

Triple Zero legislative, regulatory and contractual framework

Primary Acts

The primary legislative framework relevant to Triple Zero is established through the *Telecommunications Act 1997* (Tel Act), the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (TCPSS Act) and the *Australian Communications and Media Authority Act 2005* (ACMA Act).

Telecommunications Act 1997

The Tel Act is the principal Act governing Australia's telecommunications industry. It establishes key concepts, entities and regulatory powers that underpin the broader telecommunications framework. In this way, the Tel Act helps define the boundaries of the regulated telecommunications environment.

The objects of the Tel Act are relevant to the Review because they frame telecommunications regulation around the long-term interests of end users, the efficiency and international competitiveness of the telecommunications industry, and the availability of accessible and affordable carriage services that enhance the welfare of Australians. The Tel Act also reflects Parliament's intention that telecommunications regulation should promote the greatest practicable use of industry self-regulation and avoid undue financial and administrative burdens on industry participants, while not compromising the effectiveness of regulation in achieving the Act's objects.

While Triple Zero obligations are set out in primary legislation or directly regulated through subordinate instruments developed by the Australian Communications and Media Authority (ACMA), the broader telecommunications industry, which ultimately carries and delivers Triple Zero calls, is regulated according to the principles and objectives outlined above. Therefore, the way in which the industry as a whole is regulated has an effect on Triple Zero outcomes.

The Tel Act defines the Emergency Call Service (ECS) as a service for receiving and handling calls to an emergency service number and transferring those calls to an emergency service or a service for dispatching an emergency service. This definition is central to the current Triple Zero framework because it anchors the framework in the handling and transfer of emergency calls.

The Tel Act also defines several entities relevant to the delivery of Triple Zero, including carriers, carriage service providers (CSPs), customer equipment manufacturers, Emergency Call Persons (ECPs) and Emergency Service Organisations (ESOs). The regulatory and enforcement powers available to the ACMA when regulating the telecommunications industry are also set out in the Tel Act, including civil penalty, infringement notice and enforceable undertaking frameworks, among other things.

Telecommunications (Consumer Protection and Service Standards) Act 1999

The TCPSS Act provides the legislative basis for the ECS as a public interest telecommunications service. The objects and regulatory policy settings of the Tel Act also apply in relation to the TCPSS Act.

Section 147(1) of the TCPSS Act requires the ACMA to make a written determination imposing requirements on carriers, CSPs and ECPs in relation to emergency call services. In making that determination, the ACMA must have regard to matters including free access for end users, the existence of an ECP, no charges to ESOs for ECS-related services, the appearance of a single national emergency call system to end users, and reasonable community expectations.

The TCPSS Act also provides the basis for funding arrangements to support the provision of public interest telecommunications services. Telstra is currently contracted to provide the ECS, including the Triple Zero ECP function. Concentrix, as the National Relay Service (NRS) provider, is currently the ECP for the 106 emergency call number, which is available through teletypewriters provided through the NRS.

In practice, Telstra's ECP role means it carries Triple Zero calls from any telecommunications provider once these calls reach relevant termination points (points of interconnect) in Telstra's network. However, Triple Zero calls originate from a range of carriers and CSPs and are ultimately transferred to state and territory ESOs. The end-to-end Triple Zero pathway is therefore broader than the service Telstra provides.

The TCPSS Act also provides the legislative basis for the Triple Zero Custodian (the Custodian). The Custodian's functions relate to preparation for, response to and recovery from ECS outage events, improving preparedness for those events, and overseeing the effective functioning of emergency call services and ECS matters.

The Custodian may request that the ACMA give ECS directions to carriers, CSPs or ECPs, request information or advice from the ACMA relating to the ECS, and refer matters to the ACMA for investigation.

Australian Communications and Media Authority Act 2005

The ACMA Act establishes the ACMA as the statutory agency responsible for regulating telecommunications in accordance with the Tel Act and TCPSS Act. The ACMA also has functions relating to spectrum management, broadcasting, content and datacasting.

The ACMA administers a range of regulatory instruments made or authorised under the Tel Act and TCPSS Act. The ACMA Act sets out the ACMA's functions, powers and governance arrangements, which are relevant to how the ACMA performs its telecommunications regulatory role.

This is relevant to the Review because the ACMA is responsible for investigating breaches of telecommunications laws, including those relating to Triple Zero. The ACMA also administers and enforces key regulatory instruments that enforce access to Triple Zero. The ACMA does not have an explicit prudential role to ensure the end-to-end Triple Zero service is operating as intended.

Legislative instruments

Legislative instruments made under the Tel Act and TCPSS Act set out more specific obligations that support the operation, reliability and oversight of Triple Zero. These instruments translate the broader legislative framework into requirements applying to carriers, CSPs, ECPs and other regulated entities. Relevant instruments include the Telecommunications (Emergency Call Service) Determination 2019 (ECS Determination), the Telecommunications (Customer Communications for Outages) Standard (CCO Standard), the Telecommunications Numbering Plan 2025 (Numbering Plan), technical standards and labelling requirements.

Telecommunications (Emergency Call Service) Determination 2019

The ECS Determination is made under subsection 147(1) of the TCPSS Act. It imposes requirements on carriers, CSPs and ECPs in relation to emergency call services. The ECS Determination applies to emergency telephone services, including standard telephone services and public mobile telecommunications services that enable the carriage of emergency calls.

The ECS Determination is the central legislative instrument setting Triple Zero-related requirements for the telecommunications industry. Its objects focus on maintaining high levels of access, integrity and service continuity for the emergency call service, ensuring controlled networks and facilities can carry emergency calls, supporting the appearance of a single national emergency call system for end users, and ensuring customers supplied with an emergency telephone service can make an emergency call.

The ECS Determination places obligations on carriers and CSPs to support access to emergency service numbers. These include obligations relating to the carriage of emergency calls free of charge, prioritisation of emergency call traffic where practicable, delivery of emergency calls to the ECP, and support for emergency calling across different network conditions, including emergency call camp-on.

The ECS Determination also establishes requirements for the ECP in handling emergency calls. These include requirements relating to prompt answering, timely transfer to the relevant ESO, complaints management, and operational arrangements that support service continuity and reliability during periods of disruption.

The ECS Determination is made by the ACMA. The Minister may direct the ACMA to amend the ECS Determination, and this power has been used to implement changes to Triple Zero arrangements.

Telecommunications (Customer Communications for Outages) Industry Standard 2024

The CCO Standard is made under subsection 125AA(1) of the Tel Act. It sets requirements for notifying customers and relevant stakeholders about unplanned outages affecting telecommunications networks.

The CCO Standard has been amended since its introduction in November 2024, including to introduce requirements relating to major outages and the publication of network outage information. The CCO Standard is relevant to the Review because telecommunications outages can affect access to Triple Zero, and timely information helps end users and stakeholders understand when networks used to access the ECS may be affected.

Telecommunications Numbering Plan 2025

The Telecommunications Numbering Plan 2025 (Numbering Plan) is made under subsection 455(1) of the Tel Act. It provides for the numbering of carriage services in Australia and the use of numbers in connection with those services. The Numbering Plan specifies 000, 106 and 112 (mobile only) as emergency service numbers.

Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022

The Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022 (Air Interface Standard) applies to customer equipment designed to connect to a public mobile telecommunications service or satellite service. The standard sets technical requirements for customer equipment connecting through a radio interface, including requirements relevant to emergency call procedures and behaviour in wireless environments, such as limited-service conditions and emergency call camp-on.

The Air Interface Standard is informed by technical specifications developed by the Australian Telecommunications Alliance (ATA) and Standards Australia. These specifications draw on global standards developed through the 3rd Generation Partnership Project (3GPP), which develops specifications for mobile technologies, including how mobile devices communicate with cellular networks.

The Air Interface Standard includes grandfathering provisions that allow equipment in a class of items to rely on compliance with an earlier version of the relevant industry standard, provided the items have not been materially modified. In practice, these provisions can mean manufacturers and importers do not need to retest mass-produced or series-produced items where the relevant items remain unchanged.

These arrangements are relevant to the Review because mobile device capability, compliance evidence and grandfathering arrangements can affect assurance that devices will support emergency calling in practice.

Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2025

The Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2025 (TLN Instrument) is made under subsection 407(1) of the Tel Act. It requires suppliers of customer equipment and customer cabling to apply labels indicating whether equipment meets specified technical standards. For mobile devices, this includes compliance with the Air Interface Standard.

On 20 July 2026, the ACMA released a public consultation on proposed changes to the Air Interface Standard and the TLN Instrument. The proposed changes would extend record-keeping timeframes for standards compliance under the TLN Instrument, limit grandfathering arrangements for mobile phones and, subject to a transition period, mandate compliance with the latest technical standard for emergency call access. At the time of drafting, consultation was scheduled to close on 17 September 2026.

Codes and guidelines

The ACMA may register industry codes under Part 6 of the Tel Act. The ATA is a recognised industry body that develops telecommunications industry codes for registration. Industry codes may set operational requirements that support compliance with primary legislation and subordinate instruments. The ATA also produces voluntary industry guidelines that provide practical guidance to telecommunications industry participants.

Emergency Call Services Requirements Industry Code

The Emergency Call Services Requirements Industry Code supports the operation of the ECS Determination by setting out operational requirements for carriers and CSPs in relation to emergency call services. It is intended to help ensure end users of an emergency telephone service can access the ECS, and to promote clear operational responsibilities, public understanding of the ECS and effective communication between relevant parties where technical issues affect the operation of the service.

Emergency Calling – Network and Mobile Phone Testing Industry Code

The Emergency Calling – Network and Mobile Phone Testing Industry Code sets requirements for nominated mobile network operators (MNOs) to support testing of selected mobile phones in emergency calling scenarios. It is relevant to the Review because it provides a mechanism for testing how devices behave when emergency calls need to be made on alternative networks or in specified network failure scenarios. This code was developed in response to the Bean Review into the Optus Outage of 8 November 2023 (the Bean Review).

Network Management for Emergency Calls Industry Guideline

The Network Management for Emergency Calls Industry Guideline provides guidance to carriers on network management arrangements for emergency calls. This includes guidance on remotely accessing and activating network management tools during a core network outage, and on network redundancy arrangements to support the deployment of those tools during an outage. This guideline was updated in response to the Bean Review.

Facilities Information Sharing Guideline

The Facilities Information Sharing Guideline provides guidance on sharing information about telecommunications facilities between the telecommunications industry, energy suppliers and relevant government agencies. It supports a standardised approach to sharing and using facilities information to help protect telecommunications services during events that may cause major disruption.

Contracts

Module E of the TUSOPA

The department administers the Telstra Universal Service Obligation Performance Agreement (TUSOPA) on behalf of the Australian Government. Much of this agreement deals with delivery of standard telephone and payphone services under the Universal Service Obligation (USO). However, Module E of the TUSOPA requires Telstra to provide the ECS in accordance with legislative and regulatory conditions, as well as performance benchmarks referenced within the contract. The details of Module E of the TUSOPA is commercial-in-confidence.

Taken together, this framework distributes Commonwealth responsibility for Triple Zero across primary legislation, subordinate instruments, industry codes, guidelines and contractual arrangements. The Review is considering whether this distribution provides clear end-to-end accountability, sufficient regulatory visibility and the flexibility needed to respond to technological and operational change.

Other considerations

State and territory legislation

While Triple Zero is supported by the Commonwealth legislation outlined above, responsibility for call-taking and dispatch rests with state and territory governments. Each jurisdiction has different arrangements for managing call-taking and dispatch, including portfolio responsibility for legislative policy. Primary responsibility for protecting life and the environment also rests with these jurisdictions. While this report acknowledges the significance of state and territory legislation, considering whether these parts of the legislative framework should be amended is outside the scope of the Review.

Legislative and operational construct

The legislative framework outlined above provides a brief overview of the legal structure supporting the Triple Zero service. However, Triple Zero is also an operational system involving infrastructure, systems, people and end users, all of which must be considered when reviewing the legislative framework. What is possible from a legal policy perspective must also reflect the operational realities of the system. Policy responsibility for telecommunications matters is inherently centralised at the Commonwealth level, with broader responsibilities for related emergency response activities decentralised across states and territories.

Australian Government entities have operational oversight of the ECP, with direct policy, funding and regulatory responsibility. States and territories are responsible for funding emergency services, including call-taking and dispatch services, which affects the level of service provided in each jurisdiction. The operational capabilities of each jurisdiction must be considered when determining how Triple Zero will be delivered in the future.