

Submission

21 November 2023

Senate Standing Committees on Environment and Communications
PO Box 6100, Parliament House, Canberra ACT 2600

Re: Inquiry into the Optus Network Outage

The Australian Communications Consumer Action Network (**ACCAN**) thanks the Senate Standing Committee on Environment and Communications (**the Committee**) for the opportunity to comment on the Optus Network Outage (**the Outage**) occurring on 8 November. ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband, and emerging new services. ACCAN provides a strong unified voice to industry and government as we work towards communications services that are trusted, inclusive and available for all.

As with all mass outage events, the Outage on Wednesday 8 November caused significant disruption across Australia. It inconvenienced customers, closed businesses, and disrupted access to essential services. While the immediate focus of this inquiry is the events that led to the Outage and its aftermath, in ACCAN's view the Outage highlighted systemic issues that require renewed attention.

While there is significant policy work underway to address network reliability issues, the Outage raises the question of what reliability settings are appropriate, noting widespread uptake and reliance on connectivity. Answering this question requires consideration of the social and economic costs of disconnection, which should inform policy decisions with respect to reliability frameworks.

In the context of this inquiry, ACCAN considers that focus should therefore be placed on:

- Immediate efforts to explore innovative ways to enhance Triple Zero services in order to guarantee all Australians, including those using the National Relay Service (**NRS**), access to emergency services despite telecommunications outages.
- Clear communications guidelines for telecommunications companies to follow in response to unplanned outages.
- Continued collaboration between government, industry, and civil society organisations to promote the reliability and security of telecommunications infrastructure.
- Clear articulation of the economic and social consequences of service disruptions to inform government policy settings with respect to reliability.
- Any resultant reforms should impart no further costs onto Australian consumers.

Please see **Attachment A** for further detail. We thank the Committee for the opportunity to comment on the Outage. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact me at audrey.reoch@accan.org.au.

Yours sincerely,

Audrey Reoch
Senior Economic Advisor

Attachment A: ACCAN's Extended Submission to the Committee

Access to Emergency Services

In ACCAN's view, the most significant risk of harm arising from the Outage for consumers was the breakdown of contact with emergency services. ACCAN is aware of reports that some customers were unable to contact emergency services on both landlines and mobile.¹ This had immediate and serious consequences for the safety and wellbeing of Australians across the country.

ACCAN has previously noted the importance and vulnerability of telecommunications networks in the contexts of natural disasters, particularly in the wake of the 2019-20 bushfires.² There is ongoing work being undertaken in this field, particularly regarding emergency roaming which has just seen the conclusion of an inquiry into multi-carrier regional mobile infrastructure.³ Nonetheless, we consider the continued effort to better secure the reliability of access to emergency services to be the most pressing priority emerging from the Outage.

Therefore, ACCAN recommends that the Australian Government immediately consider what steps may facilitate the adoption of 'Next Generation Triple Zero' services, including direct text to Triple Zero, as well as guaranteed NRS access to the emergency call service.⁴ These services will expand the reach of Triple Zero to reach more Australians, particularly people with disabilities, and ensure that emergency assistance is available even during unplanned outages such as the one which occurred on 8 November. ACCAN also notes that this is an opportunity for Optus and other telcos to review their redundancy and accessibility arrangements to ensure that in case of future large-scale network outages people with disability would not be at extended risk.

ACCAN also supports the expansion of emergency roaming services. The recent recommendation of the Standing Committee on Communications and Arts *Inquiry into co-investment in multi-carrier regional mobile infrastructure* for the Australian Government to immediately create a working group to develop protocols for temporary roaming arrangements in disasters and emergency situations is strongly supported.⁵ The ACCC in its final report noted that 'temporary mobile roaming is technically feasible' during natural disasters and other emergencies.⁶ Close collaboration between industry and government agencies is required to ensure that domestic roaming is achievable, particularly within the context of emergency services.

¹ Thorne, L and Lloyd, M, 'Optus facing pressure over failed triple-0 calls ahead of Senate inquiry into outage', *ABC News*, 16 November 2023, <https://www.abc.net.au/news/2023-11-16/optus-network-outage-customers-could-not-make-emergency-calls/103098616>.

² ACCAN, 'Select Committee on Australia's Disaster Resilience', 11 September 2023, <https://accan.org.au/accans-work/submissions/2235-select-committee-on-australia-s-disaster-resilience>.

³ Commonwealth of Australia, 2023, *Connecting the country: Mission critical Inquiry into co-investment in multi-carrier regional mobile infrastructure*, https://www.aph.gov.au/Parliamentary_Business/Committees/House/Communications/Mobileco-investment/Report

⁴ ACCAN, 2020, 'Telecommunications during Australia's 2019-2020 Bushfire Season', <https://accan.org.au/accans-work/submissions/1705-2019-20-bushfire-submissions>

⁵ Parliament of Australia, 15 November 2023, 'Chapter 6 - Communications for emergency services and natural disasters', https://www.aph.gov.au/Parliamentary_Business/Committees/House/Communications/Mobileco-investment/Report/Chapter_6_-_Communications_for_emergency_services_and_natural_disasters

⁶ Australian Competition and Consumer Commission, 2023, *Regional mobile infrastructure inquiry: Final Report*, p.82, <https://www.accc.gov.au/system/files/Regional%20Mobile%20Infrastructure%20Inquiry%20final%20report.pdf>

Communications to Affected Customers

In response to outages, telecommunications companies need to be timely and transparent in their communications. Consumers expect to know what actions are being taken to restore their services and expect to know what went wrong as soon as possible. The lack of clear communication from Optus prompted significant anxiety and uncertainty among Optus customers,⁷ with material impacts across Australian society. ACCAN notes with particular concern the risk that a lack of clear communications, combined with a large-scale network outage, creates for people living with disabilities.⁸

In addition to the stress, inconvenience, and health risks suffered from a lack of connectivity, the lack of communication about the length and severity of the Outage made the situation more difficult for Optus consumers and those dependent upon Optus-derived services. ACCAN observed anecdotal confusion about whether access to 000 emergency calls was available on Optus landlines, mobile phones, both, or neither. ACCAN considers that there may be merit in reviewing arrangements for telecommunications companies to alert the Australian Consumer and Media Authority (**ACMA**) in response to outages to ensure clear and consistent communication to the public.

Accordingly, ACCAN recommends the Committee examine similar case studies, such as Canada's Rogers outage in 2022. In response to this outage, the Canadian Radio-television and Telecommunications Commission (**CTRC**) issued an interim directive requiring carriers to notify the Commission within two hours when it becomes aware of a 'major service outage'. Further, within 14 days, carriers must provide a comprehensive report to the CTRC, detailing its causes, steps taken to resolve it, the effect upon emergency and accessibility services, as well as plan to avoid similar outages in the future.⁹ This case study would provide a useful guide for the Australian Government to consider potential revisions to ensure that Australian telecommunications companies have clear guidelines for how to respond to future outages, better allowing consumers, businesses and governments to adapt to outages when they occur.

Compensation offered to affected customers

Optus customers have the right to claim compensation under their contract and the Australian Consumer Law. ACCAN encourages all Optus customers, and particularly business customers, to quantify their losses as accurately as possible. This may include keeping receipts, diary records or any other documentation that can provide an evidentiary basis for any future claims. Consumers always have the right to escalate any complaints to the Telecommunications Industry Ombudsman (**TIO**), however we encourage consumers to engage with Optus in the first instance.

Government's role in ensuring Australians have reliable access to telecommunications technology

ACCAN recognises that there are ongoing streams of policy work being undertaken to improve the reliability of Australia's communications infrastructure, and multiple standing forums dedicated to many of the issues raised by the Outage. We also note that industry representatives, including those

⁷ Swan, D and Grubb, B, 'Signal failure: Inside Optus' day from hell', *Sydney Morning Herald*, 11 November 2023, <https://www.smh.com.au/business/companies/inside-optus-day-from-hell-20231110-p5eiz0.html>.

⁸ Shepherd, T, 'Optus went down and the smart lights came on. And then Marayke was stranded in bed', 10 November 2023, <https://www.theguardian.com/business/2023/nov/10/optus-went-down-and-the-smart-lights-came-on-and-then-marayke-was-stranded-in-bed>.

⁹ CTRC, 'Telecom Notice of Consultation CRTC 2023-39', 22 February 2023, *Canadian Radio-television and Telecommunications Commission* <https://crtc.gc.ca/eng/archive/2023/2023-39.htm>.

from Optus, have played an active role in these forums to drive improved reliability for communications networks at least cost for consumers. Discussions about reliability have emerged with renewed prominence following the bushfire season of 2019-20, and ACCAN greatly supports these initiatives, noting that unplanned outages undermine confidence in the communications sector, and that the Outage in question has already led to changes in government policy.¹⁰

To further compare to the Canadian context, part of the Canadian Government's response to the Rogers outage was to direct industry to develop a memorandum of understanding within 60 days, to help prevent such outages from occurring again, while the regulator has been pursuing a long-term review.¹¹ Examples like this demonstrate how the complementary and collaborative roles for government and industry to promote more reliable and resilient communications networks.

ACCAN notes that important work is already happening within this space to ensure Australians can enjoy more stable telecommunications across the country. ACCAN has been involved in collaborative efforts such as the Australian National University's Tech Policy Design Centre's work on Telecommunications Sector Risk and Resilience Profile.¹² However, recent events reinforce that there is a need for this work to be accelerated to improve the reliability of communications services and ensure continuity of service for emergency services and Triple Zero.

It is not just individual and business consumers of a single telecommunications company who suffer from an outage. Due to the prevalence of communications and internet-enabled technologies in major industries across Australia, including banking, health and transport, many people who were not Optus customers were materially impacted by the Outage.¹³ ACCAN considers it important for policymakers to assess the economic and social consequences of service disruptions to ensure policies and regulations around service reliability are fit for purpose.

Many Australians, particularly those living in regional, rural, and remote areas, or on lower incomes, regularly struggle to access communications services, and by extension the increasing number of technologically enabled services. In considering the appropriate response to the Outage of Wednesday 8 November, it is imperative to develop policy that seeks to ensure that all Australians are served by secure, reliable, and accessible telecommunications infrastructure.

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers.

ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP](#)

¹⁰ Chirgwin, R, 'Telcos to be added to SoCI regime', *ITNews*, 13 November 2023, <https://www.itnews.com.au/news/telcos-to-be-added-to-soci-regime-602277>.

¹¹ Government of Canada, 2023, 'Memorandum of Understanding on Telecommunications Reliability', *Innovation, Science and Economic Development Canada*, <https://ised-isde.canada.ca/site/ised/en/memorandum-understanding-telecommunications-reliability>; Government of Canada, 'Telecom Notice of Consultation CRTC 2023-39-1', 22 February 2023, *Canadian Radio-television and Telecommunications Commission* <https://crtc.gc.ca/eng/archive/2023/2023-39-1.htm>.

¹² Australian National University, 2023, 'Telecommunications Sector Risk and Resilience Profile', *Tech Policy Design Centre*, <https://techpolicydesign.au/telecommunications-sector-risk-and-resilience-profile>

¹³ Weber, K and Chirgwin, R, 'Optus outage hits banks, hospitals, enterprise users', *ITNews*, 8 November 2023, <https://www.itnews.com.au/news/optus-outage-hits-banks-hospitals-enterprise-users-602135>.