

Optus Network Outage

Department of Infrastructure, Transport, Regional
Development, Communications and the Arts

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Introduction

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) has portfolio and policy responsibility for telecommunications in Australia. The Department welcomes the opportunity to submit to the Senate Inquiry. This submission concentrates solely on the actions of the Department and on those parts of the inquiry Terms of Reference relevant to the Department's role and actions. The Department is also leading a separate review into the matter, as announced by the Minister for Communications, the Hon Michelle Rowland MP, on 9 November 2023. This review will report on, among other matters, the functioning of the Triple Zero Emergency Call Service, the role of Government during an outage and the adequacy of communication with customers during an outage.

The Role of Government in ensuring Australians have reliable access to telecommunications technology

The Department administers the *Telecommunications Act 1997* (Tel Act), Parts XIB and XIC of the *Competition and Consumer Act 2010* and the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (TCPSS Act) and has a role in a range of policy and program outcomes to support reliable access to telecommunications technology.

Universal service arrangements

The Australian Government has an existing framework in place to provide people across Australia with access to baseline fixed voice and broadband services.

Universal access to fixed voice and payphone services

The Universal Service Obligation (USO) ensures that fixed standard telephone (voice) services (STS) and payphones are accessible to all people in Australia regardless of where they reside or carry on business. The fundamental USO requirement is set out in the TCPSS Act. Telstra is the designated universal service provider and has a statutory obligation to provide access to STS and payphones on reasonable request nationally on an equitable basis. These regulated retail obligations are supported by a contract between Telstra and the Commonwealth, the Telstra Universal Service Obligation Performance Agreement (TUSOPA), that commenced on 1 July 2012 and expires on 30 June 2032. Under the TUSOPA, Telstra is paid \$230 million per annum for the supply of STS and \$40 million per annum for the supply of payphone services. The contract also contains the copper continuity obligation, which requires Telstra to maintain copper services to supply voice services outside the fixed line footprint of the NBN that were in operation on 1 July 2012.

Access to fixed STS under the USO is also supplemented by a number of additional safeguards. In particular, the Customer Service Guarantee (CSG) sets timeframes and associated benchmarks for connection, repair and appointment-keeping for fixed STS. Where Telstra or another retail provider supplies services subject to the CSG, it must meet specified maximum timeframes or otherwise pay compensation to customers, unless an interim or alternative service is offered. Telstra, as the USO provider is required to offer CSG services given its USO requirements, but other providers typically require new fixed voice

customers to waive their CSG rights. We note the CSG applies to some Optus fixed telephone services, as it has not asked all customers to waive their CSG rights.

USO arrangements also require Telstra to supply, install and maintain USO payphones nationally. Payphones have historically provided alternative and publicly accessible communications options, including to areas outside mobile coverage, recognising not all consumers may be able to access or afford a fixed service at their home or business. They remain of particular importance to more vulnerable members of the community. Telstra currently maintains around 14,500 USO payphones nationally. Telstra made a commercial decision to make all local and national calls from USO payphones free of charge from 3 August 2021. This has seen average calls from payphones increasing from approximately 7 million calls in FY2020-21 to around 23 million calls in FY2022-23.

Universal access to broadband services

Access to fixed broadband is supported by the Statutory Infrastructure Provider (SIP) regime set out in the Tel Act. This is a wholesale obligation to provide connectivity. NBN Co is the default SIP nationally and provides broadband infrastructure to premises across Australia using a combination of fixed line, fixed wireless and satellite technology. Other carriers become SIPs generally where they are contracted to service an area such as a new development, or through Ministerial designation. All SIPs have obligations to connect premises to their networks and supply wholesale services that allow retail providers to provide broadband services with peak download and upload speeds of at least 25/5 Mbps. On fixed line and fixed wireless networks, wholesale services supplied by SIPs must be able to support retail voice services. This reflects that these technologies are able to support baseline voice services such as those delivered under the USO. The requirement to support retail voice services does not apply where SIPs use satellite networks.

Triple Zero Emergency Call Service

Triple Zero can be dialled from any fixed or mobile phone, pay phone and certain Voice over Internet Protocol (VoIP) services. Emergency calls all go to Telstra as the Emergency Call Person. Telstra then sends the calls to the appropriate state or territory police, fire or ambulance service.

The Triple Zero Emergency Call Service is established under the Tel Act and the TCPSS Act. The Department manages the contract with Telstra to deliver Triple Zero through the TUSOPA. Telstra receives an annual fee capped at \$20 million as reimbursement of costs incurred in providing the Emergency Call Service. The service is primarily funded through an industry levy – the Telecommunications Industry Levy (TIL).

The *Telecommunications (Emergency Call Service) Determination 2019*¹ (the Determination) sets out the regulatory obligations and responsibilities on carriage service providers, carriers and Telstra as the Emergency Call Person in providing the emergency call service.

State and territory Emergency Service organisations are responsible for funding and operating the call answering and despatch services that receive calls from Triple Zero.

¹ [Telecommunications \(Emergency Call Service\) Determination 2019 \(legislation.gov.au\)](https://www.legislation.gov.au)

National Relay Service

The National Relay Service (NRS) is a telephony service for people who are deaf, hard of hearing and/or have a speech communication difficulty. The NRS is available 24 hours a day, 7 days a week. The NRS supports access for these people to the Emergency Call Service and can be used to contact the ECS, through both the 000 and 106 emergency call numbers. The 106-emergency call number is used exclusively through teletypewriters, a type of accessible phone available through the NRS. The NRS is a government service delivered under contract by Concentrix and is funded via the TIL.

Other grants and programs

The Department administers co-investment programs to support better connectivity to Australians. Programs include the Regional Connectivity Program, which funds various place-based telecommunications infrastructure projects to improve digital connectivity across regional, rural and remote Australia. The Mobile Black Spots Program co-invests in telecommunications infrastructure to improve mobile coverage and competition across Australia. Government also funds resilience programs to strengthen communications during natural disasters, such as the Mobile Network Hardening Program and the Strengthening Telecommunications Against Natural Disasters (STAND) program. Details of a range of grants and programs are available through our website².

Actions taken by the Department on the day of the outage

Throughout the day on 8 November 2023, the Department actively engaged with a range of stakeholders to support the government response to the outage. This included updates from Optus and liaising with key government stakeholders such as the Department of Home Affairs and the Australian Communications and Media Authority (ACMA). The Department closely monitored the situation to understand the impact of the outage on essential services, specifically the Triple Zero service. This included two telephone conversations between senior departmental officials and Optus, and co-chairing National Coordination Mechanisms (NCM) at 2pm and 4pm with the Department of Home Affairs and the National Emergency Management Agency.

Specific actions on Triple Zero

At 9.20am on 8 November 2023, departmental officials sought information from Telstra and the ACMA about the issues being experienced by Optus customers in relation to access to Triple Zero. It was confirmed with Telstra, in its role as the Emergency Call Person under the Determination, that calls from Optus fixed line services could not access Triple Zero. The inability to access Triple Zero from a fixed line service when a network outage is being experienced is as expected, as the fixed line will not operate at all in this circumstance.

Triple Zero calls from Optus mobile telephones should have been carried over other available mobile networks. However, at 9.28am Telstra, in its capacity as Emergency Call Person, advised the Department that it suspected issues were being experienced by some mobile Optus customers attempting to access Triple Zero. Departmental staff with Optus

² <https://www.infrastructure.gov.au/media-communications-arts>

phones conducted test calls; two could not access Triple Zero, while one was successfully carried.

Further information was sought from Telstra as to the extent of the problem. Telstra sought advice from each of the state-based Emergency Service Organisations on their ability to deal with calls for assistance. This process was somewhat hampered by the Optus outage itself.

The Minister for Communications and departmental staff participated in a call with Telstra regarding Triple Zero services at 10.10am. This confirmed that, while Telstra could not verify that all Triple Zero calls from Optus mobiles were successfully connecting, a large number of Triple Zero calls from Optus mobiles were being successfully received.

The Department separately sought advice from the NRS provider on the morning of 8 November regarding access to Triple Zero via NRS users. The NRS provider advised that call volumes were comparable to those usually received.

The Department relayed the information about the difficulty for some customers attempting to access Triple Zero from Optus mobile phones to Optus, which undertook to investigate the problem. The problem was still under investigation when services began to restore.

Actions taken by the Federal Government to support affected customers to receive fair compensation

Consumer safeguards are contained in rules of general application (including the Australian Consumer Law) and telecommunications-specific instruments (including the Telecommunications Consumer Protections Code and Customer Service Guarantee).

There are existing options for customers to obtain compensation or redress in relation to duties owed to them:

- Customers can raise their complaint with their provider in the first instance.
- Customers can then take their complaint to the TIO if they are unhappy with their provider's response to their concern.
- They can also take their claim to the relevant court or tribunal, including in relation to the Australian Consumer Law and their contract with their provider.

To support customers in understanding their rights and where to go for assistance, the Department's website has been updated to include a page on the Optus outage.³ The Minister for Communications has been actively advising the public about assistance the TIO can provide.

³ [Optus national whole-of-network outage | Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)