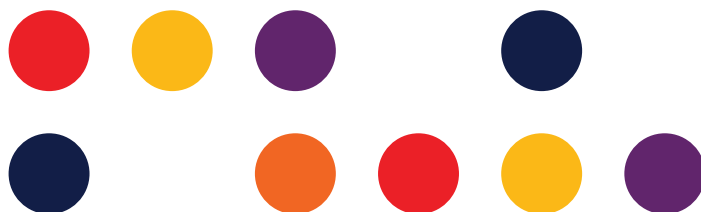


**Response to draft amendments to the
*Telecommunications (Customer
Communications for Outages) Industry
Standard 2024, Telecommunications
(Consumer Complaints Handling) Industry
Standard 2018, and the Telecommunications
(Emergency Call Service) Determination 2019***

Australian Communications and Media Authority

March 17, 2025



Submission

TPG Telecom welcomes the opportunity to provide a submission in response to draft amendments to the *Telecommunications (Customer Communications for Outages) Industry Standard 2024 (CCO Standard)*, *Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (Complaints Standard)*, and the *Telecommunications (Emergency Call Service) Determination 2019 (ECS Determination)*.

To assist visibility of the interconnected nature of the draft amendments, this submission includes response to all three instrument and associated consultation papers.

TPG Telecom also contributed to and support the submission by Communications Alliance.

About TPG Telecom

TPG Telecom is Australia's third-largest telecommunications provider and home to some of Australia's most-loved brands including Vodafone, TPG, iiNet, AAPT, Internode, Lebara and felix.

We own and operate nationwide mobile and fixed networks that are connecting Australia for the better.

Issues for comment – ECS Determination

Consultation paper questions

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

We proposed 2 changes to ensure the definitions remain workable depending on the nature of the outage.

There are many parts of the mobile core network, but it is only when the cells loose connectivity to certain parts (the Mobility Management Entity MME for 4G, and Access Management Function AMF for 5G) that the mobile base station will cell bar.

Proposed drafting

core network means ~~the part of the telecommunications network that is not the customer access network~~ Mobility Management Entity (MME) for 4G, and Access Management Function (AMF) for 5G/

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 to prevent the mobile base station providing any connectivity or communication service to mobile devices.~~

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.

Please see response to Question 1, issues for comment - CCO Standard.

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.

TPG Telecom had 12 quantifiable events on the mobile network in 2024. The volume of fixed network events at the proposed threshold has been estimated to not exceed 70 in a year.

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.

No. On the mobile network, where a significant local outage is related to the RAN (which is the most likely scenario for an outage of this nature), the customer will not reach our network therefore we will not see the failure; meaning no welfare check can be triggered. The handset would retry on another carriers’ network (which we will have no visibility of).

We have also found that where ESOs are aware of an outage, there is often a significant amount of interest in regular updates (in a recent event, one ESO requested updated every 30 minutes, well beyond the requirements in the CCO Standard).

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 would refer the ACMA to the submission by the National Emergency Communications Working Group (NECWG). This a most appropriated answered by the ECP and ESOs. Please note, while TPG Telecom is a member and active participant of NECWG, we were not involved in the development of any submission made, beyond awareness the ECP and ESOs were developing a response.

However, we would not that our staff are not equipped nor trained to conduct welfare checks, beyond confirming if the individual still required emergency support or escalating where contact is unable to be made.

We would also consider the need for thresholds for emergency call attempts that trigger the welfare check process during a major outage or significant local outage. Often, the public will attempt to see if a network is operational by testing if a Triple Zero call will connect. It is therefore appropriate to provide some guardrails around what a genuine unsuccessful emergency call is (for example, 'ungraceful' drops or repeat attempts within a very short period such as 3 unsuccessful attempts in 5 minutes from the same MSISDN).

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

No. Section 73 may adversely impact users of a multi-operator core network (MOCN) where the host network operator is required to wilt their mobile base station, as the tenant network operator would also be affected, causing greater impacts to connectivity.

As currently drafted, both parties would still be able to connect emergency calls using camp-on capabilities (connecting to the base station and using the core network of the tenant network operator). If the host network operator has been required to wilt, this continued connectivity would not be possible.

Further, if a base station has been "wilted" in line with current requirements, it will also impact the Commonwealth's ability to communicate with the general population using Emergency Alerts through the network of another carrier that uses that mobile base station and the upcoming National Messaging System (NMS).

Caution should therefore be applied before wilting base stations.

Proposed drafting

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 act 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).

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)?

Yes.

The removal of powering down within the definition it would allow other forms of 'wilting' such as blocking the PLMN to be compliant, while achieving the desired outcome. However, it is not full clear what the implications of this type of action are in the interactions between the network and mobile phone at this time (testing required).

The wilting feature on base stations is activated by the loss of the control layer between the base station and the core network - not on the voice or data service availability. Therefore, the wilting feature cannot distinguish if only the data or voice is available, as long as the control plane is activated. Where data is impacted by the major outage or significant local outage, it would therefore remove voice capabilities for all users, escalating the event significantly. It is therefore strongly recommended that that are exemptions to the requirement to wilt.

Further, during times of severe network congestion where all resources are used on the base station and subsequent connections to the Core are also fully utilised by customer, there are possibly technology limitations in reserving network capacity to support emergency calls and/or disconnecting existing customer to allow emergency calls to be made. This may degrade connectivity, but wilting the tower would not align with the intent of these changes.

Network and mobile phone testing that is due to be commenced in November 2025 will provide greater clarity that would assist in identifying how to best deal with various network failure scenarios. In the interim we consider it premature to require a blanket approach of network wilting in cases of loss of connectivity between the mobile core and a mobile base station as it is likely to cause a range of unintended consequences.

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?

Please see response to Question 1, issues for comment - CCO Standard.

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.

TPG Telecom has several concerns about the current structure of s78 and its practical application.

Please note recommended changes under Question 2 for the CCO Standard. Whether s78 is appropriate will depend upon the final drafting of the relevant definitions. There would be a significant burden to provide information of this nature to all listed stakeholder under the ECS Determination, in addition to the requirements under the CCO.

Industry Code *C536 Emergency Call Services Requirements* already requires Carriers to notify ESO's and other relevant stakeholders, so processes are in place in some circumstances similar to a major outage.

With minor changes to stakeholder lists and notice content between the CCO Standard and the ECS Determination, we note that there is a misalignment between the expected processes.

We recommend:

- Stakeholder lists should be identical between the instruments;
- References to notification should be housed in the CCO Standard and not duplicated in the ECS Determination; and
- Once established, the Triple Zero Coordinator should be included and the stakeholder list reviewed.

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 note that the requirement for 'real-time' information is contained within the *Australian Communications and Media Authority (Emergency Call Service Determination) Direction 2024*.

However, this term has a real technical meaning, which cannot be met. The term implies automated data sharing or a centralised location for outage information, based off live data from Carriers. This is not possible.

We recommend:

- References to 'real-time network information' is limited to the heading only and removed from all clauses; and
- Where the term 'real-time network information' has been removed, replace with 'information at subsection (3)'.

Proposed drafting (note only focused on 'real-time', does not capture other concerns raised above)

s78 Carriers to share real-time network information about a major outage or significant local outage

- 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).

- 2) The entities with whom a carrier must share information **at subsection (3)** are:
 - 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.
- 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:
 - 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.
- 4) The **real-time network** information **at subsection (3)** must be shared:
 - 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 the carrier becomes aware of that material change; and
 - 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.

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

No, noting the above concerns regarding 'real-time network information' and the need for information to be available and accurate as possible with these events.

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.

No comment, we would refer the ACMA to the submission by the National Emergency Communications Working Group (NECWG) for their views. This a most appropriated answered by the ECP and ESOs.

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

Noting the above concerns regarding 'real-time network information', it would be appropriate that once established consideration should be given to add the Triple Zero Custodian (**TZC**) and consider their role to coordinate communication to relevant stakeholders; ideally the TZC will become the primary emergency services stakeholder for notifications and updates during major outages and significant local outages.

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.

No. Generally, an interim report could be developed in this timeframe, however often a Carrier will need to engage external third parties as part of any work to understand the matters requested under s79(2).

It is strongly recommended that this section be updated to reflect that only an interim report would be available within this timeframe, with any further reporting requirements instigated by the ACMA using its investigation powers. Any further reporting should be on a 90-day period, to provide time for more fulsome updates and activity.

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.

These updates should be reviewed once the Triple Zero Custodian is established, simplify stakeholder management for all parties under the ECS Determination.

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.

No. As currently drafted, this will result in a significant administrative load, with very little visible benefit. Updates to networks and their operation are continuous and ongoing. Generally, major outages and impacts to emergency communications will occur due to events unforeseen and unforeseeable.

The focus should be on significant changes to a network, not the everyday business of managing a network.

Proposed drafting

s80 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 ~~change 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; ~~or the decommissioning of a legacy generation of mobile technology; or the introduction of a new transmission protocol for delivering emergency voice calls.~~

Issues for comment – CCO Standard

Consultation paper questions

Question 1: Is the proposed definition of significant local outage workable? If not, please provide suggested wording for an alternative definition giving reasons.

In its current form, the proposed definition of significant local outage is not workable. This is for a mix of technical and consumer experience reasons.

From a technical perspective on mobile, for an outage to only impact a specific area would be the result of a RAN Issue. To determine the impacted services in operation, communication lists would be based off connections to a tower prior to an event. Where a tower is located within Inner Regional and Outer Regional communities, the tower may connect to thousands of devices at different times of the day (for example, if located near a highway, all cars passing by may connect, but would not require notifications under the CCO Standard as they are not reliant on the tower for ongoing connectivity). This list would be relatively static so all end-users identified would receive the notifications required under the CCO Standard.

This leads to consumer experience issues – the purpose of the CCO Standard is to ensure that the public and customers are informed about issues that impact a telecommunications service they rely upon. There is no benefit to consumers receiving regular updates (including overnight and on weekends) for a network issue that has no relevance to their ongoing connectivity. This will simply cause frustration, drive unnecessary contact into impacted CSPs, and be unlikely to provide any benefit to reestablishing connectivity or support for emergency communications.

Additionally, the current threshold of 1,000 services in operation further increases the risk of unnecessary notifications (for the public, end-users, emergency services, and other stakeholders). While we recognise our original proposal to increase the count to 50,000 was rejected, we firmly believe that 10,000 strikes the correct balance between reducing the risk of notifications while ensuring the community is informed about outages that would have a significant impact on smaller communities. The ratios for Inner Regional and Outer Regional are disproportionate to the proposed baseline when considering the potential significant of service disruption. It's not until we look at remote and very remote examples that 1,000 SIOs represents more than 1% of the population density.

- Inner Regional
 - o Wollongong, NSW: 214,564 (0.47%)
 - o Geelong, VIC: 327,878 (0.31%)
 - o Ballarat, VIC: 111,973 (0.89%)
- Outer Regional
 - o Toowoomba, QLD: 162,059 (0.62%)
 - o Wagga Wagga, NSW: 82,326 (1.21%)
 - o Albany, WA: 38,763 (2.58%)
- Remote
 - o Alice Springs, NT: 36,471 (2.58%)
 - o Broome, WA: 14,660 (6.82%)
 - o Mount Isa, QLD: 18,727 (5.34%)
- Very Remote
 - o Birdsville, QLD: 180 (100%)

- Coober Pedy, SA: 1,437 (69.59%)
- Nhulunbuy, NT: 3,350 (29.85%)

With a shift to 10,000 services in operation, an outage of a significant nature is more appropriately demonstrated - while highlighting that Inner and Outer Regional would be experiencing a lower-level event (while also having a higher likelihood of having alternative sources of connectivity):

- Inner Regional
 - Wollongong, NSW: 214,564 (4.7%)
 - Geelong, VIC: 327,878 (3.1%)
 - Ballarat, VIC: 111,973 (8.9%)
- Outer Regional
 - Toowoomba, QLD: 162,059 (6.20%)
 - Wagga Wagga, NSW: 82,326 (12.2%)
 - Albany, WA: 38,763 (25.5%)
- Remote
 - Alice Springs, NT: 36,471 (25.5%)
 - Broome, WA: 14,660 (68.8%)
 - Mount Isa, QLD: 18,727 (53.3%)
- Very Remote
 - Birdsville, QLD: 180 (100%)
 - Coober Pedy, SA: 1,437 (100%)
 - Nhulunbuy, NT: 3,350 (100%)

Finally, we submit that the type of carriage services caught under the definition should be clearly identified and focused on the core elements of a carriage service to support emergency communications – voice and data. With the ever-increasing use of IoT services in rural and regional use we need to isolate the obligations to services that might require use of an emergency service and omit IoT services. A property with cows each with its own IoT enabled service, or a mine site with a myriad of IoT sensors should not trigger obligations that distort the view of an outage and its impact on the community to make an emergency call. It does not appear to be the intent of the broader work of these instruments that all carriage services should require the level of communication and notifications required under the CCO Standard. The current term 'carriage services' is too broad, as it captures all services offered by a C/CSP, including voicemail, email, and streaming services.

To better support the objectives of the significant local outage and the desire to inform end-users about impacts to services that provide core connectivity, we submit the definition of significant local outage should be revised to:

- define 'relevant carriage service';
- increase the services in operation to 10,000; and
- modify 'regional or remote Australia' to Outer Regional Australia, Remote Australia or Very Remote Australia

[Note – please see below in response to Question 7 a proposal to also update the definition *for major outage* for consistency].

Proposed drafting

significant local outage 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:

- a) results in an end-user being unable to establish and maintain a **relevant** carriage service;
- b) affects, or is likely to affect 10,000 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.

regional or remote Australia means the area classified as ~~Inner Regional Australia, Outer Regional Australia~~, Remote Australia or Very Remote Australia under the ABS Remoteness Structure.

relevant carriage service means a standard telephone service or a data service and excludes IoT services.

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?

Under the current structure, no, as it is not technically possible to achieve the outcomes sought from the drafting as proposed (noting our recommendations above to address these concerns). Additionally, Inner and Outer Regional locations will have access to a greater number of alternatives to either restore or act as a backup for connectivity, as well as to multiple mobile networks for emergency calling (through a camp-on capacity).

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.

No. In many cases, widespread connectivity issues during a natural disaster cannot be resolved by a Carrier; in most cases, it requires action by power providers in coordination with government, emergency services, and other response agencies. It is appropriate that C/CSPs are only required to provide updates in a centralised location via a website (where a website is available, noting that not all C/CSPs will have a website) to keep the public, end-users, and relevant stakeholders informed about efforts to restore connectivity.

It is our submission that not only should natural disaster exemptions be maintained, but new drafting be also included to extend the natural disaster exemption to include *force majeure* events such as power-outages, cyber-attacks, and other disruptions outside of the control of a C/CSP that impacts connectivity.

The current definition of natural disasters should also be reviewed, to ensure that it is workable in the context of a major outage or a significant local outage. The current definition includes clauses that may be outside of the C/CSPs awareness or control at the time it needs to decide on the nature of an event. In particular, information relevant to subsection (b), *requires a significant and coordinated response*, may not be available to a C/CSP at the moment a decision is required. A lack of clarity on this point will result in C/CSPs undertaking activity that may disrupt their ability to effectively and efficiently respond to a far more serious event, as staff are allocated to compliance activity that may not be required.

This is not to say that a C/CSP would not seek to update public, end-users, and relevant stakeholders about the activity it is undertaking during such an event (as seen by recent work in response to

Cyclone Alfred); merely that the specific requirements in the CCO Standard would be a significant additional workload in such circumstances.

Therefore, TPG Telecom submits that:

- Force majeure should be included within the same exemption clauses as natural disaster (aligned with the TCP Code definition); and
- The definition of natural disaster should be updated to ensure a C/CSP has the information available to it at the relevant time.

Proposed drafting

natural disaster 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.~~

force majeure means an unforeseen or uncontrollable force or event, such as fire, flood, earthquake, storm or other disturbance, whether caused by the elements, war, strike, lockout, riot, explosion, insurrection, governmental action or another event of the same kind, which is not reasonably within the control of a party.

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?

Short-term, websites are the most appropriate, centralised, and public location for updates.

Long term, a centralised information portal or app should be considered as a method to provide visibility during major events.

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?

There are no tangible benefits that will result in increased activity to address an issue with connectivity based on the current rules based.

At this stage, we are considering costs for new tools to better support communications to impacted end-users during an event, as current processes and systems are not designed to send messages of this nature (noting rules around sending spam, collections, and marketing messages, the current mass communication tools are locked to certain timeframes, volume controls, and content requirements. All activity under the CCO Standard is run as an exemption within current rules). The specific cost is not available at this time.

Further, due to the 24/7 nature of the CCO Standard communications requirements, there are significant staffing costs associated with compliance during an event. In a recent outage, TPG Telecom had communications, regulatory, government relations, legal, social media, and digital staff on rolling calls throughout the night to ensure CCO Standard notifications were being sent on time – in some cases, to external stakeholders in the middle of the night where there was no discernible benefit to them being informed of ongoing work. This was a significant cost.

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.

30 June 2025 is the earliest practical date.

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.

Definition of *major outage*

To align with the proposed changes under Question 2, the definition of *major outage* should also be updated to reflect a focus on disruptions to core services.

Proposed drafting

major outage means any unplanned adverse impact to a telecommunications network used to supply carriage services to end-users that:

- a) results in an end-user being unable to establish and maintain a **relevant** carriage service; and
- b) affects, or is likely to affect:
 - (i) 100,000 or more services in operation; or
 - (ii) all carriage services supplied using the telecommunications network in a State or Territory; and
- c) is expected to be, or is, of a duration longer than 60 minutes.

relevant carriage service means a standard telephone service or a data service and excludes IoT services.

Centralised list of Carrier contacts

In addition to the list of external stakeholders published on the ACMA's website under the support page for the CCO Standard, it would be beneficial to develop a centralised list of contacts for Carriers as relevant for the purpose of CCO Standard notifications.

Rectification and service restored

There needs to be clarity on the use of the term 'rectification' and the concept of all services affected by an outage being restored.

It is our submission that for the purposes of the CCO Standard, a major outage or significant local outage should be clearly identified as rectified and resolved once the connectivity issue is resolved – not when services are active. There are many reasons that a service impacted by an event may not be actively operating once the underlying connectivity issue is resolved, such as the impacted service is turned off, the end-user has no reason to reactivate (they may be away from that location), or in the case of a mobile service, the identified service cannot be confirmed as operational once again.

The focus should be on the C/CSP communicating to the public, end-users, and other stakeholders that the outage itself is resolved and that the event is closed for the purpose of the CCO Standard notifications.

If a consumer continues to experience issues, they will have protections under the Complaints Standard to assist any additional restitution required to resolve their concerns.

Requirement for Carriers to inform the public

Under sections 9 and 9A, Carriers are required to inform the public of a major outage or significant local outage, with a defined list of locations the Carrier must publish the required information. However, many Carriers are legal entities in place for commercial reasons that do not have a public facing presence, including no websites and no social media. The current drafting presupposes that all Carriers will have these communication methods available and that the public will go to them, when in fact many Carriers are unknown to users of their network(s).

Most websites and social media services provided by telecommunications companies are the carriage service provider websites – that is, the brands that consumers and the public would think to check during major outage or significant local outage. For example, no consumer will go looking for Chime Communications Pty Ltd or Soul Pattinson Telecommunications Pty Ltd (which have no website or social media presence), but they would check the websites and social media platforms for updates from iiNet, and TPG.

As the obligations for a Carrier to inform the public have no beneficial impact and simply drive up regulatory cost and an operational burden, instead, we propose that the requirement in s2(a) of the *Telecommunications (Customer Communications for Outages Industry Standards) Direction 2024* is met through the obligation to communicate to other C/CSPs and other relevant stakeholders.

Therefore, TPG Telecom submits that:

- Sections 9 and 9A be removed from the CCO Standard
- Sections 8 and 10 be updated to indicate that these communications are vital to ensuring the public is informed.

Proposed drafting

8 Requirement to notify other carriers and carriage service providers

As soon as practicable after a carrier detects a major outage or a significant local outage, or receives a notification about a major outage or a significant local outage, **to support public awareness** the carrier (the first carrier) must:

10 Requirement to communicate with relevant stakeholders

To support public awareness a responsible carrier who detects a major outage or a significant local outage must communicate to relevant stakeholders:

Issues for comment – Complaints Standard

Consultation paper questions

Question 1: 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’.

TPG Telecom support alignment of the meaning of network outages under the Complaints Standard and the CCO Standard (noting comments above regarding the CCO Standard and recommended amendments to this definition).

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.

The current definition of network outage complaint and associated network outage complaints handling process creates a significant administrative and regulatory burden, for seemingly little practical benefit.

In part, this is because complaints regarding network disruptions are a leading indicator of a major outage or a significant local outage – that is, consumers will begin to contact a CSP immediately upon service disruption; generally, it is contact centre information combined with technical information that alerts a CSP that a major outage or a significant local outage may be occurring. Therefore, many consumers impacted by a relevant outage would often have had their complaint already raised and recorded prior to the CSP determining that the complaints are connected to major outage or a significant local outage.

Further, creating additional process requirements to the management of consumer enquiries during a major outage or a significant local outage will increase confusion and handling time for calls. For example, due to the reporting requirements, a complaint call requires 180 seconds of additional call handling time for an agent. If we were to overlay the proposed requirements of the Complaints Standard with connectivity issues, for every 1,000 calls the additional complaints reporting requirements would result in an impact of 9.3 FTE to manage the call volume, with a 11% reduction in service level and a 2% increase in abandonment (that is, customers on hold and giving up).

TPG Telecom proposes the expectations under the *Telecommunications (Complaints Handling Industry Standard Amendment) Direction 2024* by focusing on outcome requirements and ensuring that complaints related to outages are appropriately recorded in line with current reporting requirements, while balancing that expectation with a bulk resolution and closure path as outlined in s17D. If a consumer remains dissatisfied with the bulk complaint resolution offer, their complaint would be handled under the traditional complaints handling process as a complaint about the complaints handling process itself.

The expectations under the Direction can be met by ensuring that where a customer has a genuine complaint associated with an event, it can be recorded. But to assume that all contacts during an event should be default treated as a complaint adds significant operational costs, results in a poor

customer experience, and adds regulatory burden for an already complicated issue.

Recommendations:

- amend the proposed update to complaint to ensure that not all consumer contacts during an event are treated as a complaint;
- Include a clause in s17D to clearly outline that a complaint regarding a major outage or significant local outage can be considered resolved where a bulk resolution notification has been provided; and
- Remove s17B and references to this section in ss 5, 10B, 10D, 17A, and 20

Proposed drafting

complaint means:

- a) an expression of dissatisfaction made to a carriage service provider by a consumer in relation to its telecommunications products, its complaints handling process or its network outage complaints handling process, where a response or resolution is explicitly or implicitly expected by the consumer; or
- b) a network outage complaint; but it does not include:
- c) an initial call to request information or support or to report about **a major network outage, a significant local outage**, a fault or service difficulty where a consumer advises that they want that call treated as a complaint; or

Note: An initial call from a consumer indicating that they cannot establish or maintain connection with a carriage service is a service outage report.

- d) an issue that is the subject of legal action.

s17D(7) A carriage service provider may consider a network outage complaint resolved 3 working days after sending the notification in paragraph (3)(c) (where there has been no further contact from the consumer).

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.

No. It is not appropriate to make CSP's accountable for network outages caused by a natural disaster or a force majeure event (note the comments above on the current operation of the CCO Standard and natural disasters).

Complaints regarding connectivity during a natural disaster cannot be resolved by the CSP – it requires action by the underlying Carrier or, in many cases, power providers. It is unclear what resolution a CSP can provide during a network outage caused by a natural disaster or force majeure event, beyond support under the *Telecommunications (Financial Hardship) Industry Standard 2024* for consumers affected by a natural disaster.

Where a consumer is dissatisfied with the hardship support offered by their CSP, the protections under the Complaints Standard would be enlivened as a complaint about financial hardship assistance.

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?

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?

CSPs have to consider complaints within the context of the complaint and their ability to manage and resolve that complaint with their available resources.

The resolution of complaints relating to a network outage are subject to the ability of the underlying Carrier to resolve the complaint, as the connectivity sits with the Carrier – and is not something within the control of the CSP. A CSP can prioritise the recording, support, and resolution (whether bulk or tailored) of a complaint at an account level but cannot prioritise resolution of the underlying connectivity issues.

The ACMA should also consider other expectations on CSPs to address the broad range of complaints received for example complaints related to life threatening and/or unwelcome calls, domestic and violence related complaints, etc. where the CSP does have control of the resolution and where this other type of complaint can have implications for personal harm, or loss of life as a consequence.

It is not appropriate to have a regulated obligation to prioritise a complaint relating to a network outage without consideration of the context of a complaint and its potential impact. Prioritising a consumer complaint relating to loss of access to a streaming service should not have a higher priority than a complaint that may have more serious consequences for another customer, particularly where the outage complaint is only a complaint because it is deemed so as a result of a network outage and where the customer may have only called to ask when service might be restored and did not of themselves classify this inquiry as a complaint.

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.

Yes, noting proposed amendments in response to Question 2 to support the administrative management of complaints during these events and Question 7 under the CCO Standard on clarity on 'rectification'.

Issues relating to outages are generally resolved via bulk resolution – that is, once offered a bulk resolution it is rare for consumers to make contact seeking additional compensation. Where a consumer experienced impacts from an unplanned outage that required further support, tailored offers and assistance would be provided, in line with current rules under the TCP Code, Financial Hardship

Standard, and Complaints Standard.

It is also submitted that s17D(4) should be removed, with the goal that the notifications under the CCO Standard would fulfil the requirements under s17D(3)(b). Creating 2 communications on essentially the same topic would be confusing for consumers. Meanwhile, the communications required under s17D(c) require time to develop, as the actual nature and impact of the event are still being understood. It would not be appropriate to make the statements expected under this section at the same time as a CCO Standard s15 notice is being sent. A s17(3)(c) notice should be sent as soon as reasonably practicable once the event has been resolved for the purpose of the CCO Standard.

Finally, s17D(5) should be removed, as bulk offers should also result in bulk closures (as outlined in response to Question 2).

Proposed drafting

s17D(3) A network outage complaint is resolved when:

- a) the network outage is rectified; and
- b) the carriage service provider has notified the consumer that the network outage has been rectified under section 15 of the CCO Standard; ~~and~~
- ~~e) the carriage service provider has notified the consumer in writing confirming:~~
 - ~~(iii) how they can make a complaint seeking a tailored resolution if they are not satisfied with the default resolution;~~
 - ~~(iv) what steps to take if they believe the provider's attempt to implement the default resolution has been unsuccessful; and~~
 - ~~(v) if the provider has a bulk resolution offer, details about the nature of that offer and any timeframes for accepting that offer.~~

s17D(4) ~~The notification in paragraph (3)(c) must be sent with, and at the same time as, a notification under section 15 of the CCO Standard~~ As soon as practicable after the carriage service provider has notified the consumer under section 15 of the CCO Standard, the provider must write to the customer confirming:

- ~~a) how they can make a complaint seeking a tailored resolution if they are not satisfied with the default resolution;~~
- ~~b) what steps to take if they believe the provider's attempt to implement the default resolution has been unsuccessful; and~~
- ~~c) if the provider has a bulk resolution offer, details about the nature of that offer and any timeframes for accepting that offer.~~

~~(5) A carriage service provider must seek confirmation from a consumer who made an urgent network outage complaint about whether the provider's attempt to implement the default resolution has been successful within 2 calendar days of sending the notification in paragraph (3)(e).~~

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.

As CSPs are not responsible for the underlying connectivity, it is not possible for a CSP to keep certain categories of customers connected. Depending on the circumstances of the unplanned outage,

it would not be appropriate for CSPs be required to ensure ongoing connection.

We also strongly believe that financial hardship should not be included within the category of urgent complaints. With the current definition of financial hardship, it is an incredibly broad definition. In an unplanned outage, it would be possible that every customer that makes contact to potential be caught by the current definition and the expectations outlined in the Financial Hardship Standard and draft Complaint Standard changes.

To support the removal of financial hardship from the urgent complaint definition, we would also point the ACMA to the draft TCP Code, specifically clause 9.1.3, which requires CSPs to protect consumers affected by a natural disaster from disconnection. In practice, this results in CSPs being required to ensure customer impacted from being disconnected due to credit management activity – protecting financial hardship customers without requiring tailored solutions for each circumstance.

Please note that TPG Telecom does not provide Priority Assistance.

Question 8: Are the proposed methods suitable for consumers to contact their CSP about service problems that may be related to 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.

It must align with contact points ordinarily made available for consumers. As outlined above in response to Question 2, complaint handling has a high handling time than a general enquiry call, in part driven by record keeping requirements. This issue is exacerbated during significant events. It is preferable that consumers are not encouraged to make contact during an event and instead to utilise the information make available to them under the CCO Standard. Bulk resolutions may still be made available without consumers needing to make contact – generally through the same lists as contacts are made under the CCO Standard.

This is the most effective and efficient way to manage mass events. Where a customer required a tailored solution due to their particular needs, that would be available on contact – ideally once restoration has occurred. However, it will generally not be to the consumers benefit to make contact during an event.

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.

No, as the proposed process will create 3 separate processes online for consumers to need to be aware of during a major outage or significant local outage.

To support consumer experience and access to the most relevant information and to reduce the amount of duplicate information, it is recommended that s10B(1)(l) and (m) be merged and remove s10B(1)(o)(vi).

It is recommended that the ACMA make is clear that the requirements to provide a direct link under s10B(2) can be met in combination with the standard complaint handling policy, once again to avoid duplication and possible consumer confusion – the more there is a single source of truth, the more effective it is as an education tool for consumers.

Proposed drafting

- l) include a summary of the requirements for communications under the CCO Standard [via a link to the website address where the provider's network outage communications procedures are located](#);
- ~~m) include a link to the website address where the provider's network outage communications procedures are located~~;

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.

There would be no benefit in creating a separate process data associated with outage related complaints, given the well-established reporting requirements already in place. To reduce the regulatory burden of these changes, any record keeping should remain consistency with current state.

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?

No comment, the proposals match TPG Telecom's current practice.

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?

Consumers should have the option to ask questions and seek clarification during a major outage or significant local outage without those issues being handled as complaints. Given the obligations in place around case management of complaints, including follow-up and no-contact closure requirements, where consumers genuinely are not looking to have a complaint raised, they still need to be able to contact their CSP.

Current requirements in the draft to raise complaints for all major outage and significant local outage contacts will not make it easier for consumers with genuine complaints to access support. By pushing consumers to make contact even where no resolution is available (if the root cause of the complaint to be resolved is connectivity), driving contact volume in will prevent consumers with genuine need (e.g, a DFV situation) to easily access support from their CSP (see response to Question 2 on service level and abandonment rate if all enquirers are handled as complaints).

All frontline staff are trained to handle complaints. While the specialist skill set will differ from team to team (which may result in a requirement to transfer to ensure the correct skill set is available to support the consumer's need), there does not appear to be any benefit it in requiring an IVR system to transfer a consumer to someone trained in complaints – to ensure a faster, efficient resolution of their complaint, the consumer should be directed to the correct team to resolve the root cause of their issue.

We therefore submit that s8(1A) be removed, as it will not achieve the outcome sought by the ACMA.

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?

No comment, the proposals match current practice.

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.

No comment, the proposals match current practice.

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.

The TIO is not always the correct external dispute resolution scheme, as it does not have jurisdiction over all matters that may result in complaints for a CSP. Mandating specific working and the provision of contact information for all unresolved complaints would be confusing and unhelpful for consumers who are already in a frustrating situation. The requirement must be linked to the provision of external dispute resolution scheme information as relevant to the consumers complaint.

For example:

- Office of the Australian Information Commissioner (OAIC): Privacy complaints
- Australian Competition and Consumer Commission (ScamWatch): Scam complaints
- Australian Financial Complaints Authority (AFCA): Sold debt payment and insurance disputes
- eSafety Commissioner: Online Safety complaints

We also note the future role of AFCA under the new *Scam Prevention Framework Act 2025*, which will be a new formal external dispute resolution scheme for anyone impacted by a scam in Australia.

Proposed drafting

s10(d) set out a dispute resolution process, which provides a consumer with the right to escalate a complaint to **an external dispute resolution scheme or support, including** the TIO, after the carriage service provider has been given a reasonable opportunity to resolve a complaint, which:

- (i) sets out details about how a consumer can contact the TIO, including a link to its website and its complaints telephone number; and
- (ii) includes the statement: "If you are not satisfied with how we have handled your complaint, you have a right to take it to the Telecommunications Industry Ombudsman or relevant **external dispute resolution scheme or support**"; and [...]

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.

In our response to Question 3 and Question 7 that financial hardship should be removed from the

Complaints Standard.

However, we also note that the current draft definition of Financial Hardship is not the same as the Financial Hardship Standard. This should be consistent across both instruments.

We would also like to highlight to the ACMA the definition of Financial Hardship within the Financial Hardship Standard does not fully capture if a customer may be in Financial Hardship for the purpose of the Standard. A CSP must consider:

- **s5 financial hardship customer means** a customer who is, or may be, experiencing financial hardship or *other financial difficulties*.
- **s5 financial hardship means** a situation where (a) a customer is unable to discharge their financial obligations owed under their consumer contract or otherwise discharge their financial obligations to a provider, due to circumstances [...].
- **s14 Minimum requirements - identifying financial hardship customers:** A provider must take all reasonable steps necessary to identify financial hardship customers for the purpose of advising on options for assistance as early as possible, including by:
 - o (a) following the steps in section 15; and
 - o (b) making reasonable efforts to communicate in writing with a customer after it becomes aware that the customer:
 - (i) has more than 2 consecutive overdue bills;
 - (ii) a total of 3 overdue bills in the previous 6-month period; or
 - (iii) if a customer has arrears of more than \$200.
- **s15(2)** a customer may indicate they are a financial hardship customer if the customer:
 - o (a) mentions that they are having difficulty paying a bill;
 - o (b) informs the provider that they wish to know about options to assist them to reduce or manage spending;
 - o (c) informs the provider that they need help paying a bill;
 - o (d) mentions they are in any of the situations listed in paragraph (a) of the definition of financial hardship;
 - o (e) uses any language that indicates they are having financial difficulties, including any of the following, or similar, terms to describe their financial situation: money problems, difficulty, struggling, trouble, issues, problems, low income, cost of living or pressure; or
 - o (f) the customer otherwise indicates that they are experiencing financial hardship.

In effect, the Financial Hardship Standard is far broader than the definition in s5 would initially indicate. It is this breadth that would create a significant burden if all potential financial hardship customers were caught by the changes to the Complaints Standard – as noted above, every customer making contact may be considered in financial hardship.

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.

30 June 2025 is the earliest appropriate date to operationalise the proposed changes and new requirement.

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.

Complaint closure

For consistent across instruments, we strongly encourage the ACMA to consider reviewing the requirements under s17 (attempt to make contact) to align them with contact attempts required under the Financial Hardship Standard s24(3).

Proposed drafting

~~If, in the course of meeting its obligations under this instrument, a~~ A carriage service provider is ~~taken to have taken reasonable steps unable~~ to contact a consumer to discuss their complaint or to advise them of the proposed resolution of their complaint after ~~at least 5 separate attempts, with each attempt on a separate calendar day, over a total period of not more than 10 calendar days,~~ at least 3 separate contact attempts, with each attempt on a separate business day, over a total period of not more than 10 calendar days, using at least 2 separate methods of communication, with at least one of those methods being in writing to inform the consumer ~~the carriage service provider must write to the consumer:~~

- a) ~~advising~~ that they were unable to contact them;
- b) provide details of its contact attempts; and
- c) provide an invitation to contact the carriage service provider to discuss the complaint within a specific timeframe of not less than 10 working days from the date of that invitation.