



Australian Government

**Australian Government response to the Senate
Environment and Communications References
Committee report:**

Optus Network Outage

October 2024

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Overview

The Australian Government notes the report by the Senate Environment and Communications Committee (the Committee) on the Optus Network Outage (Senate Committee report).

The Australian Government appreciates the contributions made to the report, both through written submissions and through formal hearings. The findings and recommendations of the Senate Committee report mirror many of the detailed findings of the independent review commissioned by the Australian Government into the Optus Outage of 8 November 2023, conducted by Mr Richard Bean (the Bean Review), as well as other work underway across the Communications portfolio.

The Bean Review made 18 recommendations to address structural issues within the telecommunications ecosystem, particularly in regards to access to Triple Zero. The Australian Government has accepted all of these recommendations and is working with industry to implement these changes as a priority. This includes the Australian Communications and Media Authority (ACMA) as the telecommunications regulator, as well as strong engagement with Telstra in its role as the designated Emergency Call Person (ECP) and the Telecommunications Industry Ombudsman.

As the committee may be aware, the Australian Government completed a thematic review of the Customer Service Guarantee (CSG) and associated instruments in 2023. Following that review, the Minister and the ACMA remade the CSG standard, CSG benchmarks and record keeping rules for three years.

The CSG sets out connection, repair and appointment keeping safeguards that complement the longstanding Universal Service Obligation (USO) for voice services. The Australian Government is currently considering opportunities to modernise universal service delivery and funding arrangements in light of changes in available technologies and consumer preferences in recent years, and is carefully considering submissions received through a public consultation process. This work is focused on ensuring appropriate baseline telecommunications services are available nationally, and how those services are sustainably funded, including considering issues around service levels and performance. More detail is available at www.infrastructure.gov.au/media-communications-arts/modernising-universal-telecommunications-services.

In addition, the Australian Government has introduced legislation consolidating telecommunications security obligations into the Security of Critical Infrastructure Act 2018, including movement of relevant provisions from the Telecommunications Act 1997.

The Australian Government is committed to ensuring Triple Zero is readily available for all people in Australia, and that consumers and businesses have certainty that they can access critical telecommunications services. The work of the Committee, and the implementation of all recommendations of the Bean Review, and across the Government, including those outlined above, will ensure that this is the case.

Australian Government response

The Australian Government's response to the Senate Committee report is set out in detail below.

Recommendation 1:

The committee recommends that the Australian Communications Media Authority, in collaboration with industry partners, prioritise as a matter of urgency the development of an enforceable communications standard for carriers that obliges them to communicate to government, emergency services and the public during national outages. The standard should include details outlining at what time and how certain communications need to occur.

The Australian Government **supports** this recommendation. The Australian Government recognises the need for mandatory frameworks that set clear expectations for the telecommunications industry in how they communicate with stakeholders during outages, particularly with critical sectors such as emergency services. This recommendation aligns with the Australian Government's commitment to improve the reliability and transparency of telecommunications services, as outlined in its responses to Recommendations 1, 5, 6, 7 and 10 of the Bean Review.

Recommendation 5 of the Bean Review calls for requirements for carriers to share real time network information detailing outages with relevant emergency services organisations and other appropriate entities. The Minister for Communications directed the ACMA to amend the Emergency Call Service (ECS) Determination to implement this recommendation on 4 September 2024. The direction requires the ACMA to amend the ECS Determination to include this requirement by 30 April 2025, and to come into force by 1 November 2025, providing Mobile Network Operators six months to make any necessary technical changes to their respective networks.

Recommendation 10 of the Bean Review calls for requirements to communicate specific information to customers during and about outages. The Minister for Communications directed the ACMA to determine an industry standard to implement this recommendation on 27 August 2024. The ACMA undertook public consultation on the draft standard between 17 September and 20 October 2024. The standard was determined on 14 November 2024, to commence in full no later than 31 December 2024.

Recommendation 2:

The committee recommends that the Australian Communications Media Authority publish the findings of its review into Singtel Optus Pty Ltd and its subsidiaries' compliance with its obligations under the Telecommunications (Emergency Call Service) Determination 2019, the Telecommunications Act 1997 and Telecommunications (Consumer Protection and Service Standards) Act 1999 as soon as possible.

The Australian Government **notes** that the ACMA published the outcome of its investigation into Optus and its compliance with the ECS Determination on 8 November 2024.

Recommendation 3:

The committee recommends that the Australian Communications Media Authority:

- review the remedial action undertaken by Optus to strengthen its processes, procedures, governance controls and communications plans to ensure extensive error checking and regular audits are in place with a view to preventing similar issues reoccurring and ensuring more transparent communications and fulfilment of statutory obligations; and
- if required, appoint an Independent Reviewer to review and assess the remedial actions undertaken by Optus.

The Australian Government **notes** this recommendation (see response to Recommendation 2) and reiterates the broader action underway in implementing the 18 recommendations of the Bean Review. The proposed updates to the Emergency Call Service Determination will require further investment and action from across the telecommunications sector, including from Optus. The ACMA, as the independent regulator, will assess compliance with the Determination, including by Optus, once made.

Recommendation 4:

The committee recommends that the Australian Government work with telecommunications carriers to examine large-scale network roaming and mutual assistance arrangements for major outages.

The Australian Government **agrees in principle** with this recommendation.

The Australian Government acknowledges the potential benefits of temporary roaming in helping Australians to remain connected during outages. This aligns with efforts already underway in response to Recommendation 14 of the Bean Review, which suggested that work currently being undertaken on roaming during natural disasters to be followed by work on temporary roaming during outages caused by other events, such as those which occurred on 8 November 2023. However, the Australian Government also recognises the telecommunications industry's concerns about the technical and operational feasibility of these arrangements on a large scale.

MNOs have agreed to developing a temporary disaster roaming (TDR) capability, with any extension to outage roaming to be considered once the TDR capability is in place.

In addition to temporary roaming, mutual assistance arrangements can play an important role in strengthening the resilience of telecommunications infrastructure. The Australian Government supports Recommendation 15 of the Bean Review, which calls for mutual assistance arrangements to be established between telecommunications service providers during outages.

The Australian Government is reviewing international approaches for mutual assistance arrangements between carriers, which already exist within Canada and the United States of America, to inform how such arrangements might best be implemented in Australia.

Recommendation 5:

The committee recommends that the Australian Government prioritise as a matter of urgency the introduction of amendments to the Security of Critical Infrastructure Act 2018 to clarify that telecommunications carriers are included as critical infrastructure providers.

The Australian Government **supports** this recommendation.

On 9 October 2024, the Government introduced into Parliament the Security of Critical Infrastructure and Other Legislation Amendment (Enhanced Response and Prevention) Bill 2024. Among other items, the proposed amendments in the Bill give effect to telecommunications security obligations moving from the *Telecommunications Act 1997* to the *Security of Critical Infrastructure Act 2018*.

Recommendation 6:

The committee recommends that the Australian Government direct the Telecommunications Industry Ombudsman to expedite the development of a tailored dispute resolution mechanism to ensure appropriate compensation in the event of mass telecommunications outages.

The Australian Government **notes** this recommendation. The Australian Government is committed to ensuring that customers have a clear and accessible avenue for redress in the event of outages. This aligns closely with Recommendation 13 of the Bean Review which suggests that industry wide standardised approach to the form of resolutions available to consumers affected by a crisis or large-scale outage should be implemented.

The Telecommunications Industry Ombudsman (TIO) is developing a guideline to outline its expectations for how telecommunications providers should offer recourse and resolutions to consumers affected by a crisis or large-scale outage.

Recommendation 7:

The committee recommends that the Australian Government undertake a review of the Consumer Service Guarantee with a view to considering a new, updated Telecommunications (Customer Service Guarantee) Standard, that also applies to fixed broadband and mobile telecommunications services.

The Australian Government **notes** this recommendation.

CSG instruments were reviewed and remade in 2023 for a period of three years. The Australian Government is now conducting related work. It has consulted on and is considering broader modernisation of universal service arrangements. This includes consideration of what services should form part of a more fit for purpose universal service framework, how those services are best funded, and associated issues of reliability and performance standards.