p><u><i>(3) Where a mobile base station is connected to multiple independent core networks, this section only applies when the mobile base station loses connectivity to all connected core networks.</i></u></p> <p><u><i>Note: To be clear, where a mobile base station connected to multiple core networks loses connectivity to a single core network, there is no obligation to wilt that mobile base station.</i></u></p> <p><u><i>(4) In a situation where a mobile base station is connected to multiple core networks the carrier operator of the core network that loses the ability to carry an emergency call from its mobile base station to the core network must take action such that an emergency call will be rejected and forced to the network of another carrier (if available).</i></u></p>
Definition of 'wilt' – ECS Determination	<p>Change definition of 'wilt to 'wilt means to prevent the base station providing any connectivity or communication service to mobile devices'.</p>
Definition of 'emergency registration' and 'non-genuine emergency	<p>Clarify whether these definitions should also refer to emergency calls to the emergency service number 106.</p>

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registration' – ECS Determination	
s. 78 requirement to share real-time information / definition of 'real time information – ECS Determination	<p>Either:</p> <ul style="list-style-type: none"> Amend s. 78 to make clear that where the technical capability does not exist to share real-time information with the required organisations, timely or up-to-date information must be shared, or Define real-time information to mean timely or up-to-date information.
s. 79 requirement to report on outages – ECS Determination	Amend the section to provide that as much information <u>as available</u> at 30 days be provided in a report, with further information to be provided in subsequent updates to the report (for example, that is any outstanding information could be provided within another 30 days).
S. 80 requirement to provide management plans – ECS Determination	<p>Either:</p> <ul style="list-style-type: none"> Amend s.80 so that it is clear when a management plan needs to be provided in relation to the launch of a new technology; or Provide further clarity in the Explanatory Statement as to when a management plan is required in relation to the launch of a new technology.
Definition of Network outage complaint – Complaints Handling Standard	Amend the definition of network outage complaint to ensure that a network outage complaint refers to an expression of dissatisfaction, for example, if a consumer requests dissatisfaction

TABLE 2: PROPOSED CHANGES TO TELECOMMUNICATIONS (CUSTOMER COMMUNICATIONS FOR OUTAGES) STANDARD

Telecommunications (Customer Communications for Outages) Standard	
Proposed change	Optus comments
<p>1. Outage communications requirements will apply to ‘significant local outages’.</p> <p>New definition ‘significant local outage’</p> <p><i>significant local outage</i> means any unplanned adverse impact to a telecommunications network in a distinct location in regional or remote Australia used to supply carriage services to end-users, that:</p> <ul style="list-style-type: none"> (a) results in an end-user being unable to establish and maintain a carriage service; (b) affects, or is likely to affect 1,000 or more services in operation; (c) is expected to be, or is, of a duration longer than 6 hours; and (d) is not a major outage. <p>New definition ‘regional or remote Australia’</p> <p><i>regional or remote Australia</i> means the area classified as Inner Regional Australia, Outer Regional Australia, Remote Australia or Very Remote Australia under the ABS Remoteness Structure.</p> <p>Rules for significant local outages would apply to inner regional, outer regional, remote and very remote areas.</p> <p>The intention is to capture outages in areas outside of major cities where an outage has the potential to leave communities in isolation because of</p>	<p>Question 1: Is the proposed definition of significant local outage workable? If not, please provide suggested wording for an alternative definition giving reasons.</p> <p>Response</p> <p>This issue is discussed in further detail in the body of the submission. Optus submits the likely volumes of significant local outages will be a significant impost on resources as meeting the communication requirements (as currently drafted) is likely to always require significant manual activities and only limited aspects can be automated.</p> <p>Optus would suggest targeting the definition at the remotest areas of Australia (remote and very remote areas under the ABS remoteness classification).</p> <p>Question 2: Does the definition adequately capture outages that are lesser in scale than major outages, but have a significant impact on local communities in the areas that may have lower levels of access to alternative telecommunications networks?</p> <p>Response</p> <p>Optus considers as drafted that inner regional and even outer regional geographic areas are likely to contain greater degrees of overlapping coverage and connectivity alternatives (include potentially public alternatives, such as libraries). For example, Inner Regional includes</p>

<p>the lack of availability of alternative telecommunications infrastructure. Smaller communities are likely to be more vulnerable if a network outage occurs because the lack of alternative infrastructure can mean that there are no alternative mobile networks available to carry emergency calls from mobile phones (using emergency camp-on capabilities which enable an emergency call to be carried on any available mobile network). Major cities generally have alternative mobile networks available for the carriage of emergency calls from mobile phones if an outage impacts one network.</p>	<p>large metropolitan areas like Newcastle and Wollongong.</p> <p>Optus submits the geographic aspect should be targeted at Remote and Very Remote areas of Australia (as per the ASGS Remoteness Structure) where there is less likely to be overlapping coverage and an outage could have a more significant impact.</p>
<p>2. Additional communication requirements for outages (major and SLO) caused by natural disasters.</p> <p>The draft amended standard imposes additional requirements on carriers and carriage service providers (CSPs) in relation to major and significant local outages caused by natural disasters.</p> <p>Currently for major outages, carriers need to put notice on their website.</p> <p>The future additional requirements for outages caused by natural disasters (along with the existing website requirement) are:</p> <ul style="list-style-type: none"> • Carriers notify: <ul style="list-style-type: none"> ○ carriers / CSPs carriage service providers with whom they have a commercial arrangement whose services are impacted. ○ ACMA, DITRDCA, TIO and emergency call persons (ECPs) for 000/112 and 106. • CSPs notify: <ul style="list-style-type: none"> ○ on their website and include a contact for end-users seeking real or near real-time assistance • Both carriers and CSPs provide updates on their website on the status of the outage, including when services are restored/the outage is resolved. 	<p>Question 3: Are there concerns about the imposition of requirements on carriers and CSPs in relation to outages caused by natural disasters? If yes, please explain.</p> <p>Response</p> <p>Optus notes it is likely that consumers and the public would look to their CSP for information about a natural disaster, therefore obligations for CSPs to publish notices and updates on their websites is appropriate.</p> <p>Optus notes there is no automated way of sharing this information with the relevant organisations and Optus is only aware of email as the method for communicating with these organisations. Therefore, depending on the volume of significant local outages it could be quite resource intensive to notify these organisations.</p> <p>Further, any disruption to consumers' ability to make emergency calls requires notification to the ECP under the ECS Determination – which would make notification under the Outage Standard redundant and duplicative. It's also not clear why the ECP would need to be advised of an outage that affected other services not related to the ability to make emergency calls. This offers further support for limiting the services the subject of the Outage Standard as there would seem to be little utility in notifying the ECP of an outage affecting IoT devices.</p> <p>Question 4: Can you suggest an alternative way to manage</p>

	<p>communications with customers and the public during outages caused by natural disasters so that the objectives of the direction are met?</p> <p>Response</p> <p>In future, if a Triple Zero Custodian is implemented, it would be worthwhile revisiting some of these notification requirements as the Triple Zero custodian could be a centralised notification point for distributing this information to various emergency and/or government organisations.</p>
<p>3. Use of AI</p> <p>In response to feedback, the amendments change paragraph 16(3)(d) to remove the reference to Artificial Intelligence but expressly require that the end-user can ultimately speak to a person if they wish to. This recognises feedback that Artificial Intelligence is used by the industry to direct calls, prompt questions for use by service agents, and is heavily integrated into many systems.</p> <p>Proposed change:</p> <p>16(3) The carriage service provider must ensure that any contact method used to comply with the requirement in subsection (1):</p> <ul style="list-style-type: none"> (a) is easily accessible; (b) is resourced adequately; and (c) is capable of responding immediately to requests for urgent assistance from end-users; and (d) <u>allows an end-user to live chat with, or talk to, a representative of the carriage service provider.</u> does not use artificial intelligence. 	<p>Response</p> <p>Optus supports this proposed change and notes it is a practical approach. It would allow CSPs to efficiently respond to any increase in contacts caused by an outage while still providing consumers who may need to speak to an agent this option. Without this amendment responding to contacts in a timely fashion will be impossible.</p>

<p>4. Commencement</p> <p>The direction provides that the standard for significant local outages (which must be determined by 30 April 2025) must commence in full at the earliest practical opportunity, but no later than 30 June 2025.</p>	<p>Question 6: We are seeking views, and the reasons for them, on the earliest practical date for the standard for significant local outages to commence in full, noting that this must be no later than 30 June 2025.</p> <p>Response</p> <p>Optus reiterates its previous advice to the ACMA that the implementation date is extremely challenging for having a robust solution and process in place.</p>
<p>5. Implementation costs</p> <p>Question 5: For carriers and carriage service providers, what are the likely costs and benefits of implementation for your organisation?</p> <p>(Please provide specific cost estimates in your response.) Are there alternative ways to achieve the objectives of the direction that would be consistent with its terms and provide for lesser costs and/or greater benefits?</p>	<p>Response</p> <p>Optus estimates that implementing an automated solution for aspects of the Outage Standard will cost approximately [CiC begins] [CiC ends].</p> <p>This is not an automated solution for all requirements under the Outage Standard, nor does it consider implementation costs for changes to the ECS Determination nor the Complaints Handling Standard. Given it is not possible to automate all process aspects related to outage obligations depending on the definition of significant local outage there could also be significant ongoing costs.</p>
<p>6. Any additional/alternative requirements</p> <p>Question 7: In relation to the draft amendments to the standard:</p> <ul style="list-style-type: none"> • Are there any additional matters aligned to the objectives that should be included but have not been? • Are there any matters that have been included for which alternative arrangements should be considered? <p>Please provide evidence to support your submission.</p>	<p>Response</p> <p>Optus has included further discussion on suggested additional refinements to the Outage Standard in the body of the submission.</p>

TABLE 3: PROPOSED CHANGES TO TELECOMMUNICATIONS (EMERGENCY CALL SERVICES) DETERMINATION

Telecommunications (Emergency Call Service) Determination	
Proposed changes	Optus comments
<p>1. New definitions</p> <p>core network means the part of the telecommunications network that is not the customer access network.</p> <p>customer access network means that part of the telecommunications network that allows end-users to connect to the local switch, base station, node or exchange.</p> <p>emergency call camp on functionality means the mobile phone-initiated function that enables a mobile phone end-user, in cases where the end-user cannot access the emergency call service using the end-user's usual carrier's mobile network, to access another carrier's mobile network that is available and within range to connect the end user's mobile phone to the emergency call service.</p> <p><i>Note: Emergency call camp on functionality may occur when an end-user's mobile phone is out of range from its usual carrier's mobile network or the end-user's usual carrier's mobile network is unavailable for some other reason.</i></p> <p>emergency registration means the process by which a mobile device requests attachment to a public mobile telecommunications network for the purpose of making an emergency call to the emergency service number</p>	<p>Question 1: Are the proposed definitions, particularly the definitions for the terms, 'customer access network', 'core network', 'emergency call camp on functionality' 'emergency registration', 'mobile base station' and 'wilt' appropriate?</p> <p>If not, please provide an alternative definition and give reasons for doing so.</p> <p>Response</p> <p>Optus queries whether the definitions of 'emergency registration' and 'non-genuine emergency registration' should also refer to emergency calls to the emergency service number 106.</p>

<p>000 or 112.</p> <p>mobile base station means a base station in a mobile network in a fixed location, equipped with one or more antennae, that transmit and receive signals between mobile networks and mobile phones.</p> <p>Non-genuine emergency registration means an emergency registration or attempted emergency registration that is not for the purpose of making an emergency call to the emergency service number 000 or 112.</p> <p>wilt, in relation to a mobile base station, means to make the mobile base station unavailable so that a mobile phone can no longer connect to it.</p>	
<p>2. Definition of ‘significant local outage’</p> <p>The same definition of major outage and significant local outage used in the Outage Standard will apply to the ECS Determination and the Complaints Handling Standard.</p> <p>The concept of significant network outage will be replaced by major outage and significant local outage (see proposed changes to s. 28 below).</p>	<p>Question 2: Is the definition of significant local outage proposed workable? If not, please provide an alternative definition and explain your reasons for doing so.</p> <p>Response</p> <p>Please see the discussion of the definition for significant local outage in the body of the submission.</p>
	<p>Question 3: Please provide data on the nature and volume of outages in telecommunications networks that would be captured by the proposed definition of significant local outage. Explain the impact of meeting the requirements under the proposed amendments in relation to significant local outages.</p> <p>Response</p> <p>Please see the discussion of the definition for significant local outage in the body of the submission.</p>

3. Welfare checks

It's proposed to replace significant network outage with major outage and significant local outage and require welfare checks where emergency calls were unsuccessful during such outages.

28 Welfare checks – significant local outages or major outages

(1) A carriage service provider must, as soon as practicable after:

- (a) becoming aware of a significant local outage or major outage that adversely affects a controlled network or controlled facility that the provider owns or operates; or
- (b) being notified of a significant local outage or major outage under paragraph 27(2)(b),

undertake, or arrange to be undertaken, a welfare check on an end-user who made an unsuccessful emergency call during the outage using an emergency telephone service supplied by the carriage service provider.

(2) Subsection (1) does not apply where:

- (a) the carriage service provider cannot identify that the end-user has made the unsuccessful emergency call;
- (b) the carriage service provider is satisfied that the end-user subsequently made a successful emergency call; or
- (c) the end-user made the unsuccessful call using a public mobile telecommunications service, and the carriage service provider, as soon as practicable after becoming aware of the unsuccessful emergency call, identifies that the location of the customer equipment from which the call was made has changed since the

Question 4: Is the proposed definition of significant local outage likely to lead to more missed emergency calls requiring welfare checks and referrals to police services? If so, why? Please explain your answer.

Response

Optus notes that there are currently missed calls to Triple Zero requiring welfare checks and referrals to police services during an outage and, therefore, it is likely that if welfare check obligations apply to an increased number of outages there may likely be a resultant increase in missed calls to Triple Zero requiring welfare checks and referrals to police services.

Question 5: Is the possibility of a greater impost on police services to follow up on failed welfare checks sufficiently balanced by the benefit of checking on the welfare of a person who has made an emergency call that failed during a major or significant local outage? Please explain your response.

Response

Optus considers this question is best directed to police organisations who would be the most appropriate organisations to comment on the impost on police services.

call was made.	
<p>4. New obligation to wilt mobile base station</p> <p>The direction requires that the ECS Determination be amended to impose requirements on providers in relation to ensuring emergency calls are delivered to the emergency call person for 000 and 112, to:</p> <p><i>i. wilt controlled facilities in the event they lose connectivity to a core network, to ensure emergency calls can be carried by other networks.</i></p> <p>The ACMA proposes new section 73 below:</p> <p>s. 73 Carrier must wilt mobile base station</p> <p>(1) This section applies if a carrier's mobile base station that is used to carry emergency calls on the carrier's mobile network loses connectivity to the carrier's core network.</p> <p>(2) The carrier must wilt the mobile base station until the base station is able to establish and maintain connectivity to the carrier's core network.</p>	<p>Question 6: Is the wilting requirement appropriate to meet the requirements of the direction?</p> <p>Response</p> <p>This issue is discussed in greater detail in the body of the submission. Wilting is a capability implemented by equipment manufacturers in base stations. It is not controlled by mobile network operators. Therefore, 'wilt' needs to be carefully defined to ensure it relates to outcomes that mobile network operators can influence that have the same effect as wilting mobile base stations.</p> <p>Question 7: Are there circumstances where there should be an exemption from wilting a mobile base station? For example, where voice services may not be working but data services are working, and it may be possible for an end-user to use the data services on their phone to seek assistance (but not by using the Triple Zero Emergency Call Service).</p> <p>Response</p> <p>Optus discusses this issue further in the body of the submission.</p> <p>Optus notes that the provision should be amended so that it is clear how it operates where there is a multi-operator core network (MOCN) arrangement. This is because requirements to wilt mobile base stations where only the host core network suffers a failure will affect emergency call connectivity of the host network's users and the tenant network's users, who could both otherwise make emergency calls using the host's mobile base stations and the tenant's core network.</p>

	<p>Question 8: Are there specific conditions that should apply to the requirement to wilt mobile base stations during outages (other than the loss of connectivity between the mobile base station and the core network)?</p> <p>Response</p> <p>Please see the discussion on the proposed wilting obligations in the body of the response.</p>
<p>3. New obligations regarding emergency call camp on functionality</p> <p>The direction requires that the ECS Determination be amended to impose clear requirements on providers in relation to ensuring emergency calls are delivered to the emergency call person for 000 and 112, to:</p> <p><i>ii. take all reasonable steps to ensure that, during an outage, the provider's network or controlled facilities do not impede emergency call camp on functionality; and</i></p> <p><i>iv. configure networks to carry emergency calls originating on their network to the emergency call person for 000 and 112 regardless of the mobile phone used to initiate the call.</i></p> <p>The ACMA proposes new section 74 below:</p> <p>s. 74 Carrier must provide emergency call camp on functionality</p> <p>(1) This section applies if there is a major outage or significant local outage in a mobile network operated or controlled by a carrier that affects an end-user's ability to make an emergency call to the emergency call person for 000 or 112.</p> <p>(2) The carrier whose mobile network is affected by the outage must take all reasonable steps to ensure that its controlled networks and controlled facilities do not impede emergency call camp on functionality.</p>	<p>Response</p> <p>Optus has no comments on this proposed change.</p>

<p>(3) A carrier that is capable of carrying an emergency call on its mobile network must carry an emergency call initiated through emergency call camp on functionality to the relevant termination point on their network.</p>	
<p>4. New obligations regarding testing</p> <p>The direction requires that the ECS Determination be amended to impose clear requirements on providers in relation to ensuring emergency calls are delivered to the emergency call person for 000 and 112, to:</p> <p><i>iii. test that emergency calls originating on their network can be delivered to the emergency call person for 000 and 112, including when using the emergency call camp on functionality.</i></p> <p>The ACMA proposes new section 75 below:</p> <p>s. 75 Carrier must test emergency calls that originate on its network</p> <p>Carriers must take reasonable steps to test the following:</p> <ul style="list-style-type: none"> (a) that emergency calls to the emergency call person for 000 or 112 made by an end- user from a mobile phone on its network will be carried to the relevant termination point for the call; and (b) if the carrier's own mobile network is unavailable, that an emergency call can be carried to the relevant termination point on another mobile network using emergency call camp on functionality. 	<p>Response</p> <p>Optus has no comments on this proposed change.</p>

<p>5. New exception for s. 73-75 for matters outside the carrier's control</p> <p>A new exception section for the obligations in ss. 73-75 is also proposed.</p> <p>76 Exception</p> <p>Sections 73 to 75 do not apply if a matter beyond the control of the carrier materially and adversely affects its technical ability to comply with those provisions.</p>	<p>Question 9: Are there any additional relevant examples of matters that are beyond the control of the provider that may materially and adversely affect the provider's technical ability to meet the proposed new requirements?</p> <p>Response</p> <p>Optus supports this exception, noting that matters may occur outside of the control of a carrier that could affect its technical ability to comply with those obligations.</p>
<p>6. Requirements to share real-time network information</p> <p>The direction requires that the ECS Determination be amended to impose requirements on providers to share real-time network information relating to outages with:</p> <ul style="list-style-type: none"> • relevant emergency service organisations • the emergency call person for 000 and 112 • other appropriate entities. <p>The requirement to share real time network information during a major outage or significant local outage applies where the outage <u>affects the carriage of emergency calls</u> using its controlled networks or controlled facilities. (s. 77)</p> <p>Proposed section 78:</p> <p>78 Carriers to share real-time network information about a major outage or significant local outage</p> <p>(1) Carriers must share with the entities identified in subsection (2) the real-time network information at subsection (3) at the times specified in subsection (4).</p>	<p>Question 10: Proposed section 78 is intended to apply when either a significant local, or major outage that affects the carriage of calls to the emergency call person for 000 and 112 occurs. Is this appropriate or should it apply only to major outages affecting the carriage of emergency calls? Please explain your answer.</p> <p>Response</p> <p>Optus notes that in telecommunications, 'real-time' network information is network information that is 'live' i.e. 'as it happens'. (Optus also notes the definition of 'real-time communication' in the Outage Standard is communication where users can exchange information instantly or with negligible latency or transmission delay). Email communication would not be considered 'real-time' information given the industry understood concept of 'real-time' information.</p> <p>There is currently no technical capability between carriers, state/territory ESOs, the ECP, the ACMA and the Department for sharing such "real-time" information. It is likely developing such capability would require significant engagement with all of those organisations and investment from those organisations to ensure they have the necessary capability (whether this be by API or some other means of sharing information).</p>

<p>(2) The entities with whom a carrier must share information are:</p> <ul style="list-style-type: none"> (a) the emergency call person for 000 and 112; (b) the emergency call person for 106; (c) an emergency service organisation located in the State or Territory affected by the major outage or significant local outage; (d) the ACMA; and (e) the Department. <p>(3) The real-time network information that must be shared includes as much of the following information that is available to the carrier at the time of sharing:</p> <ul style="list-style-type: none"> (a) the scale or suspected scale of the major outage or significant local outage including the number of services impacted; (b) subject to subsection (5), the cause or likely cause of the major outage or significant local outage; (c) the geographic areas impacted or likely to be impacted by the major outage or significant local outage; (d) the types of carriage services impacted or likely to be impacted by the major outage or significant local outage; (e) details about any material change, if any; and (f) the estimated timeframe for rectification of the major outage or significant local outage. <p>(4) The real-time network information must be shared:</p> <ul style="list-style-type: none"> (a) as soon as practicable after the carrier becomes aware that there is a major outage or significant local outage affecting its controlled network; (b) if there has been a material change, as soon as practicable after 	<p>Regardless, sharing real-time information would be a huge burden for the range of required information in subsection 78(3). Information changes constantly through an outage and would require constant inputs and uploading of information to be shared even if there is technical capability to do so.</p> <p>It is unclear if the Government will be funding such technical capability across all organisations and for carriers to share this “real-time” information. In addition, there may be security implications related to such network information sharing that warrant further consideration.</p> <p>It is also unclear what is meant by “real-time” information and how this is shared given the obligations regarding when information must be shared (s. 78(4)). These are confusing as “real-time” information would need to be shared constantly as all information changes, regardless of the significance or materiality of the information.</p> <p>This would be a significant resource impost on staff (who are trying to rectify an outage when one occurs) to have to constantly provide information so that this could be shared on an as close to real time basis as possible when information is being emailed (which would be likely amount to many emails during an outage).</p> <p>Optus notes the consultation paper indicates the information to be shared under the ECS determination is intended to be the same as that information shared under the Outage Standard (ECS Determination consultation paper, p. 4).</p> <p>Therefore, to ensure these processes are streamlined and aligned, Optus would welcome clarification about what is meant in relation to ‘real-time’ information and if this needs to be clarified by amending the provision to provide that where the technical capability does not exist for ‘real-time information to be shared, timely information must be shared. Alternatively, ‘real-time information’ should be defined as meaning</p>
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<p>the carrier becomes aware of that material change; and</p> <p>(c) if there has not been a material change, at least once every six hours within the first 24 hours after becoming aware of the major outage or significant local outage and at least once every 24 hours thereafter.</p> <p>(5) The carrier is not required to give information about the cause or likely cause of a major outage or a significant local outage if it has reasonable grounds to believe that disclosing this information could compromise its telecommunications network security or national security.</p>	<p>‘timely’ or ‘up-to-date’ information.</p> <p>in future, Optus queries whether this is a function that could be performed by the Triple Zero Custodian who could have a key role in sharing information with these organisations (that is, carriers share with the Triple Zero Custodian who shares with relevant emergency organisations). This would be a more streamlined and efficient process.</p> <p>Question 11: Is the information specified in proposed paragraphs 78(3)(a) to (f) sufficient real-time information about a network outage to provide useful assistance for emergency service organisations in the relevant area impacted by the network outage and the emergency call persons for 000 and 112 and 106?</p> <p>Response</p> <p>There is likely too much information specified in s. 78(3) if the information shared is intended to be ‘real-time’ information. However, if the information is intended to be the same as information shared as under the Outage Standard Optus would support further clarification of what is meant by ‘real-time information’ in this context.</p> <p>Question 12: Is there additional information about a network outage that should be specified as real-time network information? Please explain your answer.</p> <p>Response</p> <p>Optus does not consider there is additional information about a network outage that should be specified as ‘real-time’ network information noting the issues with sharing “real-time” network information in the response under question 10.</p> <p>Question 13: As drafted, proposed section 78 requires carriers to share real-time information with emergency service organisations located in the relevant area impacted by the network outage. Is this sufficient, or</p>
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	<p>should emergency service organisations nationally be given information about outages? For example, would it be useful for emergency service organisations in New South Wales to be given real-time network information about a significant local outage in south-east Queensland? Does it depend on the relative proximity of the emergency service organisations to the location of the outage? For example, would emergency service organisations in Western Australia want to receive information about outages in Tasmania? Is there value in receiving this information for situational awareness? Please explain your answer.</p> <p>Response</p> <p>Optus considers it is most appropriate for emergency services organisations to answer this question.</p> <p>Question 14: Are there additional stakeholders who should receive real-time network information under this section?</p> <p>Response</p> <p>Optus suggests in future consideration be given to whether the Triple Zero Custodian could be a central repository for information related to network outages who could then have a role with coordinating information sharing to these other organisations.</p>
<p>7. Requirements to report on outages</p> <p>The direction requires that the ECS Determination be amended to impose requirements on providers to report to the ACMA and the department the following information.</p> <p>Proposed new section 79 gives effect to this requirement. It requires carriers to report the information set out in subsection 79(2) within 30 days of the restoration of a major outage.</p>	<p>Question 15: Is 30 days an appropriate timeframe to prepare a report setting out the information in subsection 79(2)? If not, what would be an appropriate timeframe? Please explain your answer.</p> <p>Response</p> <p>Depending on the nature and complexity of a major outage it could take some time to obtain and verify all the information in s. 79(2) that would be required to be in a report.</p> <p>Optus would support an amendment to s. 79(2) that as much</p>

79 Carriers to report to the ACMA and the Department

(1) Carriers must, within 30 days of the restoration of a major outage, provide a written report to:

- (a) the ACMA; and
- (b) the Department.

(2) The written report under subsection (1) must include the following information:

- (a) the cause of the major outage;
- (b) the steps taken to resolve the major outage;
- (c) the impact of the major outage on the delivery of emergency calls to the emergency call person for 000 and 112 and the emergency call person for 106;
- (d) an estimate of the number of end-users affected by the outage;
- (e) the number of unsuccessful emergency calls made during the outage that the carrier has been able to identify;
- (f) the steps that were taken to resolve issues identified as contributing to the outage; and
- (g) a clear and detailed plan (the Outcomes Plan), including timelines, outlining the steps that will be taken by the carrier to avoid similar outages from occurring in the future.

(3) Carriers must provide further written updates to the ACMA and the Department that detail the carrier's progress on the Outcomes Plan.

(4) The further written updates under subsection (3) must be provided:

- (a) if the ACMA specifies in writing a timeframe for those updates, within those specified timeframes; or
- if the ACMA has not specified a timeframe under (a), every 45 days from the date of providing the written report under subsection (1)

information as available at 30 days be provided in a report, with further information to be provided in subsequent updates to the report (for example, that is any outstanding information could be provided within another 30 days).

<p>until each of the steps taken by the carrier under the Outcomes Plan has been implemented in full.</p>	
<p>8. Requirements to follow disruption protocols</p> <p>The ECS Determination must be amended to include a disruption protocol section, relating to actions that must be taken during and after a major outage that affects the delivery of emergency calls to the emergency call person for 000 and 112.</p> <p>Proposed section 81 sets out that the disruption protocol will be contained in a schedule to the instrument. The disruption protocol is in Schedule 1.</p> <p>The ACMA consider that most of the requirements that might ordinarily be specified in a disruption protocol are already included within the ECS Determination through the proposed amendments and additional requirements in the Telecommunications (Customer Communications for Outages) Industry Standard 2024.</p> <p>The ACMA do not have regulatory powers to impose requirements on emergency service organisations that may otherwise be included in disruption protocols because they are regulated under state and territory jurisdictions. Therefore, the protocol does not set out any arrangements to apply to emergency service organisations during outages.</p>	<p>Question 16: Are there specific matters that should be set out in the disruption protocol in the ECS Determination? Please describe in detail those matters, giving reasons for your answer.</p> <p>Response</p> <p>Optus notes more detailed disruption protocols agreed between industry, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) and emergency services organisations exist. As the ACMA is only able to determine protocols for telecommunications carriers, the ACMA cannot replicate the existing disruption protocols in the Determination (which include obligations on emergency services organisations) nor include any other arrangements to apply to emergency services organisations.</p> <p>Further, as the disruption protocols are updated regularly (every couple of years) and agreed between the participants, it is important that any disruption protocols specified in regulation provide a general framework only. This will ensure the disruption protocols in the ECS Determination do not create any inconsistencies with agreed protocols in practice while also providing a regulatory backstop.</p> <p>Optus considers that the proposed disruption protocols are appropriate.</p>
<p>9. Requirement to provide ACMA with management plans</p> <p>The ECS Determination must be amended to include a requirement for providers to give the ACMA and other entities a management plan before making any proposed changes to their operations or their networks that will impact the delivery of emergency calls.</p>	<p>Question 17: Is 6 months prior to the proposed change an appropriate amount of time to submit the management plan to the ACMA? If not, please specify a timeframe and provide reasons why.</p> <p>Response</p> <p>Optus welcomes the clarifying note that management plans are only needed for <u>significant</u> changes to operations or telecommunications</p>

The management plan must be given within a specified timeframe in advance of any proposed changes and detail the steps the provider will take to minimise any detrimental impacts of the changes on end-users.

Proposed subsection 80(2) specifies that where a carrier proposes a significant change to its operations or telecommunications network that will fundamentally and adversely impact the carriage of an emergency call, the carrier must submit a plan to the ACMA at least 6 months prior to the proposed change.

The note to section 80 notes examples of the types of significant changes that would require management plans, such as, the introduction of a new generation of mobile technology, the decommissioning of a legacy generation of mobile technology, or the introduction of a new transmission protocol for delivering emergency voice calls.

80 Management plan required for proposed significant changes to operations or a telecommunications network that will impact the carriage of emergency calls

(1) This section applies to a carrier that proposes a significant change to its operations or telecommunications network that will fundamentally and adversely impact the carriage of an emergency call to the relevant termination point for the call.

Note: Examples of a significant changes to a network include the introduction of a new generation of mobile technology, the decommissioning of a legacy generation of mobile technology, or the introduction of a new transmission protocol for delivering emergency voice calls.

(2) Before a carrier undertakes a proposed change to their operations or telecommunications network, the carrier must, at least 6 months prior to the proposed change, submit a plan to the ACMA (the management plan).

networks – for example, introducing a new generation of mobile technology, the decommissioning of legacy generation of mobile technology or the introduction of a new transmission protocol for delivering emergency voice calls.

In considering what this requirement might mean in practice, Optus notes it is feasible in relation to decommissioning legacy infrastructure/technology.

However, it is more challenging when considering the introduction of new technologies. There is no clear trigger in relation to the introduction of new technologies as to when a management plan should be provided. For example, there is likely early work being done already in relation to 6G even though this is likely years away from being commercially available.

Optus would welcome further clarification from the ACMA (e.g. in the Explanatory Statement) if in relation to the introduction of new technology it is expected management plans be provided 6 months prior to commercial launch (being made publicly available) or some other trigger.

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| <p>(3) The management plan referred to in subsection (2) must include details of the steps the provider will take to minimise any fundamental and adverse impacts of the proposed change on end-users.</p> <p>(4) Carriers must provide written updates to the ACMA that detail the carrier's implementation of the steps set out in the management plan.</p> <p>(5) The updates under subsection (4) must be provided:</p> <ul style="list-style-type: none">(a) if the ACMA specifies in writing a timeframe for those updates, within those specified timeframes; or(b) if the ACMA has not specified a timeframe under (a), every 45 days from the date of providing the management plan under subsection (2) until each of the steps taken by the carrier under the management plan has been implemented in full. | |
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TABLE 4: PROPOSED CHANGES TO TELECOMMUNICATIONS (EMERGENCY CALL SERVICES) DETERMINATION

Telecommunications (Customer Complaints Handling) Standard	
Proposed changes	Optus comments
1. Definition of network outage <p>The draft definition aligns with the definition of 'major outage' in the Customer Communications Standard as this has been settled. It also includes a proposed definition of 'significant local outage' the same as that in the CCO Standard and ECS Determination.</p>	<p>Question 1:</p> <p>Is aligning the definition of network outage with the definitions for 'major outage' and 'significant local outage' from the Customer Communications Standard appropriate? If not, please explain why and describe any alternative and/or other approaches that could be used to define 'network outage'.</p> <p>Response</p> <p>Optus supports aligning the definitions of major outage and significant local outages across all three instruments.</p> <p>Please see Optus' comments on the proposed definition of significant local outage made in relation to the Outage Standard and ECS Determination.</p>
2. Definition of network outage complaint <p>Under the current definition of 'complaint', a fault or service difficulty reported to a CSP by a consumer may not be considered a complaint unless the consumer advises that they want it treated as one. However, in its response to the Optus outage review, the TIO raised concerns that this exclusion may not meet community concerns during a crisis such as a large network outage; consumers reporting a service fault at this time are</p>	<p>Question 2: Does the amended definition of 'complaint', combined with the new 'network outage complaint' definition, give effect to the direction's objective of ensuring consumers who contact their provider in relation to a network outage can attract the protections of the Complaints Handling Standard? If not, please explain why and describe any alternative and/or additional approaches that could be used to meet the objective.</p>

<p>likely to expect their contact to be regarded as a complaint without having to explicitly say so.</p> <p>The draft amendments change the definition of 'complaint' to effectively remove this exemption when a network outage is suspected to be affecting a consumer's services.</p> <p>A network outage complaint would be triggered when:</p> <ul style="list-style-type: none"> • a consumer reports to their CSP that they cannot connect to their phone or internet service (now called a 'service outage report' under a new definition) • the CSP is aware of a network outage because it has either: <ul style="list-style-type: none"> ○ detected it in their own network ○ been notified of a network outage under the Customer Communications Standard ○ received information from its network operator of a network outage ○ the CSP has reason to suspect that the consumer's connectivity problem is due to a defined network outage. <p>The current exception in the definition of 'complaint' would still apply when there is no network outage occurring that may be affecting the consumer's service.</p> <p>network outage complaint means a service outage report where a carriage service provider has determined under section 17B that there is a reason to suspect a network outage is occurring that is affecting or is likely to affect the consumer.</p> <p>Note: Subsection 17B(4) provides that where a service outage report relates to a network outage and the sole or predominant cause of that outage is a natural disaster, the report is excluded from the requirements relating to network outage complaints under this instrument. In such cases, a carriage service provider must consider if the service outage report is an ordinary complaint under its complaint handling process pursuant to</p>	<p>Response</p> <p>Optus submits it creates complexity having a different definition for 'network outage complaint' compared to 'complaint'. This is confusing and is more likely to lead to errors where there are differences in requirements for dealing with different types of complaints.</p> <p>Optus is fundamentally concerned that a mere enquiry about a service disruption would end up as a complaint because the service disruption is due to a network outage. This undermines the traditional principle that contacts about service faults are not treated as complaints.</p> <p>It is already expected that CSPs provide real-time or near-real time communication means so that consumers can request urgent assistance during an outage (under the Outage Standard).</p> <p>Instead of all contacts regarding a service outage being considered as a network outage complaint, Optus considers, consistent with the usual approach to complaints, the following types of matters should be consider network outage complaints:</p> <ul style="list-style-type: none"> • If the consumer requires urgent assistance during an outage and is unhappy with the assistance provided by the CSP; • If the consumer is unhappy with the default resolution (for example, if the consumer argues they suffered financial loss as a result of the outage and should be compensated). <p>The concept of 'service outage report' adds further confusion and will be difficult to operationalise, noting that this would rely on agents to follow different processes depending on the nature of the contact. The more complex and confusing requirements are, the more challenging these are to implement and the more likely there are to be errors. It is not in consumers' interests for there to be difficulty in operationalising requirements.</p>
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<p>subsection 17B(1)(c).</p> <p>service outage report means an initial call or contact from a consumer to a carriage service provider indicating that they cannot establish or maintain connection with a carriage service.</p> <p>Note: Where a carriage service provider receives a service outage report, it is required to determine if it is a network outage complaint or it should otherwise be treated as a complaint under section 17B.</p>	<p>Optus considers this approach is unreasonable particularly where the CSP is not responsible for the network and rectifying the network outage. A simple contact regarding a service disruption should not end up being considered a network outage complaint particularly where the CSP may not be responsible for addressing the outage (for example, if the outage relates to NBN services).</p> <p>Question 3: Currently network outage complaints would not be raised if the outage is due to an unplanned adverse impact and the sole or predominant cause is a natural disaster. Should this exception be removed? If so, please explain why and how this could work in practice.</p> <p>Response</p> <p>Optus supports this exception for network outages related to natural disasters and extreme weather.</p> <p>Optus notes that where it has suggested clarification as to what is considered an extreme weather event in the Outage Standard, any clarifications should be carried over into related instruments (such as the Complaints Handling Standard) that refer to 'natural disaster'.</p>
<p>3. Prioritisation of network outage complaints</p> <p>The most critical issue during a network outage is for the network problem to be fixed and for affected consumers' services to resume. The proposed amendments focus on creating an environment where the restoration of the service can occur at the earliest opportunity. The customer should also be provided information about the management of the complaint that complements the notifications the same customer would be expected to receive under the CCO Standard.</p>	<p>Question 4: Is the approach of prioritising the restoration of services over the resolution of other complaints related to network outages appropriate? If not, please explain why and describe any alternative and/or additional approaches that could better meet the objective of prioritising complaints relating to network outages in the direction?</p> <p>Response</p> <p>Optus notes that restoring services when there is a network outage is, and has always been, the priority. Contacts about service outages do not need to be considered network outage complaints for restoration of</p>

<p>The amendments do this in the following ways:</p> <ul style="list-style-type: none"> • A carriage service provider must resolve a network outage complaint by restoring the consumer's service as soon as reasonably practicable. • A network operator that receives a request for reasonable assistance from a CSP to resolve a network outage complaint must acknowledge the request within 3 hours. • CSPs must advise a consumer who contacts them with a service fault if the CSP is treating their contact as a network outage complaint. They must also advise the consumer: <ul style="list-style-type: none"> ○ about the default resolution (restoration of services as quickly as practicable) ○ what information will be provided about the network outage ○ how that information will be provided directly to the consumer ○ of a website link or other way for the consumer to access the CSP's network outage complaints process. • If the consumer informs the CSP that their affected service has not resumed after the network outage is rectified, priority must be given to these consumers to restore their services within 2 working days of the consumer contact and before their network outage complaint can be closed. <p>The draft amendments also prioritise the network outage complaints of certain categories of consumers (urgent network outage complaints) who may be more at risk of harm during the network outage because they cannot use their affected carriage services. CSPs would be required to make efforts to do what is reasonably practicable, taking into account the technical limitations of the network outage, to keep the following consumers connected:</p> <ul style="list-style-type: none"> • Priority Assistance (PA) customers, if their PA service is affected by the outage and they are considered by the CSP to have a network outage complaint. • Consumers who express a need for urgent assistance using a real-time or 	<p>services to be a priority.</p> <p>Question 5: Are the proposed processes and actions to prioritise complaints from consumers affected by network outages reasonable and practical? If not, please explain why and describe any alternative and/or additional approaches that could better meet the objective of prioritising complaints relating to network outages in the direction?</p> <p>Response</p> <p>The proposed definition of 'urgent network outage complaint' is not appropriate. It creates a different threshold than 'urgent complaint' already in the Complaints Handling Standard which adds to confusion and complexity of implementation.</p> <p>Optus submits the definition should be amended to align with 'urgent complaint' – that is, there needs to be a clear reason as to why the customer's contact is urgent. For example, it would aggravate any vulnerable circumstances already affecting the customer. The current drafting leaves it open to the customer to simply say their complaint is urgent without such a link to their circumstances.</p> <p>In relation to closing a network outage complaint, Optus considers that if a contact about a service disruption due to a network outage is automatically considered a 'network outage complaint' regardless of whether the contact was a simple query, then the complaint must automatically be considered closed once the network outage is rectified. Any further issues after the network outage is rectified and the complaint is closed must be consider a separate complaint (for example, if the customer were dissatisfied with the default resolution).</p> <p>Optus further notes the point that if a consumer informs the CSP that their affected service has not resumed after the network outage is rectified, priority must be given to these consumers to restore their</p>
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near real-time communication method that is provided by the CSP during a network outage.

services within 2 working days before their network outage complaint can be closed. (Optus notes the consultation paper refers to two working days on p. 9, however, Optus is unable to find this required timeframe for closing a network outage complaint in the proposed amendments).

Optus considers it unreasonable for the network outage complaint to still be considered open after the network outage has been rectified, because there may be other reasons the service is not working, for example:

- (a) There may be action required from the consumer to restore the service (for example, rebooting the modem);
- (b) There may be other customer equipment impacts and a new modem may need to be sent to the consumer requiring engagement with the consumer; or
- (c) There may even be another issue with the service that is only able to be detected once the outage is rectified.

Therefore, it is more appropriate for any further issue to be investigated under usual fault and troubleshooting processes. If the customer's circumstances are such that their subsequent fault/complaint should be prioritised, then existing complaint processes and obligations already provide for this.

Optus considers any drafting of obligations should take into account there are legitimate reasons why services are not immediately restored after a network outage and existing obligations and processes already provide for prioritisation where appropriate and notification of any delays in resolving the issue.

Question 6: The proposed drafting envisages that, if the network problem is rectified but this does not achieve the default resolution of a network outage complaint (restoration of service), then the consumer

will need to actively contact their CSP to seek assistance before their network outage complaint is closed. Also, if the default resolution is achieved but the consumer remains dissatisfied with this outcome, they will need to raise a new complaint through the standard, non-network outage complaints process.

Are these approaches appropriate? If not, please provide details of alternative ways to manage these scenarios.

Response

The proposed drafting that all contacts about service outages be treated as a network outage complaint when there is a network outage occurring is highly problematic. There can be a significant number of queries when there is an outage many of which may be consumers seeking updated information (for example, they may have data outage and are unable to check a website for updates or receive any updates from their provider under the Outage Standard). If all of these are prioritised as network outage complaints, potentially requiring case management, this could be a significant challenge.

Optus considers that if contacts about a service disruption are automatically considered a network outage complaint because there is a network outage occurring, then it is reasonable for the network outage complaint to be closed once the network outage is rectified. Any further issues with the service must be treated as per any other fault enquiry as there are a number of reasons why the consumer's service may not be working which may have nothing to do with the network outage.

Optus considers that if a customer is unsatisfied with the default resolution of service restoration it is appropriate they have a specific contact to raise a separate complaint.

	<p>Question 7: Is the requirement for CSPs to help keep certain categories of customers connected who contact them in a network outage, and who may be at risk of extra harm due to the loss of service, appropriate and practical? If not, please explain why and describe any alternative and/or additional approaches that could be used.</p> <p>Response</p> <p>This is effectively a retail performance standard, rather than a complaints handling issue and should not be dealt with in the Complaints Handling Standard. It is a fundamentally impractical obligation on CSPs, particularly where a CSP may not be responsible for rectifying the network outage.</p> <p>It is impractical for a CSP to treat a cohort of customers differently, unclear how this could be achieved in practice and if there is any benefit to the obligation or ability for CSPs to comply. That is, if the consumer needed an alternative service it's entirely possible the outage could be resolved by the time an alternative service is delivered.</p> <p>Where fixed voice services have CSG attached to them, providers can send out an alternative service until the issue is rectified. Traditionally this could take 3-5 working days or potentially longer, depending on where the alternative service needs to be delivered. A network outage could be easily resolved within that time.</p> <p>Further, in times of natural disasters network operators already put in place arrangements to support temporary services where possible, such as Sat COWs, until infrastructure is repaired and/or power restored.</p> <p>This requirement is fundamentally impractical.</p>
<p>4. Contact methods to make a network outage complaint</p> <p>Draft amendments require CSPs to accept network outage complaints over</p>	<p>Question 8: Are the proposed methods suitable for consumers to contact their CSP about service problems that may be related to</p>

<p>the following contact methods during a network outage:</p> <ul style="list-style-type: none"> • Phone and electronic methods that are required under the existing Complaints Handling Standard, unless these are not functioning as a direct result of the network outage. • A real-time or near real-time communication method for consumers to seek assistance that is also required under the Customer Communications Standard. • Any specific contact methods that the CSP sets up to handle contacts about the network outage and that are different to its regular enquiry or complaint contact methods. <p>The proposed rules about accepting and handling a network outage complaint are set out in the new Part 3A of the Consultation draft Standard.</p>	<p>network outages? If not, please explain why and describe any alternative and/or additional approaches that would be more appropriate and enable network outages to be captured and handled under the Complaints Handling Standard.</p> <p>Response</p> <p>Optus considers the existing means of contacting a provider (including the real-time or near real time means of requesting urgent assistance during an outage as required under the Outage Standard) are sufficient.</p> <p>We note there is usually a spike in contacts when there is an outage which suggests there are already sufficient means for consumers to contact providers.</p>
<p>5. Other changes relating to network outage complaints</p> <p><i>Network outage complaints handling process</i></p> <p>The CSP network outage complaints handling process must meet minimum requirements in the following areas:</p> <ul style="list-style-type: none"> • establishing and implementing a complaints process that is approved by the CSP's CEO or equivalent senior manager • accessibility, including being available on the CSP's website, free to access, allowing consumers to have a representative handle their complaint, an explanation of how customer contacts are deemed to be network outage complaints, key steps of the complaints process and complaint options beyond the default resolution • accuracy and having up-to-date relevant information • relevant timeframes in the process. <p>These proposed amendments are in the new Part 2A of the consultation</p>	<p>Question 9: Do the proposed requirements in the network outage complaints-handling process set out all the information that would help consumers understand and use this complaints process. Are there aspects of this complaints process that should be changed, added or removed? If so, please explain why and describe any alternative approaches that would be more appropriate.</p> <p>Response</p> <p>Optus reiterates its views that the proposed network outage complaints handling process is fundamentally flawed given it is based on a mere service enquiry, rather than an expression of dissatisfaction, and an assumption that CSPs are not prioritising rectification of the outage. The proposed process is overly complex and convoluted, introducing new concepts like service outage report and network outage complaint which will add confusion and complexity to dealing with customer enquiries.</p> <p>It remains fundamentally unclear why there would need to be a</p>

draft standard.

Complaints monitoring and analysis

Amendments to Part 4 of the Complaints Handling Standard have the effect of requiring CSPs to consider all complaint types, including network outage complaints, as part of their current requirements to periodically analyse complaints to identify systemic issues and take steps to prevent them from recurring.

Complaints record-keeping

Draft amendments to complaints record-keeping requirements (Part 5) take account of the different steps occurring to manage and resolve network outage complaints compared to other complaint types. A different and smaller set of information is required that is intended to limit the burden on CSPs during potential high volumes of complaints while still enabling effective record-keeping.

Reasonable assistance

Minor amendments have been proposed in Part 6 of the Complaints Handling Standard to streamline parts of the reasonable assistance process in the case of network outages.

separate process for network outages. Two processes will overcomplicate operations and separate requirements for network outages could make it more difficult for providers to identify and address other issues where this is occurring at the same time as a network outage.

Question 10: Do the proposed amendments to complaints monitoring and analysis, complaints record-keeping and reasonable assistance obligations appropriately adapt these rules to incorporate the introduction of a network outage complaints category? If not, please explain why and describe any alternative approaches that would be more appropriate for these areas.

Response

Optus considers the proposed approach to network outage complaints is likely to distort monitoring and reporting, particularly as network outages, by their very definition are not matters within the control of providers (i.e. being unplanned adverse events) and mere service outage enquiries are required to be treated as a network outage complaint.

It will significantly increase the burden associated with monitoring and reporting with little gain, because the underlying issue for any increase in network outage complaints is not a matter within a CSP's control, particularly where CSPs are not the network operator.

For example, a CSP cannot decide to *not* use the NBN to service a customer who wants a fixed line service as that is the only fixed line infrastructure at the customer's premises. It is fundamentally unclear what benefit would come from additional monitoring and analysis obligations.

Optus agrees there should be only one process for monitoring and

	analysis.
General review draft amendments	
<p>6. Improved display of complaints handling processes</p> <p>The ACMA proposes to amend the Complaints Handling Standard to require links on the home page to the complaints handling process to:</p> <ul style="list-style-type: none"> • be displayed in a clear and prominent way • specifically include the word 'complaints' or a variation of this word to improve clarity and consistency for consumers • be included in the customer help/support section of the CSP's website, accessible via a main heading – this link would also need to contain the word 'complaint' or variation of this. 	<p>Question 11: Are the proposed amendments likely to make it easier for consumers to find their CSP's complaints handling process and improve transparency of this process? If not, please explain why and describe what alternatives or additional measures would achieve this in a way that meets the direction's objectives?</p> <p>Response</p> <p>While Optus does not consider it is necessarily difficult for customers to find information about the Complaints Handling process, Optus has no concerns with this proposed change.</p>
<p>7. Easier to contact CSP to make a complaint</p> <p>The ACMA proposes the following rule changes to help consumers lodge a complaint:</p> <ul style="list-style-type: none"> • A CSP must keep contact details for making a complaint accurate and up to date in the complaints handling process and where they appear on their website. • Contact details displayed on a CSP's website must set out all the mandatory contact methods in a list or table format so consumers can easily see all the different contact options and details. • If the phone number used for complaints is a general or shared phone number that uses a menu system requiring consumers to select a number to be directed to assistance about a particular problem or enquiry, then the first menu list level must include a clear option for consumers to choose that will lead them directly to personnel trained to 	<p>Question 12: Are the proposed amendments likely to make it easier for consumers to contact their CSPs with a complaint and have it treated as a complaint? If not, please explain why and describe what alternatives or additional measures would achieve this in a way that meets the direction's objectives?</p> <p>Response</p> <p>Optus notes it already has multiple ways for consumers to contact Optus, therefore has no particular concerns with this proposed change.</p>

<p>handle complaints.</p> <ul style="list-style-type: none"> • Clarification that the requirement to provide a phone number to make a complaint means that consumers will be able to use this method to talk directly to CSP personnel trained to handle complaints. • Removing a reference to 'enquiry' in 8(3)(a) which requires CSPs to have a web page that sets out how to contact the CSP to make a complaint or enquiry. This is intended to clarify that if a consumer is using the contact details provided, then the consumer is intending to contact their CSP about a complaint, not an enquiry. 	
<p>8. Improved accessibility to make a complaint</p> <p>The ACMA proposes the following amendments to improve accessibility and incorporate additional contact methods that have become commonly used since the Complaints Handling Standard was first made.</p> <ul style="list-style-type: none"> • If a CSP uses an app or online live chat function to offer customer service, then consumers must also be able to use this tool to make a complaint. • CSPs must include information about using the National Relay Service for hearing impaired consumers in their complaints handling process and have this information on their website page about how to contact the CSP with a complaint. 	<p>Question 13: Are the proposed amendments likely to make it easier and more accessible for consumers to contact their CSPs with a complaint? If not, please explain why and describe any alternatives or additional measures that would achieve this in a way that meets the direction's objectives?</p> <p>Response</p> <p>Optus does not consider it is difficult for consumers to make a complaint now, therefore the changes are likely unnecessary.</p>
<p>9. Shorter complaint resolution times</p> <p>The ACMA proposes the following rule changes to require CSPs to be more responsive to resolving consumer complaints in a way that better aligns with current community expectations:</p> <ul style="list-style-type: none"> • A modified obligation for CSPs to resolve complaints as soon as practicable and in a manner that best suits the needs of the consumer (in addition to the existing requirement to use best efforts to resolve a complaint on first contact). • Reducing the time that CSPs have in which to propose a complaint 	<p>Question 14: Will the proposed changes to complaint resolution timeframes allow sufficient time for CSPs to resolve a complaint in a way that meets the Direction's objectives? If not, please explain why and describe any alternative and/or additional approaches that could be used to meet those objectives.</p> <p>Response</p> <p>Optus notes there are times where it may take longer to resolve a complaint. This includes where action is required by a party that is not the CSP (for example, a separate network operator or the consumer</p>

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<p>resolution to the consumer from 15 working days to 10 working days.</p> <ul style="list-style-type: none"> Reducing the time that CSPs have to implement an agreed resolution from 10 working days to 5 working days. Where CSPs have until the end of the next billing cycle or 40 calendar days, whichever comes first, to resolve an alleged billing error, this maximum day limit is reduced to 30 days. 	<p>themselves).</p>
<p>10. Clearer information about the TIO</p> <p>The ACMA proposes the following rule changes so that messaging about the TIO is clear:</p> <ul style="list-style-type: none"> When CSPs are required to inform consumers about an external dispute resolution option, they must include the wording: 'If you are not satisfied with how we have handled your complaint, you have the right to take it to the Telecommunications Industry Ombudsman' and provide the TIO's website address and phone number. Information about the TIO's website address and phone number must be up-to-date on a CSP's website and in any information about the TIO that they give to consumers. If a complaint is still unresolved after 30 calendar days, and the consumer has not already received a notification about their right to take their complaint to the TIO, the CSP must advise them of this right, regardless of the status of their complaint. 	<p>Question 15: Will the proposed changes, combined with existing obligations, provide consumers with clear and sufficient information at appropriate times in relation to avenues for external dispute resolution, specifically the TIO? If not, please explain why and describe any alternative and/or additional approaches that could be used to achieve that outcome.</p> <p>Response</p> <p>Optus has no comment on this proposed change.</p>
<p>11. Alignment with the Financial Hardship Standard</p> <p>The ACMA proposes to:</p> <ul style="list-style-type: none"> update the Complaints Handling Standard to align relevant references to financial hardship with the Financial Hardship Standard. introduce minimum requirements to complaints handling processes (for 	<p>Question 16: Will the proposed changes to align the Complaints Handling Standard with the Financial Hardship Standard adequately support financial hardship consumers with a relevant complaint to have their complaint treated urgently? If not, please explain why and describe any alternative and/or additional approaches that could be used to do so.</p>

<p>urgent, non-urgent and network outage complaints) that are used in the Financial Hardship Standard and provide clarity about accessibility and transparency. These include obligations to:</p> <ul style="list-style-type: none"> ○ use clear and plain language ○ use a font style and size that is clear and easy to read ○ be in a format that is accessible, including to consumers with disabilities, from cultural or linguistically diverse backgrounds or with special needs. 	<p>Response</p> <p>Optus considers it is appropriate for definitions to be aligned, but, notes that the Financial Hardship Standard (2024) <i>already includes obligations regarding financial hardship</i>.</p> <p>Adding obligations regarding financial hardship to the Complaints Handling Standard is again likely to create more complexities in implementation and processes. Optus notes it already has specialised teams for financial hardship issues and separate specialised teams for complaints. These additional obligations about financial hardship in the Complaints Handling Standard risk creating longer and more convoluted processes. It risks creating conflicting obligations around financial hardship or customers affected by domestic and family violence.</p> <p>These additional obligations will also increase complexity when it comes to monitoring, reporting and record keeping for each instrument (the Complaints Handling Standard and the Financial Hardship Standard).</p> <p>The ACMA should keep in mind that it is common for consumers affected by domestic and family violence to also be experiencing financial hardship so should ensure obligations are streamlined and clear, rather than overlapping and complex.</p> <p>Optus has further comments on the proposed change to the definition of 'urgent complaint' below v(under 'Other Amendments').</p>
<p>12. Commencement and transition arrangements</p> <p>The Minister's direction requires the amendments be determined by 30 April 2025 and commence in full at the earliest practical opportunity and in any case no later than 30 June 2025.</p>	<p>Question 17: What is the earliest practical date before 30 June 2025 for the amended standard to commence? Should it commence earlier than 30 June 2025? If so, please explain why and say what alternative date would be appropriate.</p> <p>Response</p>

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<p>The ACMA is also seeking feedback on proposed transition arrangements that would apply when the amendments come into effect.</p>	<p>The proposed deadline of 30 June 2025 is extremely challenging. Optus notes the proposed changes introduce additional complexity to existing processes, and Optus has concerns about the ability to robustly implement the significant amount of regulatory changes currently underway, including:</p> <ul style="list-style-type: none"> • requirements under the Outage Standard (including obligations for significant local outages); • extensive changes to the TCP Code; • the introduction of the Domestic and Family Violence Industry Standard; and • changes under the ECS Determination (due to be in effect 1 November but related to network outages).
<p>13. Other amendments</p>	
<p>Question 18: We are seeking feedback on whether any other changes or new rules are needed so that a revised Complaints Handling Standard meets the direction's objectives. If so, please describe any additions or changes you think would be appropriate and explain why.</p>	<p>Response</p> <p>Optus sets out additional comments on other proposed changes not addressed in the consultation paper questions in the rows below.</p>
<p>New definition of Financial Hardship</p> <p><i>financial hardship</i> means a situation where a consumer is unable to discharge their financial obligations owed under their consumer contract or otherwise discharge their financial obligations to a provider, due to circumstances, including:</p> <ol style="list-style-type: none"> personal or household illness; unemployment; low or insufficient income, including reduced access to income; being a victim survivor of domestic or family violence; a death in the family; a change in personal or family circumstances; a natural disaster; 	<p>Comment</p> <p>This is not the full definition of financial hardship as it appears in the Financial Hardship Standard. There is a fundamental part of the definition that appears to be inadvertently missing.</p> <p>These are the missing words:</p> <p><i>“And the customer considers that they will be able to discharge those obligations if an agreed arrangement for financial hardship assistance relating to the supply of telecommunications products by the provider is implemented.”</i></p> <p>If it's not intended for these words to form part of the definition in the</p>

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<p>h. unexpected events or unforeseen changes that have impacted the consumer's income or expenditure; or</p> <p>i. other reasonable causes.</p>	<p>Complaints Handling Standard, Optus would welcome clarification on why these words are not needed.</p>
<p>Changes to definition of 'urgent complaint'</p> <p>There are proposed changes to the definition of 'urgent complaint':</p> <p><i>urgent complaint</i> means a complaint:</p> <ul style="list-style-type: none"> (a) where the complaint is made by a consumer <i>who is, or may be, experiencing financial hardship</i> and where the subject matter of the complaint can reasonably be presumed to directly contribute to or aggravate the financial hardship of that consumer; (b) where disconnection of a service is imminent or has occurred and where due process has not been followed; or (c) which involves a priority assistance consumer and the service for which they are receiving priority assistance. 	<p>Comment</p> <p>The proposed addition to the current definition of 'urgent complaint' is potentially unclear and adds complexity to the complaints triage process.</p> <p>Optus notes that at the moment, consumers who contact Optus with a complaint and are already identified as experiencing financial hardship their complaint is prioritised if the issue in question will aggravate their financial hardship.</p> <p>It is not part of the current complaints triage process to determine whether a customer may be experiencing financial hardship and the process for doing so is set out under the Financial Hardship standard. Optus does not consider CSPs should have to try and determine if a customer may be experiencing financial hardship (which could involve asking a range of potentially quite personal questions) unless the customer volunteers information that indicates the customer may be experiencing financial hardship.</p> <p>Optus requests this definition be clarified, for example as follows '...where the complaint is made by a consumer who is, <i>or indicates they are</i>, experiencing financial hardship...'. </p>