

EXPOSURE DRAFT



EXPOSURE DRAFT

Telecommunications (Carrier Licence Conditions - Telstra Corporation Limited) Amendment (Regional Service Information) Instrument 2021

I, PAUL FLETCHER, Minister for Communications, Urban Infrastructure, Cities and the Arts,
make the following instrument.

Dated

PAUL FLETCHER **[DRAFT ONLY—NOT FOR SIGNATURE]**
Minister for Communications, Urban Infrastructure, Cities and the Arts

EXPOSURE DRAFT

EXPOSURE DRAFT

Contents

1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Schedules	1
Schedule 1—Amendments	2
13A Preliminary provisions for the purposes of sections 13B to 13D	2
13B Public information on names of ESAs outside the fixed-line footprint of the national broadband network	6
13C Public reporting on certain CSG services in ESAs outside the fixed-line footprint of the national broadband network	7
13D Reporting to the ACMA and the Department on certain CSG services in ESAs outside the fixed-line footprint of the national broadband network.....	8

EXPOSURE DRAFT

1 Name

This instrument is the *Telecommunications (Carrier Licence Conditions - Telstra Corporation Limited) Amendment (Regional Service Information) Instrument 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 63(5) of the *Telecommunications Act 1997*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

EXPOSURE DRAFT

Schedule 1—Amendments

Telecommunications (Carrier Licence Conditions - Telstra Corporation Limited) Declaration 2019

1 Section 4

Insert:

CSG service has the same meaning as in the CSG Standard when provided to a customer of the licensee but does not include a service the supply of which by the licensee is exempt from compliance with performance standards under section 18 of that standard.

CSG Standard means the *Telecommunications (Customer Service Guarantee) Standard 2011*.

fault or service difficulty, in relation to a CSG service, has the same meaning as in the CSG Standard.

quarter means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

Secretary means the Secretary of the Department.

2 After section 13

Insert:

13A Preliminary provisions for the purposes of sections 13B to 13D

Definitions

(1) In this section and in sections 13B, 13C and 13D:

another network means any telecommunications network other than a licensee network or the national broadband network.

appointment, in relation to a reportable service, means:

- (a) an appointment for the connection of the service; or
- (b) an appointment for the rectification of a fault or service difficulty in relation to the service.

authorised officer means a person covered by a notice given for the purposes of subsection (2).

complaint, in relation to a reportable service, means an expression of dissatisfaction made to the licensee in relation to the service or the complaints handling process itself where a response or resolution is expected by the customer (whether express or implied), but does not include:

EXPOSURE DRAFT

- (a) an initial call to request information or support or to report a fault or service difficulty in relation to the service, unless the customer advises the licensee that the customer wants the call to be treated as a complaint; or
- (b) an issue that is the subject of legal action.

complaint category means any of the following kinds of complaints made in relation to a reportable service (including before it is connected):

- (a) a complaint about no action, or delayed action, being taken by the licensee;
- (b) a complaint about no phone service;
- (c) a complaint about delay in connecting a service;
- (d) a complaint about a proposed resolution of an issue where a resolution has been agreed by the licensee, but the issue has not been resolved by the licensee on the terms or timeframe agreed;
- (e) a complaint about a telephone number problem due to the connection, disconnection or transfer of a service;
- (f) a complaint about a partially restricted service;
- (g) a complaint about service or equipment fees;
- (h) a complaint about changing provider;
- (i) a complaint about the licensee being uncontactable or difficult to contact;
- (j) a complaint about intermittent service or drop outs;
- (k) a complaint about any other matter.

contact means:

- (a) a call by a person to a call centre; or
- (b) a online chat session initiated by a person to an online chat support system;
or
- (c) an email or a series of emails in a chain of correspondence between a person and the licensee (including where one or more of those emails are generated by a form on the licensee's website or other electronic system);

in relation to a reportable service (including before it is connected), in each case:

- (d) where the call centre, chat system, or licensee's email address is operated by or on behalf of the licensee as a formal channel to provide support or sales assistance in relation to reportable services (however described); and
- (e) whether or not the call centre, chat system or licensee's email address is used for any other purpose of the licensee.

contact category means any of the following kinds of contacts made in relation to a reportable service:

- (a) a request for a connection of a reportable service;
- (b) a request to cancel a reportable service;
- (c) a request to relocate a reportable service to another premises;
- (d) a report of a fault or service difficulty in relation to a reportable service;
- (e) a request to make or change an appointment in relation to a reportable service;
- (f) an enquiry about the terms and conditions of a reportable service;
- (g) an enquiry about customer equipment for use with a reportable service;

EXPOSURE DRAFT

- (h) an enquiry about billing or charging in relation to a reportable service;
- (i) a request to activate or deactivate a feature of a reportable service; or
- (j) a call about any other matter.

CSG geographic category means:

- (a) urban areas; or
- (b) major rural areas; or
- (c) minor rural areas; or
- (d) remote areas.

An expression used in this definition that is also used in the *Telecommunications (Customer Service Guarantee – Retail Performance Benchmarks) Instrument (No. 1) 2011* has the same meaning as in that instrument.

exemption event means a set of circumstances beyond the control of the licensee that is covered by subsection 21(1) of the CSG Standard and to which the licensee is exempt (including provisionally exempt) under section 21 of that standard.

fixed-line footprint of the national broadband network means the areas of Australia where fixed-line carriage services are supplied, available to be supplied, or proposed to be supplied or to be available to be supplied, to premises using that network.

fixed wireless technology platform has the meaning generally accepted within the telecommunications industry.

in-place connection has the meaning given by item 101 of Schedule 1 to the CSG Standard.

licensee network means a telecommunications network owned by the licensee, or a telecommunications network over which the licensee is in a position to exercise control. The question whether the licensee is in a position to exercise control over a telecommunications network is to be determined in the same way as under section 577Q of the Act.

local access technology means any of the following:

- (a) a licensee network, with the use of an optical-fibre line to premises;
- (b) a licensee network, with the use of a line to premises (other than an optical-fibre line), but not with the use of high capacity radio concentrators;
- (c) a licensee network, with the use of high capacity radio concentrators;
- (d) a licensee network, with the use of a fixed wireless technology platform, but not with the use of high capacity radio concentrators;
- (e) a licensee network, with the use of a satellite;
- (f) the national broadband network, with the use of a fixed wireless technology platform;
- (g) the national broadband network, with the use of a satellite;
- (h) another network, with the use of an optical-fibre line to premises;

EXPOSURE DRAFT

- (i) another network, with the use of a line to premises (other than an optical-fibre line);
- (j) another network, with the use of a fixed wireless technology platform; or
- (k) another network, with the use of a satellite.

kept, in relation to an appointment, means kept for the purposes of section 17 of the CSG Standard.

mass outage event means an exemption event covered by paragraph 21(2)(b) or (c) of the CSG Standard.

missed, in relation to an appointment, means missed for the purposes of section 17 of the CSG Standard.

national broadband network has the same meaning as in the *National Broadband Network Companies Act 2011*.

relevant ESA means an ESA other than an ESA where all of the premises served by the ESA are within the fixed-line footprint of the national broadband network.

relevant exemption means a provision of Part 3 of the CSG Standard (other than section 18 of that standard) under which the licensee is exempt (including provisionally exempt) from compliance with a performance standard in Part 2 of that standard.

reportable service means a CSG service (other than a fixed-line carriage service supplied using the national broadband network) that is supplied, or has been requested to be supplied, within a relevant ESA.

required information: see subsection 13D(4).

substantively engaged with: a contact in relation to a reportable service is **substantively engaged with** by the licensee when an individual operator first engages with the customer or proposed customer in relation to the substantive issue raised as part of the contact.

Note: A contact is not **substantively engaged with** by an operator merely because the operator has acknowledged the contact, such as by a reply email acknowledging receipt of the contact indicating an expected response timeframe, or by telling a caller that they will be placed on hold.

unique exemption event identifier in relation to an exemption event means:

- (a) if the event is a mass outage event—the unique numeric or alphanumeric identifier displayed, for the purposes of subsection 25(3) of the CSG Standard, in the notice published in relation to the event under subsection 25(1) of that standard; or
- (b) in any other case—a unique numeric or alphanumeric identifier for the event used by the licensee.

unique service identifier in relation to a reportable service means:

- (a) if there is a telephone number for the service (including before it is connected)—the number; or

EXPOSURE DRAFT

- (b) if there is not a telephone number for the service—another unique numeric or alphanumeric identifier for the service that is not the same as any telephone number; or
- (c) in any case—any other unique identifier for the service agreed by the Secretary or an authorised officer.

Authorised officers

- (2) The Secretary may, by written notice given to the licensee for the purposes of this subsection, designate an SES employee or acting SES employee in the Department as an authorised officer.

13B Public information on names of ESAs outside the fixed-line footprint of the national broadband network

- (1) The licensee must, in accordance with this section, make available on a public part of its website a system that enables a user of the website to readily identify the relevant ESA for a premises in Australia.
- (2) Unless otherwise notified in writing by the Secretary or an authorised officer, the system must be an automatic system that provides a user of the website that enters an address in Australia or the telephone number of a reportable service with:
 - (a) the name of the relevant ESA for the premises located at the address or for the service with that number; or
 - (b) if there is not a relevant ESA for the premises or service—a statement to that effect and as to the reason why there is no relevant ESA for the premises or service.
- (3) The system must be first made available no later than the time at which the first report must be published for the purposes of subsection 13C(1).
- (4) The system must not require the user to do any of the following things in relation to the provision of the information:
 - (a) pay a fee or charge;
 - (b) register with the system;
 - (c) provide any information other than an address in Australia or a telephone number.
- (5) The licensee must take all reasonable steps to ensure that:
 - (a) members of the public may access the system at any time of the day or night; and
 - (b) the system provides an immediate, or near-immediate, response to a request for information.

EXPOSURE DRAFT

13C Public reporting on certain CSG services in ESAs outside the fixed-line footprint of the national broadband network

- (1) The licensee must, within 28 days of the end of each quarter, or a longer period after the quarter approved by the Secretary or an authorised officer, publish a report on its website for each relevant ESA containing the following information:
 - (a) the name of the relevant ESA;
 - (b) the number of reportable services supplied in the relevant ESA during the quarter;
 - (c) the number of addresses of premises to which services mentioned in paragraph (b) were supplied during the quarter;
 - (d) the average percentage of time during the quarter for which services mentioned in paragraph (b) were not affected by a fault or service difficulty;
 - (e) the number of reportable services supplied in the relevant ESA where:
 - (i) the service was connected during the quarter; and
 - (ii) there was an in-place connection at the premises before the service was connected;
 - (f) the percentage of services mentioned in paragraph (e) that were connected within the timeframe (if any) required by the CSG Standard;
 - (g) the number of reportable services supplied in the relevant ESA where:
 - (i) the service was connected during the quarter; and
 - (ii) there was not an in-place connection at the premises before the service was connected;
 - (h) the percentage of services mentioned in paragraph (g) that were connected within the timeframe (if any) required by the CSG Standard;
 - (i) the number of faults and service difficulties that affected, at any time during the quarter, any reportable services supplied in the relevant ESA;
 - (j) the number of faults or service difficulties mentioned in paragraph (i) divided by the number reportable services supplied in the relevant ESA during the quarter;
 - (k) the number of faults and service difficulties mentioned in paragraph (i) that were rectified during the quarter;
 - (l) the percentage of faults and service difficulties mentioned in paragraph (j) that were rectified within the timeframe (if any) required by the CSG Standard;
 - (m) the number of appointments in relation to reportable services supplied, or proposed to be supplied, in the relevant ESA during the quarter, where the appointment:
 - (i) was scheduled to take place during the quarter; and
 - (ii) was not cancelled or rescheduled in accordance with Division 4 of Part 2 of the CSG Standard;
 - (n) the percentage of appointments mentioned in paragraph (m) that were kept by the licensee;
 - (o) the number of contacts received by the licensee in relation to reportable services supplied, or proposed to be supplied in the relevant ESA, where:

EXPOSURE DRAFT

- (i) for a call made to a contact centre—the call was made during the quarter; or
- (ii) for a chat session—the session was initiated during the quarter; or
- (iii) for an email or a series of emails in a chain of correspondence—the email was an initial email received during the quarter, or the chain of correspondence was not closed at the end of the quarter;
- (p) the proportion of contacts mentioned in paragraph (o) that were substantively engaged with:
 - (i) for a call to a call centre or an online chat session—within 3 minutes of the start of the contact;
 - (ii) for an email or a series of emails in a chain of correspondence—within 2 working days of the start of the first email being received by or on behalf of the licensee;
- (q) the number of complaints made in relation to reportable services supplied, or proposed to be supplied, in the relevant ESA during the quarter.

Note: See the definition of *kept* in subsection 13A(1).

- (2) A licensee must take reasonable steps to ensure each report published in accordance with subsection (1) remains available on the licensee's website for at least 5 years after it is published.

13D Reporting to the ACMA and the Department on certain CSG services in ESAs outside the fixed-line footprint of the national broadband network

Licensee to give reports to the ACMA and the Department

- (1) The licensee must, within 3 months of the commencement of this section, give a report to the ACMA, the Secretary and any authorised officer containing the required information in relation to each month within the period (the ***initial reporting period***):
 - (a) beginning on 1 January 2019; and
 - (b) ending at the end of the first quarter that ends after this section commences.
- (2) The licensee must, within 28 days of the end of each quarter that begins after the end of the initial reporting period, give a report to the ACMA, the Secretary and any authorised officer containing the required information in relation to each calendar month within the quarter.

Form and manner of providing reports

- (3) A report under this section must be provided by the licensee:
 - (a) in .xlsx format, or another electronic format approved by the Secretary or an authorised officer; and
 - (b) using a separate table (whether in a separate worksheet, file or equivalent) for each set of required information in relation to:
 - (i) a month covered by the report; and
 - (ii) one of subsections (5) to (15); and

EXPOSURE DRAFT

- (c) with the required information being in a form that is commonly understood and is readily machine readable; and
- (d) using electronic communication; and
- (e) if a particular form of electronic communication, and a particular address to which that communication must be addressed, is notified in writing to the licensee by any of the ACMA, the Secretary or any authorised officer (a **report recipient**)—by being sent to the report recipient using that form of communication sent to that address.

Information required to be included in reports

- (4) The **required information** in relation to a month for a report under this section is the information in subsections (5) to (15).
- (5) In relation to the month beginning on 1 January 2019, the first table must contain, for each relevant ESA:
 - (a) the name of the relevant ESA; and
 - (b) geographic coordinates identifying the boundaries of the relevant ESA as at the end of the month, in compliance with a standard or format (if any) notified to the licensee in writing by the Secretary or an authorised officer.
- (6) In relation to a month beginning on or after 1 February 2019, the first table must contain, for each relevant ESA:
 - (a) the name of the relevant ESA; and
 - (b) either:
 - (i) if the boundaries of the relevant ESA were established or changed during the month—geographic coordinates identifying the new or revised boundaries of the relevant ESA as at the end of the month; or
 - (ii) otherwise—a statement to the effect that the boundaries of the relevant ESA remained unchanged during the month.
- (7) The second table must contain, for each reportable service supplied during the month:
 - (a) the unique service identifier of the service; and
 - (b) the name of the relevant ESA for the service; and
 - (c) the local access technology used to supply the service; and
 - (d) the CSG geographic category for the area in which the service is supplied.
- (8) The third table must contain, for each relevant ESA:
 - (a) the name of the relevant ESA; and
 - (b) for each CSG geographic category:
 - (i) the number of reportable services supplied to an area within the relevant ESA for the category during the month; and
 - (ii) the number of addresses of premises to which those services were supplied during the month.
- (9) The fourth table must contain, for each relevant ESA:
 - (a) the name of the relevant ESA; and

EXPOSURE DRAFT

- (b) for each kind of local access technology:
 - (i) the number of reportable services supplied using the technology during the month; and
 - (ii) the number of addresses of premises to which these reportable services were supplied during the month.

- (10) The fifth table must contain, for each request for the connection of a reportable service where the connection of the service was:
 - (a) completed during the month; or
 - (b) incomplete at the end of the month; or
 - (c) cancelled during the month;the following information:
 - (d) the unique service identifier of the service;
 - (e) the date of the day by which connection of the service:
 - (i) is or was required under Division 2 of Part 2 of the CSG Standard; or
 - (ii) would have been required, disregarding any relevant exemption that applies to the timeframe for connection of the service;
 - (f) a statement of whether there is an in-place connection at the premises at which the service would be connected;
 - (g) either:
 - (i) if paragraph (a) applies—the date on which connection of the service was completed; or
 - (ii) if paragraph (b) or (c) applies—a statement to that effect;
 - (h) what relevant exemption (if any) applies to the timeframe for connection of the service;
 - (i) if a relevant exemption applies because of an exemption event—the unique exemption event identifier for the event;
 - (j) if paragraph (c) applies—the reason for the cancellation.

- (11) The sixth table must contain, for each fault or service difficulty relating to a reportable service where the fault or service difficulty was:
 - (a) rectified during the month; or
 - (b) not rectified at the end of the month;
 - (c) closed by the licensee during the month (otherwise than because the fault or service difficulty was rectified);the following information:
 - (d) the unique service identifier of the service;
 - (e) the date of the day by which rectification of the fault or service difficulty
 - (i) is or was required under Division 3 of Part 2 of the CSG Standard; or
 - (ii) would have been required, disregarding any relevant exemption that applies to the timeframe for rectification of the fault or service difficulty;
 - (f) the cause of the fault;
 - (g) either;

EXPOSURE DRAFT

- (i) if paragraph (a) applies—the date on which the fault or service difficulty was rectified; or
 - (ii) if paragraph (b) or (c) applies—a statement to that effect;
 - (h) what relevant exemption (if any) applies to the timeframe for rectification of the fault or service difficulty;
 - (i) if a relevant exemption applies because of an exemption event—the unique exemption event identifier for the event;
 - (j) if paragraph (c) applies—the reason why the fault or service difficulty was closed.
- (12) The seventh table must contain, for each appointment in relation to a reportable service where the appointment:
- (a) was scheduled to take place during the month; and
 - (b) was not cancelled, or rescheduled to take place after the end of the month, in accordance with Division 4 of Part 2 of the CSG Standard;
- the following information:
- (c) the unique service identifier of the service to which the appointment relates;
 - (d) the appointment date;
 - (e) a statement as to whether the appointment was for:
 - (i) connection of the service; or
 - (ii) rectification of a fault or service difficulty in relation to the service;
 - (f) either:
 - (i) the time of the appointment; or
 - (ii) the start and end of the period of time in which the appointment is scheduled to occur;
 - (g) a statement as to whether the licensee kept or missed the appointment;
 - (h) either:
 - (i) the time the licensee attended the appointment; or
 - (ii) if the licensee did not attend the appointment—a statement to that effect.

Note: See the definitions of *kept* and *missed* in subsection 13A(1).

- (13) The eighth table must contain, for each exemption event which affected some or all reportable services during the month:
- (a) a statement as to whether the event is a mass outage event; and
 - (b) the unique exemption event identifier for the event; and
 - (c) a brief description of the nature of the event; and
 - (d) the date on which the event first affected a reportable service; and
 - (e) if the event has ended—the date on which the event ended; and
 - (f) geographic coordinates identifying the boundaries of the geographic area of event, in compliance with a standard or format (if any) notified to the licensee in writing by the Secretary or an authorised officer; and
 - (g) the number of reportable services affected by the event; and

EXPOSURE DRAFT

- (h) the number of faults and service difficulties affecting services mentioned in paragraph (g) during the month; and
 - (i) the number of faults and service difficulties mentioned in paragraph (h) that were rectified during the month; and
 - (j) the percentage of faults and service difficulties mentioned in paragraph (i) that were rectified within the timeframe that would have been required by the CSG Standard, disregarding the relevant exemption that applied to the timeframe for rectification of the fault or service difficulty; and
 - (k) the number of requests for the connection of a reportable service within an area affected by the event that were outstanding at any time during the month; and
 - (l) the number of requests mentioned in paragraph (k) for which the service was connected during the month; and
 - (m) the percentage of services mentioned in paragraph (l) that were connected within the timeframe that would have been required by the CSG Standard, disregarding the relevant exemption that applied to the timeframe for connection of the service.
- (14) The ninth table must contain, in relation to each of the following kinds of contacts received from customers or proposed customers in relation to reportable services:
- (a) calls made during the month to a contact centre;
 - (b) chat sessions initiated during the month;
 - (c) chains of correspondence by email that were not closed at the end of the month, and initial emails received during the month;
- the following information:
- (d) the number of contacts received; and
 - (e) the number of contacts substantively engaged with by the licensee; and
 - (f) the number of contacts where the licensee did not substantively engage with the contact:
 - (i) for calls to a call centre or an online chat sessions—before the contact was disconnected or closed;
 - (ii) for an email or a series of emails in a chain of correspondence—within 2 working days of the start of the first email being received by or on behalf of the licensee; and
 - (g) in relation to contacts mentioned in paragraph (e), the average time before those contacts are substantively engaged with by the licensee; and
 - (h) in relation to contacts mentioned in subparagraph (f)(i), the average time before those contacts are disconnected or closed; and
 - (i) in relation to contacts mentioned in paragraph (e), the average duration of those contacts measured from the time they are substantively engaged with until the contact is concluded;
 - (j) in relation to contacts mentioned in paragraph (e), the percentage of those contacts for which the query or issue raised during the initial contact was resolved:

EXPOSURE DRAFT

- (i) for calls to a call centre or an online chat sessions—during that call or chat session;
 - (ii) for an email or a series or emails in a chain of correspondence—by the first substantive reply by or on behalf of the licensee in relation to the query or issue;
 - (k) the number of contacts that the licensee was reasonably satisfied were resolved to the satisfaction of the customer by any information automatically provided by the licensee in response to the contact before the contact is substantively engaged with by the licensee.
- (15) The tenth table must contain, for each complaint made by a customer or proposed customer of a reportable service in relation to the service where the complaint was:
- (a) resolved during the month; or
 - (b) unresolved at the end of the month; or
 - (c) closed during the month (otherwise than because the complaint was resolved); or
- the following information;
- (d) the unique service identifier of the service;
 - (e) the date the complaint was made;
 - (f) either:
 - (i) if paragraph (a) applies—the date on which the complaint was resolved; or
 - (ii) if paragraph (b) or (c) applies—a statement to that effect;
 - (g) the complaint category for the complaint;
 - (h) if paragraph (c) applies—the reason why the complaint was closed.

3 Subsection 14(1) (definitions of *CSG service, fault or service difficulty and quarter*)

Repeal the definitions.

4 Item (1A) of Schedule 1

Repeal the item.