COMMUNICATIONS ALLIANCE LTD

The Emergency Call Service Determination – Proposed amendments to improve the operation of the emergency call service; and

The Telecommunications (Customer Communications for Outages) Industry Standard 2024

COMMUNICATIONS ALLIANCE SUBMISSION

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INTRODUCTION

Communications Alliance (CA) welcomes the opportunity to provide this submission in response to the ACMA consultation on the *Emergency Call Service Determination - Proposed amendments to improve the operation of the emergency call service*, and the *Proposed amendments to the Telecommunications (Customer Communications for Outages) Industry Standard 2024*.

CA understands the *Australian Communications and Media Authority (Emergency Call Service Determination) Direction 2024*[1] (Ministerial Direction) requires ACMA to amend the *Telecommunications (Emergency Call Service) Determination 2019* (ECS Determination), in 2 stages, the first set of amendments made on 23 October 2024 and this subsequent consultation, and also to determine an industry standard dealing with information to be provided, or made available, by Carriers and Carriage Service Providers (CSPs) relating to 'significant local outages' that impact a telecommunications network used to supply carriage services to end-users.

Due to the close interaction of some of the questions in *the Emergency Call Service Determination* - Proposed amendments to improve the operation of the emergency call service, and the Proposed amendments to the *Telecommunications (Customer Communications for Outages) Industry Standard 2024*, we have sought to address these in one submission.

Where possible to avoid duplication, some responses will address similar questions from both consultation papers. As necessary, responses to separate consultation questions have been split and the paper being addressed has been noted.

Communications Alliance
Communications Alliance is the primary communications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, platform providers, equipment vendors, IT companies, consultants and business groups.

Its vision is to be the most influential association in Australian communications, co-operatively initiating programs that promote sustainable industry development, innovation and growth, while generating positive outcomes for customers and society.

The prime mission of Communications Alliance is to create a co-operative stakeholder environment that allows the industry to take the lead on initiatives which grow the Australian communications industry, enhance the connectivity of all Australians and foster the highest standards of business behaviour.

For more details about Communications Alliance, see https://www.commsalliance.com.au.

Issues for comment

1.Requirements under paragraph 6(1)(a) of the direction

> **ECS Determination**
>
> **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? If not, please provide an alternative definition and give reasons for doing so.**

- For the definition of 'wilt' industry have proposed the following:
  wilt *means to prevent the base station providing any connectivity or communication service to mobile devices.*

Consideration also needs to be given to current technologies / network architectures, such as MOCN and any emerging technologies. Please see Question 6, regarding Section 73 for further information and clarity on this.

Definition of 'significant local outage'

> **ECS Determination**
>
> **Question 2: Is the definition of significant local outage proposed at section 6 workable? If not, please provide an alternative definition and explain your reasons for doing so.**
>
> **Customer Communications for Outages**
>
> **Question 1: Is the proposed definition of significant local outage workable? If not, please provide suggested wording for an alternative definition giving reasons.**

The definition as is stands, with the threshold of 1,000 services and the geographic areas designated within the Australian Statistical Geography Standard (ASGS) Remoteness Structure create concerns for industry. Industry proposes that the remoteness area classifications of 0, ,1 and 2 (i.e., Inner Regional Australia and Outer Regional Australia) are removed from the definition of a 'significant local outage'. (Noting that 0, Major Cities, is not proposed to be used). Significant Local Outages should only apply for ASGS classifications, 3 and 4 (, Remote and Very remote).

For communities and townships in ASGS Remoteness Structure classifications 1 and 2 areas, it is difficult to determine the customers affected by a base station outage, especially in a mobile coverage scenario. To illustrate with an example, mobile base stations can easily have a coverage of 1,000 services, especially in reasonably populated areas, such as regional towns. These townships are often served by multiple base stations, and in the event of the loss of a single base station, neighbouring base stations will automatically expand their coverage (because devices will connect to a base station further away), making it difficult to determine whether the customer is "*unable to establish or maintain a carriage service*."

However, in more remote locations, where a township is likely to be serviced by only one or perhaps two base stations, it is more straightforward to determine which customers are affected, and therefore to provide communication in accordance with the standard.

Excluding ASGS Remoteness Structure classifications 1 and 2 areas also reduces the risk of notification fatigue arising from notifications advising of an outage where the customer has not lost service, because, for example, the customer has connected to a neighbouring base station.

We have previously submitted that if the intent is to ensure Australians in smaller remote and rural communities are informed of outages that would not fall under the definition of 'major outage', there needs to be a mechanism within the definition to limit application to where it will be of most benefit, for example, towns in rural/remote areas where coverage options may be more limited (noting though that for many, it is likely there still could be alternate coverage).

We propose the threshold for notifications of a significant local outage is set at a minimum of 10,000 SIOs affected for longer than 6 hours. Setting the threshold below 10,000 SIOs creates the risk of producing erroneous notifications (as per the example of a mobile base station above) and will also create a burden for industry due to the significant number of notifications that will be triggered by a lower threshold.

In relation to the definition of significant local outage, industry would also like to see the definition of services in operation amended. For these outages, and the basis of the Bean Review, it is believed that the focus should be on voice or data only carriage services that carry emergency calls or services. Primarily the notifications should be to advise customers of outages which may have an impact on communication services which are vital to everyday life. An outage for services such as streaming video services, email, or a machine-to-machine (IoT) services we argue do not fall within this intent. We believe that it was an unintended consequence that other services such as IoT have been captured within the previous amendment to the Determination.

As such, an alternative for subpoint (a) for the definition of both major outage and significant local outage could be:
amend the words "carriage service" with Relevant Service.

> **major outage** means any unplanned adverse impact to a telecommunications network used to supply a Relevant Service to end-users that:
> (a) results in an end-user being unable to establish and maintain STS, data or SMS connectivity, where relevant;

significant local outage means any unplanned adverse impact to a telecommunications network in a distinct location in regional or remote Australia that is used to supply a Relevant Service to end-users that:
> (a) results in an end-user being unable to establish and maintain STS, data or SMS connectivity, where relevant;
> (b) affects or is likely to affect 10,000 or more services in operation;

Note, it is important to ensure the words 'where relevant' are included in the definitions above, as not all operators will have all service types supported.

Add two new definitions

Relevant Service means STS, data or SMS connectivity but excludes IoT services.

Amend the definition of services in operation as per below:

> **services in operation** means those Relevant Services that are:
> (a) connected to a telecommunications network, or would, but for a major outage or a significant local outage, be connected to a telecommunications network; and
> (b) provided to an end-user under an arrangement between a carriage service provider and the end-user.

Customer Communications for Outages

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?

No. We are concerned that the definition of significant local outage does not, with reasonable accuracy, capture outages that have lower levels of access to alternative networks.
As we noted in our response to Question 1, we consider ASGS Remoteness Structure classifications 1 and 2 should be removed, because townships and locations falling into these ASGS classifications will likely have adequate access to alternative telecommunications networks (fixed and mobile), and to multiple mobile networks for emergency calling (i.e., camp-on facility).

ECS Determination

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 impost of meeting the requirements under the proposed amendments in relation to significant local outages.

Data, if provided, will be contained within individual member submissions.

Welfare checks

ECS Determination

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.

The proposed definition of significant local outage (a threshold for generating notifications), will not generate additional welfare checks in and of itself, (it is outages that create the need for welfare checks, not notifications about outages). However, the additional notifications created by the definition of significant local outage may lead to additional administration and queries from Emergency Service Organisations (ESOs) such as state police.

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.

We suggest this is a question ESOs are best placed to respond to.

Wilt mobile base stations

Question 6: Is the wilting requirement appropriate to meet the requirements of the direction?

As currently drafted, section 73 may adversely impact users of a multi-operator core network (MOCN) arrangement if the host network operator is required to wilt their mobile base station after suffering a core network failure. Users of the host network operator would still be able to make emergency calls and all calls by users of the tenant network would otherwise be unaffected. However, this would not be possible and would affect users of both networks if the host network operator is required to stop calls connecting to their base stations.

To take this into account, we recommend additions to clarify obligations in relation to MOCN arrangements, in case there are other infrastructure sharing arrangements in future. Suggested wording is 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).

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).

Please see question 6 above.

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)?

Please see question 6 above.

Exception to requirements

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?

We would refer, as noted in the 2020 Royal Commission into National Natural Disaster Arrangements Report, Chapter 9, the loss of power and the significant disruptions this causes to telecommunications services. While work has been done to improve power resilience, disruption in the power network remains outside of a Carrier's/CSP's control and greatly affects the information they have available to provide to customers. This is also true of commercial power outages which may occur outside of a natural disaster.

Other matters to consider are the effects which the loss of access to management tools for various internal systems can pose. If there is an IT disturbance or outage on a software / vendor's system which affects the functionality of these tools, this again will be outside of the control of Carriers and CSPs.

2. Requirements under paragraph 6(1)(b) of the direction

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

This section is very dependent on the outcomes of the definition for a significant local outage, and the defined term for services in operation. There is likely to be a large interest in this type of communication for a remote area if an outage occurs. For more metropolitan areas, this needs to be weighed up against the information being provided to ESOs for example and the impacts it will have on their resources. What is the desired outcome for providing this information and what are the expected actions that stakeholders receiving it must undertake?

Carriers already have processes in place under industry Code *C536 Emergency Call Services Requirements*, to notify ESO's and state-based Emergency Management agencies. Industry support not having duplication in instruments and propose the obligations be revised in C536 Emergency Call Services Requirements, section 4.6, to refer to the *Emergency Call Services Determination*. (Note: C536 Emergency Call Services Requirements is forecast to go out for public comment in draft form with other amendments soon).

Members support the proposed approach to align section 78 with the communications process in the *Telecommunications (Customer Communications for Outages) Industry Standard 2024* for other 'relevant stakeholders'.

We also propose that at all stages of the notification process align with sections 13-15 of the Standard, that is the same information relevant to the outage and same requirements for updates and rectification information is utilised. This still ensures timely and up to date information being passed to the ECP, ESO's, Dept and ACMA but allows providers to streamline their internal operations.

There may also be merit in having a reference to the *Telecommunications (Customer Communications for Outages) Industry Standard 2024* rather than the detail in section 78 to ensure alignment and avoid duplication. Consistency in communications will help to streamline notification processes for the same outage. Consideration should be given to ensure there is no duplication in notifications for natural disaster reporting.

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?

We believe the drafting proposed in section 78, absent the term "real-time", achieves this outcome, whilst also ensuring alignment with the obligations under the *Telecommunications (Customer Communications for Outages) Industry Standard 2024* - which is important to avoid regulatory complexity and confusion.

However, there are prudent limits on the frequency of the "real-time" updates. To avoid any confusion in interpreting section 78, we therefore recommend removing the references to the words "real-time", which add no value to the substantive obligations as drafted.

Where additional or more automated data is required to be provided, both ESOs and Carriers would need agreement to send and receive the relevant data. It is difficult to regulate one sector that might be involved in such a solution without the other being subject to the same.
Refer to question 10 on ensuring notifications being provided are consistent.

Question 12: Is there additional information about a network outage that should be specified as real-time network information? Please explain your answer.

No.

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 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.

We suggest this is a question ESOs are best placed to respond to.

Question 14: Are there additional stakeholders who should receive real-time network information under this section?

This is likely a consideration for a Triple Zero Custodian in the future.

3. Requirements under paragraph 6(1)(c) of the direction

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.

Members believe the 30 days may not be sufficient and likely these will be quite dependent on the type of outage. A period of 60 days may be more achievable in most cases. There is also a question as to when an outage ends and what is the point of restoration. Is the point of restoration when the adverse impact to the carrier's service is restored (allowing customers to begin re-use of their service) or is it once a customer's individual service is restored. For a customer's individual service, there may be additional steps which a customer needs to undertake to reinstate their service, and it will be difficult for a carrier to determine when this may occur.

Overall service restoration can often occur with a temporary network solution while larger restoration works are undertaken (depending on the damage to infrastructure this could be over a number of months). Clarity is needed on, at what point in the restoration process the actual restoration is considered to have occurred. Members believe this should be the point of service restoration where an end user is able to establish and maintain an STS, data or SMS service (including via temporary assets).

There is also a question related to this for Section 79(3). Do these updates need to be given if there is no additional information on an outcome plan? If restorative works are expected to take a number of months and replacement equipment is being delivered, is it of use to provide these updates with 'no change' or is it of more use to only provide these when additional information is forthcoming?

It should be noted that not all Carriers will be directly involved in the delivery of emergency calls to the ECP. Nor will all parties within the supply chain have visibility of the number of end-users affected by the outage or the number of unsuccessful emergency calls made during an outage.

Section 79(2) would also benefit from the addition of language such as "as far as the specific entity is able to provide the information".

We note that in today's telecommunications environment there are numerous outage restorations depending on if the impact is to a Carrier or CSP. Modern solutions can involve modem failover capabilities for example. With these solutions customers are unlikely to be aware of any outage on their broadband network, as well as the underlying network provider.

4. Requirements under paragraph 6(1)(d) of the direction

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.

There is general support to include this inclusion but, as noted with other items, it is important to ensure there is not a conflict with other protocols already in place
Once it is established, there will be a need to revisit the ECS Determination requirements and disruption protocols with the Triple Zero Custodian to assist in enabling them to streamline and effectively engage with any notification processes.

5. Requirements under paragraph 6(1)(e) of the direction

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.

This requirement as currently drafted is too broad. It would likely capture too many network outage scenarios and seems to go against what the intent of this requirement is looking to achieve. It should only be capturing fundamental changes to network technology or architecture. The examples provided under section 80(1) appear to be considering this, but the language needs to be clarified to ensure this is the case.

The below questions relate specifically to the Customer Communications for Outages Standard

Outages caused by natural disasters

Customer Communications for Outages

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.

Members are likely to elaborate further, but there are some concerns with the obligation requiring Carriers to contact customers or provide updates via a website. CSPs should be the preferred avenue for contacting customers (Carriers would notify CSPs as their customers). Depending on the way a Carrier entity is operating, they may not have any actual customers' other than a CSP and likely no customer centric website. Many retail customers are often times unaware of who their Carrier may be and will engage via their CSP (retail) entity. Customers should only need to go to one recognised contact point for information. Consideration should be given to the obligation for a Carrier to notify via a website or social media under Section 9 and assess how this could potentially be limited to only those situations where a Carrier actually has a customer facing presence.

Customer Communications for Outages

Question 4: Can you suggest an alternative way to manage communications with customers and the public during outages caused by natural disasters so that the objectives of the direction are met?

As a longer-term initiative, the Commonwealth should seek to fund development of a national database for reporting of these events which can then distribute the notifications to the necessary agencies etc.
These current notification requirements (both Standard and ECS Determination) should then be revisited to ensure a consistent notification approach.

Feasibility and cost

Question 5: For carriers and carriage service providers, what are the likely costs and benefits of implementation for your organisation? (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?

We will defer to members to provide any information in individual submissions.

Artificial intelligence

Industry supports the proposed amendment and believes it helps to address operational concerns with the use of AI.

5. Commencement

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.

This date would be the minimum timeframe for industry to implement these changes – timing will also be dependent on the final wording of the definition.

6. Additional/alternative requirements

Question 7: In relation to the draft amendments to the standard:

• 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?

Please provide evidence to support your submission

Industry requests clarity on when a notice of restoration can be communicated, for example, whether restoring services using temporary network solutions (e.g. a cell on wheels) being implemented while there is ongoing network infrastructure repair/replacement means services are restored. For example, as a result of a natural disaster (bushfire, flood, etc) that significantly damages major infrastructure (e.g., 50m lattice tower for a mobile base station), replacement of the original infrastructure can take many months, inclusive of planning approvals, construction, etc.

We propose that once an affected service has been restored, including through the deployment of temporary assets, that this should be the end point for any outage notifications. Customers should not need to be contacted with updates during the restoration of infrastructure, as their service is restored and the outage is over. There is a concern that continuing notifications to end users once every 24 hours until the network infrastructure is "fully rectified" will result in notification fatigue.

There can also be circumstances where a network provider may have completed their rectification tasks but customers may have to perform an action to complete service reboot. For example, a customer may need to reboot their modem for the service to fully implement a rectification. There can be numerous reasons why this could be delayed by a customer (temporary lodging, overseas, buying new equipment).

To assist with this clarity, industry propose that:
  (a) the words 'fully rectified' be replaced with 'restored' in section 14(2) and
  (b) section 15(2) be amended as follows:

  "As soon as practicable after a carrier or carriage service provider considers that ~~all services affected by~~ a major outage or a significant local outage has~~ve~~ been restored …."