


~~PROTECTED: Cabinet~~

 <p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts</p>	<p>Meeting/Event Brief</p> <p>MB25-000123</p>
---	---

To: The Hon Anika Wells MP, Minister for Communications and Minister for Sport

MEETING: Introductory meeting: Minister Anika Wells MP and Iñaki Berroeta TPG Telecom

Timing: Tuesday 17 June 2025 at 2:00 PM – 2:30 PM

Venue: Virtual (MS Teams)

Meeting with: Mr Iñaki Berroeta, Chief Executive Officer of TPG Telecom (TPG).

Prior Meetings: Advisors from your office had an initial meeting with TPG Head of Government Relations, Mr Ross Mitchell, on 3 June 2025.

Objective: Initial stakeholder meeting. s22(1)(a)(ii)

Key Messages for TPG from the Minister

- s22(1)(a)(ii)
-
-
- The ability for Australians to communicate in times of emergency is critical^{s45}
- s22(1)(a)(ii)

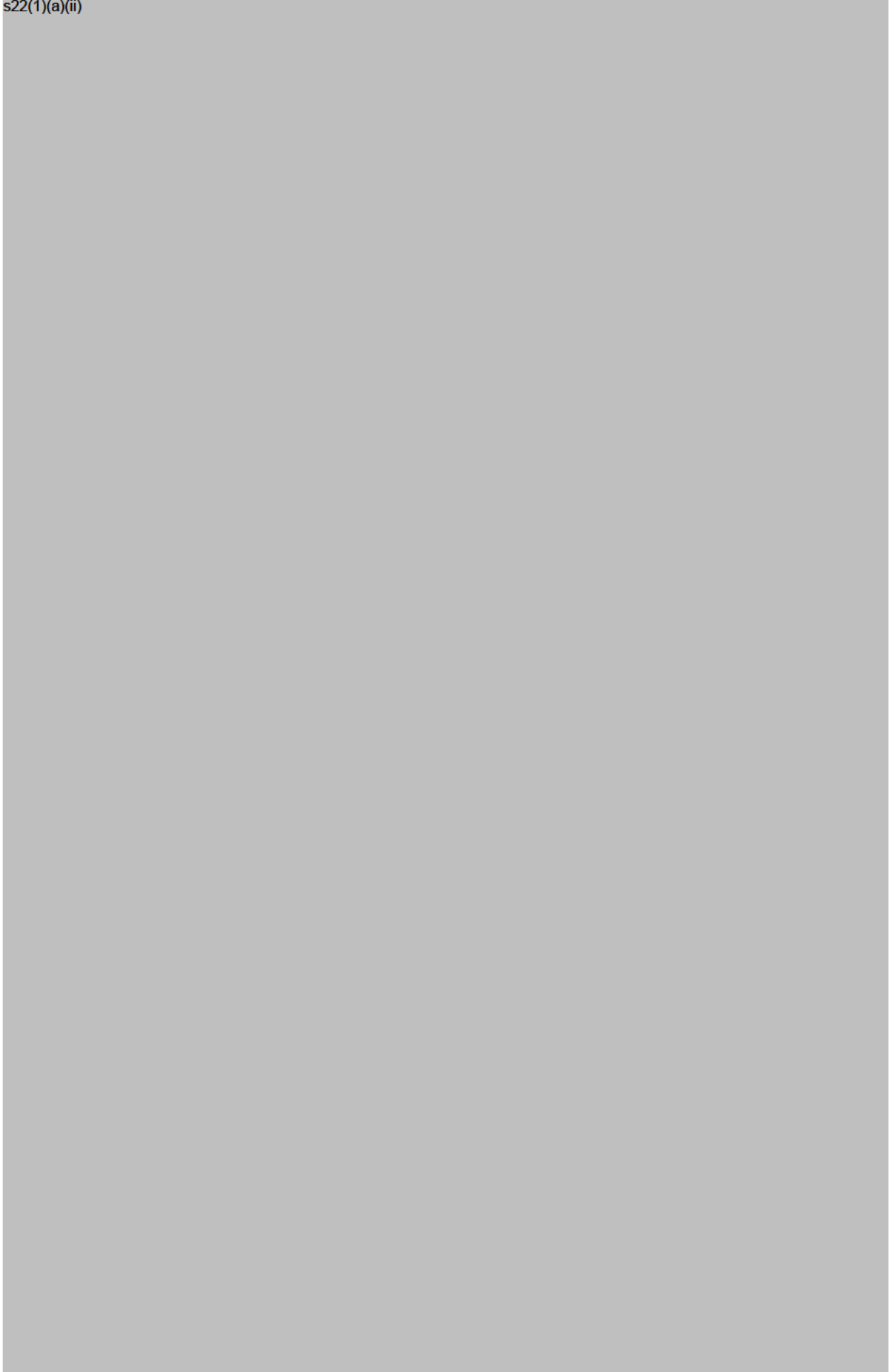
Key Issues:

s22(1)(a)(ii)

Released under the Freedom of Information Act by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

~~PROTECTED: Cabinet~~

s22(1)(a)(ii)



Released under the Freedom of Information Act by the Department of
Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

Additional information

s22(1)(a)(ii)

•

•

•

•

Testing of devices for Triple Zero compatibility

- Following the 2023 Optus outage which led to serious Triple Zero failures, Government committed to establishing an independent Triple Zero testing regime via an industry self-regulatory code.

s47C

•

ATTACHMENT A

BIOGRAPHICAL DETAILS

Biography: Iñaki Berroeta is the CEO and Managing Director of TPG Telecom and was CEO of Vodafone Hutchison Australia from 2014 to 2020. A 26-year veteran of the telecommunications industry, Mr Berroeta previously served as CEO of both Vodafone Romania and Vodafone Malta, and held various operational roles at Vodafone Spain, Global Star USA, AirTouch International Inc. (USA) and Airtile Moviles (Spain). Mr Berroeta holds a Master of Science in Telecommunications from Bilbao Superior School of Telecommunications Engineering, Spain, and a Master of Business Administration from Henley Management College, UK.

OFFICIAL


Australian Government
**Department of Infrastructure, Transport,
Regional Development, Communications, Sport and the Arts**
Meeting / Event Brief
MB25-000134
To: Minister Wells
Subject: COMMSDAY SUMMIT 2025 SPEECH BRIEF

Date & Time:	Wednesday 18 June 2025 (second day of the Summit) Speech scheduled 9:55am-10:05am
Meeting type & Location:	CommsDay Summit Fullerton Hotel, Martin Place Sydney
Staffing:	To be provided by MO.
Intended objective:	Opening keynote speech (ten minutes).
Key Attendees:	Australian telecommunications delegates/leaders - see attached agenda. s22(1)(a)(ii)
Stakeholder's objective:	To hear from the new Minister for Communications
Media	To be provided by MO.

Purpose – why you are attending:
CommsDay Summit background


- Communications Day Australasia (CommsDay) is a source of daily telecom industry news and commentary for Australia and New Zealand. First published in 1994, it has published nearly 6000 issues, and daily readership is around 14,000. It is regularly cited as a reference in government and industry reports.
- The annual Summit attracts around 400 speakers and delegates.

s22(1)(a)(ii)


Released under the Freedom of Information Act by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

OFFICIAL

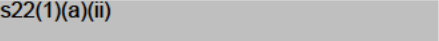


s22(1)(a)(ii)



s22(1)(a)(ii)



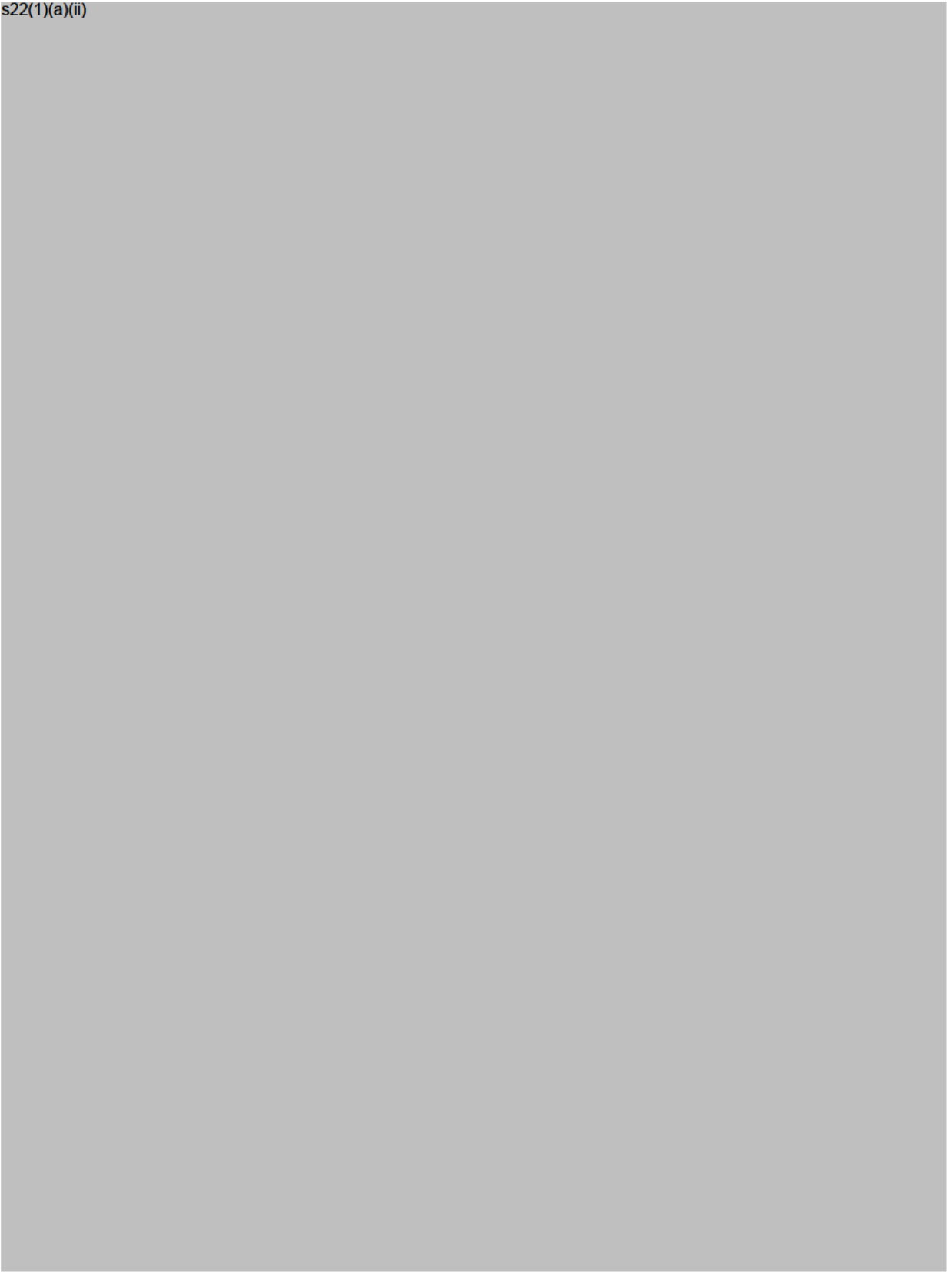
Attachments:

- s22(1)(a)(ii) 
- s22(1)(a)(ii) 
- Attachment C: Talking Points
- s22(1)(a)(ii) 

ATTACHMENT C

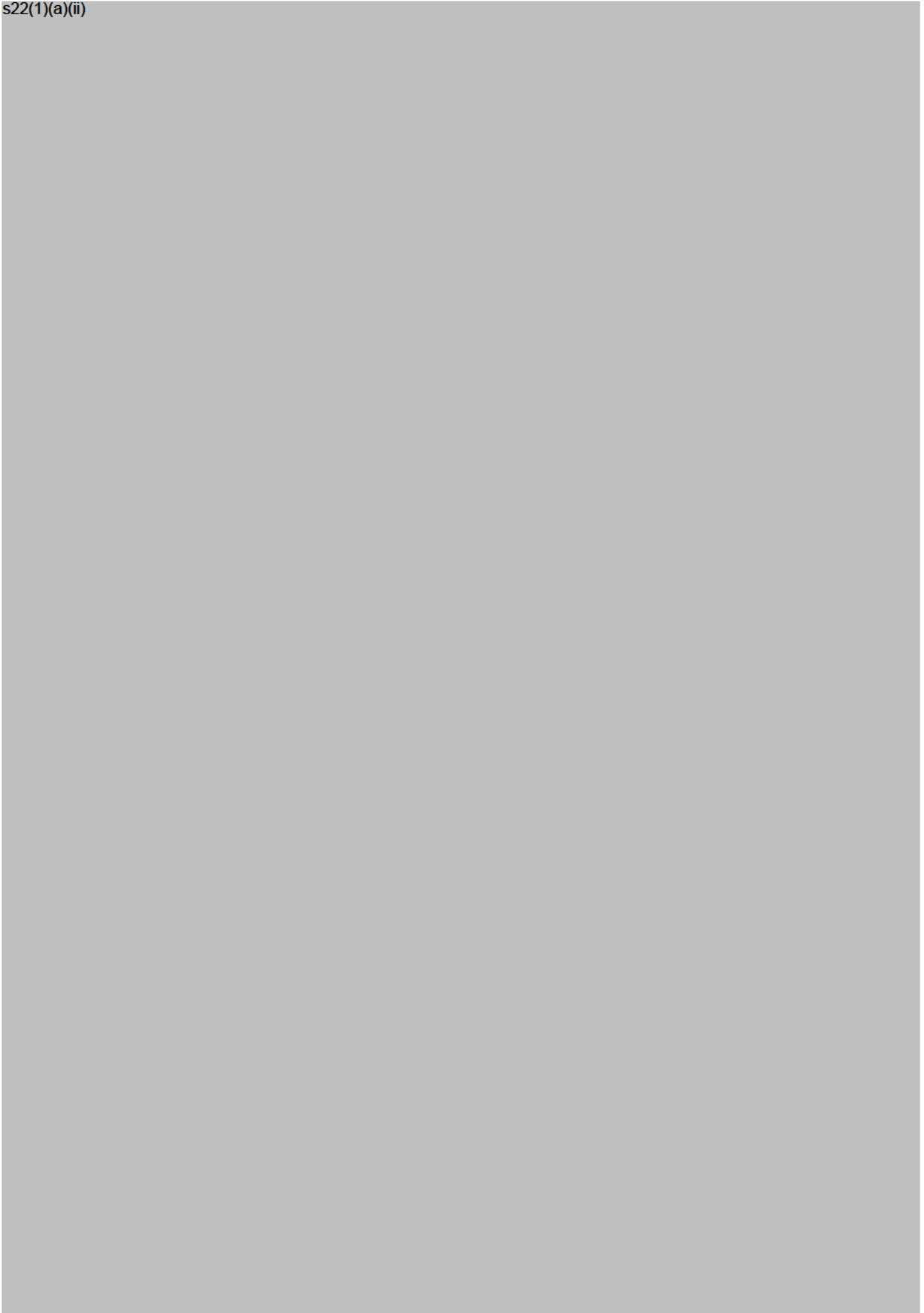
Key Points

s22(1)(a)(ii)



Released under the Freedom of Information Act by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

s22(1)(a)(ii)




Released under the Freedom of Information Act by the Department of
Infrastructure, Transport, Regional Development, Communications, Sport and the Arts


Keeping Australians safe in emergency

- The Government is implementing recommendations made in response to the 2023 Optus outage. This includes the establishment of a Triple Zero Custodian, with greater oversight of, and responsibility for, Triple Zero.

s22(1)(a)(ii)



s22(1)(a)(ii)



Released under the Freedom of Information Act by the Department of
Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

OFFICIAL

MS25-000845



Australian Government

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

To: The Hon Anika Wells MP, Minister for Communications and Minister for Sport for decision

Subject: Triple Zero Custodian - Policy Approval

Timely Date: 05 September 2025

Recommendation/s:

1. That you **agree** to write to the Prime Minister, the Hon Anthony Albanese MP, seeking policy authority to pursue amendments to the *Telecommunications (Consumer Protections and Service Standards) Act 1999* and the *Telecommunications Act 1997* and to release an exposure draft of the Telecommunications (Consumer Protection and Service Standards) Amendment (Triple Zero Custodian) Bill

Agreed / Not Agreed / Please Discuss

2. That you **sign** the letter to the Prime Minister at **Attachment A**

Agreed / Not Agreed / Please Discuss

The Hon Anika Wells MP

Date:

Comments:

Key Points:

1. The Department of Prime Minister and Cabinet (PMC) have asked that you write to the Prime Minister to confirm policy authority for the measures contained within the Telecommunications (Consumer Protection and Service Standards) Amendment (Triple Zero Custodian) Bill). A draft letter to confirm policy authority for the measures within the Bill is provided at **Attachment A**.
2. The Custodian Bill contains proposed amendments to the *Telecommunications (Consumer Protection and Service Standards) Act 1999* and the *Telecommunications Act 1997*.
3. The Triple Zero Custodian was a recommendation of the Bean Review into the November 2023 Optus Outage. Government agreed to the recommendation and agreed to establish the

OFFICIAL

OFFICIAL

MS25-000845

Custodian within the Department. Legislative change is needed if the Custodian is to have legal powers to require information from telcos.

4. The changes to legislation will allow the government to require information from telcos on the delivery of Triple Zero. The government will also have the ability to require those stakeholders to take actions to provide information to other stakeholders and to consult with other stakeholders of Triple Zero. A summary of the proposed powers can be found in **Additional Information**.

s47C

6. The department will provide an exposure draft of the Custodian Bill for your consideration, to consult both within government and with selected external stakeholders. The letter at **Attachment A** requests policy authority from the Prime Minister to release this exposure draft, once it is available.

Sensitivities:

7. N/A

Financial impacts:

8. Nil.

Legal/Legislative impacts:

9. The Bill will make amendments to the *Telecommunications (Consumer Protection and Service Standards) Act 1999* and potential amendments to the *Telecommunications Act 1997*.

Stakeholder Implications:

10. The proposed changes will enable the department to require information from telcos. Telstra, Optus, TPG and NBN Co were members of the steering committee that discussed the structure and remit of the Custodian.

Consultation:

11. Legal Services, ACMA, NEMA, Office of Impact Analysis, Telecommunications Industry Ombudsman, Telstra, Optus, TPG, Emergency Service Organisations, NSW Telco Authority, Australian Telecommunications Alliance, Australian Communications Consumer Action Network, Australian Government Solicitor, Attorney General's Department, OPC.

Media Opportunities:

12. Subject to your agreement, we can include media opportunities in future briefings as the Bill approaches introduction into Parliament.

Attachments: Attachment A: Letter to the Prime Minister

Cleared By: Sam Grunhard
Position: FAS
Division: Comms. Services and Consumer
Ph: 02 s22(1)(a)(ii)
Mob: s22(1)(a)(ii)
Cleared Date: 21 August 2025

Contact Officer: Kathleen Silleri
Branch: Emergency Communications and Resilience
Ph: +61 (2) s22(1)(a)(ii)
Mob: s22(1)(a)(ii)

OFFICIAL

OFFICIAL

MS25-000845

Instructions for Ministerial Services: Nil**Do you require a signed hardcopy to be returned:** No**Responsible Adviser:** s22(1)(a)(ii)**PDMS Distribution List:** Jim Betts, James Chisholm, Samuel Grunhard, Kathleen Silleri, s22(1)(a)(ii), s22(1)(a)(ii), s22(1)(a)(ii),

Released under the Freedom of Information Act by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

OFFICIAL

OFFICIAL

MS25-000845

Additional Information:**Legislative Change**

We are currently progressing work to enable legislative changes empowering the Custodian.

This will involve inserting new sections into the *Telecommunications (Consumer Protection and Service Standards) Act 1999* and amending the *Telecommunications Act 1997*.

We are proposing that the powers and functions of the Custodian be conferred on the Secretary of the department, with the ability to delegate functions down to appropriate SES staff through a legislative delegation instrument.

1. The Custodian will have functions both during outages affecting the Emergency Call Service and during business as usual periods.
2. Powers during outages will enable the Custodian to require Carriers, Carriage Service Providers and Emergency Call Persons to:
 - provide information about an outage event as requested by the Custodian within a specified timeframe.
 - provide information to other entities at the request of the Custodian within a specified timeframe.
3. Powers during times outside of an outage event will enable the Custodian to require Carriers, Carriage Service Providers and Emergency Call Persons to:
 - provide information on policies, procedures and processes which relate to an entity's engagement with the Emergency Call Service.
 - provide information on testing, of devices and of networks, which relate to the delivery of the Emergency Call Service.
 - develop certain policies, procedures and processes which relate to an entity's engagement with the Emergency Call Service.
 - provide information on policies, procedures and processes which relate to an entity's engagement with the Emergency Call Service to another stakeholder of the Emergency Call Service.
 - consult with other stakeholders to the Emergency Call Service.
4. Noncompliance with a direction as outlined above will be subject to a penalty under a Civil penalty regime to be drafted.

Released under the Freedom of Information Act by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

OFFICIAL



The Hon Anika Wells MP
Minister for Communications and Minister for Sport
Member for Lilley

Ref No: MS25-000845

The Hon Anthony Albanese
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

I am writing to seek your approval to pursue the policy measures which will be reflected in the forthcoming Telecommunications (Consumer Protection and Service Standards) Amendment (Triple Zero Custodian) Bill (Custodian Bill). These policy measures will be implemented via changes to the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (TCPSS Act) and the *Telecommunications Act 1997* (Telco Act). The policy measures will provide the Government with powers to better manage both the Emergency Call Service (ECS) and flows of critical information in relation to outages to the ECS. In addition, I also seek authority to release an exposure draft of the Custodian Bill for consultation with government and industry stakeholders.

The Custodian Bill will establish the legislative function of the Triple Zero Custodian (the Custodian) within the TCPSS Act and the Telco Act, providing formal powers to the Government. The Custodian Bill will bestow these powers and functions upon the Secretary with portfolio responsibilities for Communications, with the ability for the Secretary to delegate these functions and powers to relevant departmental officers at the SES level, through the signing of a delegation instrument.

The Custodian powers will allow the department to require Carriers, Carriage Service Providers (CSPs) and Emergency Call Persons (ECPs) to provide information about the provision of access to the ECS, the operation of the ECS, the carriage of emergency calls, or factors which pose a risk to the safety of the public as requested to the Custodian. This information could centre on an outage event to the ECS or outside of an outage event, where the Custodian may request information such as policies, procedures and processes which relate to a stakeholder's engagement with the ECS.

The Custodian function will also allow the Government to require action from Carriers, CSPs and ECPs inside and outside of outages to consult with other stakeholders to the ECS and/or provide information to other stakeholders to the ECS, such as state and territory-based Emergency Service Organisations (ESOs). The Custodian will be able to require information or action within certain timeframes. These powers will be reinforced by a civil penalty regime to ensure compliance. The functions and powers of the Custodian will enable the Government to have better oversight of the ECS, both now and into the future. A well-functioning ECS will better carry and deliver emergency calls and will be more resilient to outages.

s47C

Subject to your approval, my department will provide an exposure draft for comment to all interested and relevant Government departments and agencies and to select industry stakeholders who will be affected by the incoming legislation. Stakeholders are likely to include Telstra, Optus, TPG Telecom, the Australian Communications and Media Authority (ACMA), the National Broadband Network Company (NBN Co) and the Australian Telecommunications Alliance (formerly Communications Alliance). I will write to you to re-seek policy authority if any substantive changes to the legislation are made as a result of this consultation.


Implementation of the Custodian Bill fulfils a recommendation of the Independent Review into the Optus Outage of November 2023, led by Mr Richard Bean. The review called to *"establish a Triple Zero custodian, with oversight of and overarching responsibility for the efficient functioning of the Triple Zero ecosystem, including monitoring the end-to-end performance of the ecosystem."* The Government accepted this recommendation subject to further investigation and consultation by a steering committee. This committee, led by the Telecommunications Industry Ombudsman (TIO), produced a final report in November 2024 that set out the scope, functions and structure of the Custodian.

The former Minister for Communications, the Hon Michelle Rowland MP, accepted the findings of the steering committee's report and opted to establish the Custodian within the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (DITRDCA). The framework also included a potential pathway for legislative amendment to enable the powers needed to undertake the Custodian function. I have agreed to continue to pursue these amendments and implement the Custodian Bill.

Your sincerely

Anika Wells

/ /2025

 <p>Australian Government</p> <p>Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts</p>	<p>Meeting / Event Brief</p> <p>MB25-002050</p>
---	---

To: Minister Wells

Subject: MEETING WITH SINGTEL CEO

s

Date & Time:	Tuesday 30 September 2025, 9:00am to 9:45am
Meeting type & Location:	In person, Sydney CPO, 1 Bligh Street
Traditional custodians:	The Gadigal people of the Eora Nation
Staffing:	Barnaby Kerdel, s22(1)(a)(ii)
Intended objective:	To hear directly from the Chief Executive Officer of Singtel, Optus's parent company, on how they are responding to the September 2025 Optus outage. The meeting is an opportunity to acknowledge the gravity of this event, seek assurance that Optus and Singtel are implementing immediate reforms, and reinforce the Government's commitment to strengthening the resilience of the emergency call service.
Key Attendees:	Mr Yuen Kuan Moon, CEO of Singtel (parent company of Optus) The Hon Anika Wells MP, Minister for Communications
Stakeholder's objective:	Mr Yuen will seek to provide reassurance at the highest level of corporate leadership that Singtel takes this incident seriously. He is likely to emphasise Singtel's commitment to supporting Optus to restore confidence and highlight changes or investments underway.
Media	N/A

Purpose – why you are attending:

- Mr Yuen requested this meeting following the outage to outline the steps Singtel is taking to ensure Optus prevents similar failures in the future.
- This meeting presents an opportunity to press Singtel on the need for improved investment in network resilience and greater transparency in its compliance with Australian telecommunications laws.

Key Matters / Issues:

- The September 2025 Optus outage caused approximately 600 Triple Zero calls to fail, with at least four deaths now linked to the incident. The scale of the disruption and the loss of life has caused significant community concern and heightened pressure on Government to act.

- The Australian Communications and Media Authority (ACMA) has commenced a formal investigation into Optus's compliance with emergency call service regulations. The Government expects Singtel and Optus to fully cooperate with the investigation.
- The Government is expediting the introduction of the Triple Zero Custodian and Emergency Calling Powers Bill, which will strengthen oversight and coordination across the emergency call ecosystem. This new framework will place greater accountability on carriers to help prevent Triple Zero outages from occurring in the future.
- Singtel's role as Optus's parent company will be central to this discussion, and the focus will be on its efforts to strengthen corporate governance and improve investment in network resilience.

Sensitivities:

- The loss of life linked to this outage has severely undermined public trust in both Optus and the Triple Zero system. The incident is under intense public and media scrutiny, with calls for stronger penalties but also for Optus executive accountability, including questions about senior leadership resignations.

- s33(a)(iii)

Background:

- On 18 September 2025, an Optus system issue caused approximately 600 Triple Zero calls to fail across South Australia, Western Australia and the Northern Territory, with some calls in New South Wales also affected due to routing via South Australian infrastructure. At least four deaths have since been linked to the outage.
- Optus publicly apologised for the outage and acknowledged the failures in its systems. The Chief Executive of Optus advised that the company has begun an internal review and is cooperating with the ACMA investigation. Singtel has supported these commitments at a corporate level.
- Following the nationwide Optus outage in November 2023, which also disrupted Triple Zero calls, ACMA investigated and imposed a \$12 million penalty for breaches of emergency call obligations. Optus committed to reforms including enhanced outage reporting processes, improved customer communications and changes to internal governance. Despite these commitments, the September 2025 incident indicates that these reforms failed to prevent further systemic failures. Singtel, as the parent company, now faces heightened scrutiny of its oversight and investment in Optus's resilience.

Consultation:

- Due to the urgent timeframe for preparing this brief, consultation was not undertaken.

Name: Kath Silleri
Position: Assistant Secretary
Division: Communications Services and Consumer
Division/Emergency Communications and
Resilience Branch
Mob: s22(1)(a)(ii)
Date Cleared: 12 September 2025

Contact Officer: s22(1)(a)(ii)
Division: Communications Services and
Consumer Division
Mobile: s22(1)(a)(ii)

Attachments:

- Attachment A: s22(1)(a)(ii)
- Attachment B: Biographies
- Attachment C: Talking Points

ATTACHMENT B

BIOGRAPHIES

	<p>Name: Mr Yuen Kuan Moon Position: Chief Executive Officer Organisation: Singtel Group (parent company of Optus)</p> <p>Mr Yuen Kuan Moon was appointed as CEO of Singtel in January 2021. He has worked for Singtel for more than 30 years, holding senior roles across the company's consumer, enterprise and digital divisions. Before becoming Group CEO, he served as Chief Executive of Singtel's Consumer Singapore business and as the company's Group Chief Digital Officer.</p> <p>As CEO, he is responsible for Singtel's overall strategy and performance across its major markets, including Australia, where Optus is a wholly owned subsidiary.</p> <p>Mr Yuen holds a Master of Business Administration from the University of Chicago and a Bachelor of Electronic Engineering from the National University of Singapore.</p>
---	--

ATTACHMENT C

TALKING POINTS**Opening**

- The outage on 18 September was devastating. Lives were lost and Australians' confidence in the emergency call system was shaken.
- The Government expects full cooperation from both Optus and Singtel in the ACMA investigation and in implementing reforms that address both the immediate technical failures and broader systemic problems.
- Australians need reassurance that such failures will not be repeated and that Singtel is committed to long-term changes that make public safety a priority.

September 2025 Outage

- Why did Optus's systems fail in such a way that Triple Zero calls were blocked?
- What immediate steps have been taken to stop this from happening again?
- How is Singtel ensuring transparency in Optus's reporting to Government in the aftermath of this outage?

Lessons from 2023 Outage

- Optus previously committed to reforms after the 2023 outage, yet another major outage has happened again within two years.
- What changes did Singtel implement after the 2023 outage and why were they unable to prevent a recurrence?
- What new measures are being introduced now that go beyond what was promised in 2023?

Corporate Accountability

- As Optus's parent company, what responsibility does Singtel take for ensuring sufficient investment in network resilience?
- What changes are being made at the executive level to restore public trust and show accountability for repeated failures?

Future Safeguards and Governance

- The Government is introducing the Triple Zero Custodian and Emergency Calling Powers Bill to strengthen oversight of the emergency call system. Optus must be prepared for a tougher compliance and enforcement regime.
- What role will Singtel play in supporting Optus to meet these higher expectations and rebuild confidence with Government, emergency services and the public?
- Will Singtel bring in external expertise to independently verify Optus' systems and in particular to provide Government with reassurance that emergency calls will be carried?

~~PROTECTED CABINET~~

MS25-002633



Australian Government

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

To: The Hon Anika Wells MP, Minister for Communications and Minister for Sport (for decision)

Subject: Introduction of the Telecommunications Legislation Amendment (Triple Zero Custodian and Emergency Calling Powers) Bill 2025 (the Custodian Bill)

Critical Date: Please action by 11am 3 October 2025 to facilitate introduction during week 5 of the Spring sitting period. ^{s47C}

Recommendation/s:

1. That you **approve** the Telecommunications Legislation Amendment (Triple Zero Custodian and Emergency Calling Powers) Bill 2025 (the Custodian Bill) at **Attachment A**, and associated Explanatory Memorandum at **Attachment B**.

Approved / Not Approved

2. That you **approve** the Second Reading Speech at **Attachment C**.

Approved / Not Approved

3. ^{s47C}

Approved / Not Approved

4. ^{s47C}

Approved / Not Approved

The Hon Anika Wells MP

Date:

Comments:

Key Points:

1. This brief seeks your approval of the final draft Bill 2025 (**Attachment A**), Explanatory Memorandum (**Attachment B**), Second Reading Speech (**Attachment C**), ^{s47C}

These documents finalise the legislative package for introduction.

2. ^{s47C}

~~PROTECTED CABINET~~

~~PROTECTED CABINET~~

MS25-002633

3. The Bill formalises the legal powers of the Triple Zero Custodian, a function already established within the Department following the Bean Review into the November 2023 Optus Outage. The Bill gives the Custodian statutory authority and enforcement mechanisms to oversee the Triple Zero ecosystem.

4. The September 2025 Optus outage, during which approximately 600 Triple Zero calls failed and at least four deaths have since been linked, highlighted the urgent need for these powers. In response, the Bill's status was upgraded to Category T (time-critical) to enable introduction and passage in the same sitting period.

5. The Custodian function was first established administratively within the Department, but following further consultation with your office following the September outage, the Bill has been amended to confer statutory powers on the Australian Communications and Media Authority (ACMA) to compel information and issue directions. Under the revised framework:

- The Custodian will be able to request information from ACMA, and ACMA will be required to respond.
- ACMA may also exercise its own powers on its own initiative, particularly during outage events, but must advise the Custodian when it does so.
- Information gathered by the ACMA will be provided to the Custodian, which will use it for the purposes set out in the Bill. ACMA will also be able to use the information for its own regulatory functions.
- ACMA will provide advice and analysis to the Custodian on the implications of the information it collects, supporting the Custodian in fulfilling its system-wide oversight role.

6. This structure strengthens ACMA's role as an active participant in the Triple Zero ecosystem while maintaining the Custodian as the central coordination body within the Department.

s47C

s47C

Financial impacts:

10. To ensure the Custodian's activities can be appropriately funded on an ongoing basis, the Bill amends section 39(c) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* to expand the definition of "eligible administrative costs" under the Public Interest Telecommunications Services Special Account (PITSSA).

Legal/Legislative impacts:

11. The Bill amends the *Telecommunications (Consumer Protection and Service Standards) Act 1999* and the *Telecommunications Act 1997* to establish the Custodian and confer new powers and a civil penalty regime.

~~PROTECTED CABINET~~

~~PROTECTED CABINET~~

MS25-002633

Stakeholder Implications:

12. Consumer groups, industry and State and Territory bodies have supported the creation of a Custodian to improve coordination and strengthen transparency of the Triple Zero ecosystem.

Consultation:

13. Legal Services, ACMA, NEMA, Office of Impact Analysis, TIO, Telstra, Optus, TPG Telecom (Vodafone), Emergency Service Organisations, NSW Telco Authority, Australian Telecommunications Alliance, ACCAN, Australian Government Solicitor, Attorney General's Department, Department of Finance, APSC. However, the latest changes (paragraph 5 above) have not been consulted outside of government.

Media Opportunities:

14. Introduction of the Bill presents a media opportunity to demonstrate the Government's decisive response to the September 2025 outage, and a draft media release will be provided to your Office to support this.

Attachments:

Attachment A: Telecommunications Legislation Amendment (Triple Zero Custodian) Bill 2025

Attachment B: Explanatory Memorandum

Attachment C: Second Reading Speech

s47C

Cleared By: Sam Grunhard
 Position: FAS
 Division: Comms Services and Consumer
 Ph: 02 s22(1)(a)(ii)
 Mob: s22(1)(a)(ii)
 Cleared Date: 1 October 2025

Contact Officer: Kath Silleri
 Branch: Emergency Communications and Resilience
 Ph: +61 (2) s22(1)(a)(ii)
 Mob: s22(1)(a)(ii)

Instructions for Ministerial Services: Nil

Do you require a signed hardcopy to be returned: No

Responsible Adviser: s22(1)(a)(ii)

PDMS Distribution List: Jim Betts, James Chisholm, Samuel Grunhard, Kathleen Silleri, s22(1)(a)(ii), s22(1)(a)(ii), s22(1)(a)(ii)

~~PROTECTED CABINET~~

2025

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Telecommunications Legislation
Amendment (Triple Zero Custodian and
Emergency Calling Powers) Bill 2025**

No. , 2025

*(Infrastructure, Transport, Regional Development, Communications, Sport and the
Arts)*

**A Bill for an Act to amend the law relating to
telecommunications, and for related purposes**

B25ay105.DOCX 25/9/2025 9:52 AM

Released under the Freedom of Information Act by the Department of
Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedules.....	2
Schedule 1—Amendments		3
Part 1—Main amendments		3
<i>Telecommunications (Consumer Protection and Service Standards)</i> <i>Act 1999</i>		3
Part 2—Consequential amendments		18
<i>Telecommunications Act 1997</i>		18
Part 3—Amendments of references to emergency services		19
<i>Telecommunications Act 1997</i>		19
<i>Telecommunications (Consumer Protection and Service Standards)</i> <i>Act 1999</i>		20

No. , 2025 *Telecommunications Legislation Amendment (Triple Zero Custodian
and Emergency Calling Powers) Bill 2025* i
B25ay105.DOCX 25/9/2025 9:52 AM

Released under the Freedom of Information Act by the Department of
Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

OPC drafter to complete	
1. Does this Bill need a message? (See H of R Practice, seventh ed, pp. 419-424, and OGC advice.) If yes: <ul style="list-style-type: none">• List relevant clauses/items—item 3• Prepare message advice (see Drafting Direction 4.9)• Give a copy of the message advice to the Legislation area.	Yes
2. Does this Bill need a notice? (See H of R Standing Order 178 and Drafting Direction 3.2.) If no list relevant clauses/items—	Yes
3. Is there any constitutional reason why this Bill should not be introduced in the Senate? (See Constitution sections 53 and 55 and Drafting Direction 3.2.)	Yes

1
2 **A Bill for an Act to amend the law relating to**
3 **telecommunications, and for related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act is the *Telecommunications Legislation Amendment*
7 *(Triple Zero Custodian and Emergency Calling Powers) Act 2025*.

8 **2 Commencement**

- 9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.
13

No. , 2025 *Telecommunications Legislation Amendment (Triple Zero Custodian
and Emergency Calling Powers) Bill 2025* 1
B25ay105.DOCX 25/9/2025 9:52 AM

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

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

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

3 Schedules

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

[Instructors: If an Impact Analysis (IA) is required for this Bill, your explanatory memorandum must include the IA in full, unless the Office of Impact Analysis (OIA) has agreed otherwise. No IA information should be included for Bills that the OIA has advised are of nil or minor impact. See paragraphs 2.12 and 7.15 in the [Legislation Handbook](#), and/or Step 3 of the [User Guide to the Australian Government Guide to Policy Impact Analysis](#). For more information, please contact the OIA at Helpdesk-OIA@pmc.gov.au]

Schedule 1—Amendments

Part 1—Main amendments

Telecommunications (Consumer Protection and Service Standards) Act 1999

1 Section 4

After:

- The ACMA may impose requirements on carriers, carriage service providers and certain other persons in relation to emergency call services.

insert:

- The ACMA may also give ECS directions that require information to be provided and certain action to be taken in relation to emergency call services.
- The Triple Zero Custodian has functions relating to emergency call services, and may request the ACMA to give an ECS direction.

2 Subsection 5(2)

Insert:

Custodian means the Triple Zero Custodian established under section @151J.

ECS direction means a direction in force under section @151A.

ECS information has the meaning given by subsection @151F(1).

ECS matter has the meaning given by subsection @151A(1).

ECS outage event has the meaning given by subsection @151A(4).

Schedule 1 Amendments

Part 1 Main amendments

3 Subsection 5(2) (paragraphs (a) and (b) of the definition of eligible administrative costs)

Repeal the paragraphs, substitute:

- (a) remuneration, and other employment-related costs and expenses, in respect of APS employees whose duties relate to the following (the *eligible matters*):
 - (i) the performance of the Secretary's functions, or the exercise of the Secretary's powers, under Division 3 of Part 2 (public interest telecommunications service contracts and grants);
 - (ii) the performance of the Custodian's functions, or the exercise of the Custodian's powers, under Divisions 3, 4, 5 and 6 of Part 8 (Triple Zero Custodian); or
- (b) any other costs, expenses and other obligations incurred by the Commonwealth in connection with the eligible matters;

4 Before section 146

Insert:

Division 1—Introduction**5 At the end of section 146**

Add:

- The ACMA may also give those persons an ECS direction, requiring them to provide information or consult with other persons in relation to emergency call services, or take certain action to develop policies, procedures and processes relating to emergency call services.
- The Triple Zero Custodian has functions relating to emergency call services, and may request the ACMA to give an ECS direction.

6 Before section 147

Insert:

**Division 2—Requirements relating to the provision of
emergency call services**

7 At the end of Part 8

Add:

Division 3—ECS Directions

@151A Direction relating to emergency call service matters

- (1) The ACMA may give a carrier, a carriage service provider or an emergency call person that is not an individual (the *recipient*) a written direction under subsection (2), (3) or (5) in relation to the following matters (the *ECS matters*):
- (a) the provision of access to an emergency call service;
 - (b) the operation of an emergency call service;
 - (c) the receiving, handling, transfer or carriage of calls to an emergency service number;
 - (d) the handling, transfer or carriage of calls made by an emergency call person to an emergency service, or a service for despatching an emergency service, in connection with a call to an emergency service number;
 - (e) matters that may affect, or be affected by, a matter mentioned in paragraph (a), (b), (c) or (d) in a manner that may pose a risk to the safety of the public or a section of the public.

Note 1: The ACMA may give an ECS direction on its own initiative or on request by the Custodian (see section @151L).

Note 2: The ACMA must give a copy of the direction to the Custodian as soon as practicable (see section @151C).

Direction to provide information relating to an ECS matter

- (2) The direction may require the recipient to provide to the ACMA information relating to an ECS matter, including information on any of the following:
- (a) policies, procedures or processes relating to an ECS matter;

Schedule 1 Amendments

Part 1 Main amendments

- 1 (b) the installation, operation, maintenance or testing of network
2 units, cabling, equipment, facilities, networks or software
3 which relate to an ECS matter.

4 *Direction to provide information on a specified ECS outage event*

- 5 (3) The direction may require the recipient to provide to the ACMA
6 information relating to a specified ECS outage event, including the
7 following information:
8 (a) details about the nature of the ECS outage event;
9 (b) details about the services impacted by the ECS outage event;
10 (c) details (including timeframes) relating to restoration and
11 other actions to deal with the ECS outage event and its
12 impact;
13 (d) details about locations related to the ECS outage event;
14 (e) details about the effects of the ECS outage event, including
15 the effects on any of the following (*affected entities*):
16 (i) carriers;
17 (ii) carriage service providers;
18 (iii) emergency services or services for despatching
19 emergency services;
20 (iv) Departments, agencies or authorities of the
21 Commonwealth, a State or a Territory;
22 (f) information relating to infrastructure affected by or related to
23 the ECS outage event;
24 (g) data on network performance and management before, during
25 or after the ECS outage event;
26 (h) details about the recipient's interactions with other persons in
27 relation to the ECS outage event, including with any affected
28 entity;
29 (i) details of the recipient's public or internal communications
30 relating to the ECS outage event.
- 31 (4) An event is an *ECS outage event* if the Custodian or the ACMA
32 reasonably believes that the event:
33 (a) is occurring or will occur; and
34 (b) may result in:

- (i) one or more persons losing access to an emergency call service; or
- (ii) an emergency call person being unable to receive or handle calls to an emergency service number, or to transfer such calls to an emergency service or a service for despatching an emergency service.

Direction to take specified action

- (5) The direction may require the recipient to do any of the following:
- (a) take specified action for the purpose of developing policies, procedures and processes relating to an ECS matter;
 - (b) provide the information mentioned in subsection (2) or (3) to a specified person or body;
 - (c) consult with, or take specified action in relation to consulting with, a specified person or body in relation to:
 - (i) an ECS matter; or
 - (ii) information mentioned in subsection (2) or (3);
 - (d) provide information to the ACMA in relation to any action the recipient is required to take under a direction made under this section.

Note: If the recipient provides information to a person under a direction, the person may use or disclose the information for the same purpose as the purpose for which the direction was given (see section @151E).

@151B Content of ECS direction

- (1) An ECS direction must specify the following:
- (a) the period (the *compliance period*) within which the recipient of the direction must comply with the direction;
 - (b) that the recipient may apply to the ACMA to extend the compliance period;
 - (c) if the direction requires information to be provided:
 - (i) the manner and form in which the information must be provided; and
 - (ii) that the provision of information as required by the direction is required or authorised by or under law for

Schedule 1 Amendments

Part 1 Main amendments

- 1 the purposes of Part 13 of the *Telecommunications Act*
2 1997;
- 3 (d) if information provided under the direction must or can be
4 provided verbally—that the recipient must, as soon as
5 practicable after providing information verbally:
6 (i) make a written record of the information provided; and
7 (ii) give a copy of the record to the ACMA;
- 8 (e) that the recipient may apply to the ACMA to waive a
9 requirement under subparagraph (d)(ii);
- 10 (f) that, despite anything else in the direction, the direction does
11 not impose on the recipient any requirement to the extent it is
12 inconsistent with any requirement imposed on the recipient
13 by a determination in force under section 147.
- 14 (2) The ACMA may, at the request of the recipient and by written
15 notice given to the recipient:
16 (a) extend the compliance period; or
17 (b) waive a requirement that the recipient give to the ACMA a
18 copy of a written record of information provided verbally.

19 **@151C Notice of ECS direction**

20 The ACMA must give a copy of an ECS direction to the Custodian
21 as soon as practicable after giving the direction under section
22 @151A.

23 **@151D Compliance with ECS direction**

- 24 (1) A person on whom a requirement is imposed by an ECS direction
25 must comply with the direction.
- 26 (2) A person must not:
27 (a) aid, abet, counsel or procure a contravention of
28 subsection (1); or
29 (b) induce, whether by threats or promises or otherwise, a
30 contravention of subsection (1); or
31 (c) be in any way, directly or indirectly, knowingly concerned in,
32 or party to, a contravention of subsection (1); or

1 (d) conspire with others to effect a contravention of
2 subsection (1).

3 (3) Subsections (1) and (2) are ***civil penalty provisions***.

4 Note: Part 31 of the *Telecommunications Act 1997* provides for pecuniary
5 penalties for breaches of civil penalty provisions. This provision is a
6 civil penalty provision for the purposes of that Act.

7 **Division 4—Use and disclosure of information**

8 **@151E Using or disclosing information provided under ECS** 9 **direction**

10 (1) This section applies if a person receives information that is:
11 (a) provided to the person under an ECS direction; or
12 (b) disclosed to the person under section @151F.

13 (2) The person may use or disclose the information if the use or
14 disclosure is for the same purpose as the purpose for which the
15 direction was given or the information was disclosed.

16 Note 1: This subsection constitutes an authorisation for the purposes of Part 13
17 of the *Telecommunications Act 1997*, the *Privacy Act 1988* and other
18 laws (including the common law).

19 Note 2: This subsection does not limit any other authorisation in this Division
20 (see section @151H).

21 **@151F Using or disclosing ECS information to prepare for etc. ECS** 22 **outage events**

23 (1) This section applies in relation to information (***ECS information***)
24 obtained or generated by a person in the course of, or for the
25 purposes of, performing functions or duties, or exercising powers,
26 under this Division or Division 3 or 5.

27 (2) The Custodian and the ACMA may use or disclose ECS
28 information for the following purposes:
29 (a) aiding preparation for, response to or recovery from an ECS
30 outage event;
31 (b) improving preparedness for ECS outage events;

Schedule 1 Amendments

Part 1 Main amendments

- 1 (c) maintaining an emergency call service;
2 (d) matters relating to an emergency call service or an ECS
3 matter.
- 4 Note 1: This subsection constitutes an authorisation for the purposes of Part 13
5 of the *Telecommunications Act 1997*, the *Privacy Act 1988* and other
6 laws (including the common law).
- 7 Note 2: This subsection does not limit any other authorisation in this Division
8 (see section @151H).
- 9 (3) Without limiting subsection (2), the Custodian and the ACMA may
10 disclose ECS information for the purposes mentioned in that
11 subsection to the following:
- 12 (a) a carrier;
13 (b) a carriage service provider;
14 (c) an emergency call person;
15 (d) an emergency service or a service for despatching an
16 emergency service;
17 (e) the National Emergency Management Agency;
18 (f) the Minister;
19 (g) a Department, agency or authority of the Commonwealth or a
20 State or Territory.

21 **@151G Authorisations to use or disclose ECS information**

22 *Use or disclosure in performing functions or exercising powers*
23 *under this Act*

- 24 (1) The following persons (each an **entrusted person**) may use or
25 disclose ECS information in performing functions or duties, or
26 exercising powers, under or for the purposes of this Act:
- 27 (a) the Minister;
28 (b) the Secretary;
29 (c) an APS employee in the Department;
30 (d) an ACMA official (within the meaning of the *Australian*
31 *Communications and Media Authority Act 2005*);
32 (e) a contractor engaged to provide services to the Department or
33 the ACMA for the purposes of this Act;
34 (f) an officer or employee of such a contractor.

Note 1: A provision of this section constitutes an authorisation for the purposes of Part 13 of the *Telecommunications Act 1997*, the *Privacy Act 1988* and other laws (including the common law).

Note 2: An authorisation in this section does not limit any other authorisation in this Division (see section @151H).

Use or disclosure by ACMA in performing functions etc. in relation to ECS matters

(2) The following persons may use or disclose ECS information in performing functions or duties, or exercising powers, relating to an ECS matter, under or for the purposes of an Act administered by the Minister:

(a) an ACMA official (within the meaning of the *Australian Communications and Media Authority Act 2005*);

(b) a contractor engaged to provide services to the ACMA for the purposes of this Act;

(c) an officer or employee of such a contractor.

Disclosure for purposes of proceedings

(3) An entrusted person may disclose ECS information to a court or tribunal, or in accordance with an order of a court or tribunal, for the purposes of proceedings.

Use or disclosure for purposes of enforcement-related activity

(4) An entrusted person may use ECS information, or disclose ECS information to:

(a) an enforcement agency (within the meaning of the

Telecommunications (Interception and Access) Act 1979); or

(b) an enforcement body (within the meaning of the *Privacy Act 1988*);

if the person reasonably believes that the use or disclosure is reasonably necessary for, or directly related to, one or more enforcement-related activities (within the meaning of the *Privacy Act 1988*) being conducted by, or on behalf of, the enforcement agency or body.

Schedule 1 Amendments

Part 1 Main amendments

1 (5) The enforcement agency or body may use or disclose information
2 disclosed under subsection (4) for the purposes of one or more
3 enforcement-related activities (within the meaning of the *Privacy*
4 *Act 1988*) being conducted by, or on behalf of, that agency or
5 body.

6 *Use or disclosure required or authorised by another Australian*
7 *law*

8 (6) An entrusted person may use or disclose ECS information if the
9 use or disclosure is required or authorised under a law of:
10 (a) the Commonwealth (other than this Act); or
11 (b) a State or Territory.

12 *Disclosure to person to whom information relates*

13 (7) An entrusted person may disclose ECS information to the person to
14 whom the information relates.

15 *Use or disclosure with consent*

16 (8) An entrusted person (the **first person**) may use or disclose ECS
17 information for a purpose if the person to whom the information
18 relates has expressly consented to the first person using or
19 disclosing the information for that purpose.

20 *Disclosure to person who provided information*

21 (9) An entrusted person may disclose ECS information to the person
22 who provided the information.

23 *Use or disclosure of information that is already public*

24 (10) An entrusted person may use ECS information, or disclose ECS
25 information to another person, if the information has already been
26 lawfully made available to the public.

1 *Disclosure for purposes of preventing serious threat to safety,*
2 *health or well-being*

3 (11) An entrusted person may disclose ECS information if the
4 disclosure is necessary to lessen or prevent a serious threat to the
5 safety, health or well-being of another person.

6 **@151H Authorisations not limited**

7 An authorisation for the use and disclosure of information in this
8 Division does not limit any other authorisation in this Division.

9 **Division 5—Triple Zero Custodian**

10 **@151J Establishment of the Triple Zero Custodian**

- 11 (1) There is to be a Triple Zero Custodian (the *Custodian*).
12 (2) The person performing the functions of the Secretary is to be the
13 Custodian.

14 **@151K Functions of the Triple Zero Custodian**

- 15 (1) The Custodian has the following functions:
16 (a) aiding preparation for, response to or recovery from an ECS
17 outage event;
18 (b) improving preparedness for ECS outage events;
19 (c) overseeing the effective functioning of emergency call
20 services and the proper functioning of the ECS matters;
21 (d) any other function conferred by this Act in relation to
22 emergency call services;
23 (e) any other function specified under subsection (2).
24 (2) For the purposes of paragraph (1)(e), the Minister may, by
25 legislative instrument, specify an additional function of the
26 Custodian if the Minister is satisfied that the function is related to
27 emergency call services.

Schedule 1 Amendments

Part 1 Main amendments

@151L Requesting the ACMA to make ECS directions

- (1) The Custodian may request the ACMA to give an ECS direction to a carrier, a carriage service provider or an emergency call person that is not an individual if the Custodian considers it is necessary or appropriate for the performance of the Custodian's functions.
- (2) The request must:
 - (a) be in writing; and
 - (b) specify:
 - (i) the carrier, carriage service provider or emergency call person that is to be the recipient of the direction; and
 - (ii) the terms of the direction.
- (3) The ACMA must give the direction:
 - (a) unless paragraph (b) applies—within 7 days of receiving the request; or
 - (b) if the request so specifies—as soon as practicable; or within such longer period as agreed to in writing by the Custodian.
- (4) The ACMA must give the direction:
 - (a) to the person specified in the request; and
 - (b) in the terms specified in the request;subject to any changes agreed to in writing by the Custodian.
- (5) If the direction requires information to be provided to the ACMA, as soon as practicable after receiving the information, the ACMA must give to the Custodian:
 - (a) the information; and
 - (b) the ACMA's views on the information (if any).

@151M Requesting information or advice from the ACMA

- (1) The Custodian may request the ACMA to give the Custodian:
 - (a) information required to be provided to the ACMA under an ECS direction; or
 - (b) ECS information held by the ACMA; or
 - (c) any other information relating to an ECS matter; or
-

- 1 (d) advice relating to an ECS matter;
2 if the Custodian considers it is necessary or appropriate for the
3 performance of the Custodian's functions.
- 4 (2) The request must:
5 (a) be in writing; and
6 (b) specify the information or advice to be given by the ACMA.
- 7 (3) The ACMA must give the information or advice:
8 (a) unless paragraph (b) applies—within 7 days of receiving the
9 request; or
10 (b) if the request so specifies—as soon as practicable;
11 or within such longer period as agreed to in writing by the
12 Custodian.
- 13 (4) The ACMA must give the Custodian:
14 (a) the information specified in the request (if any); and
15 (b) the advice specified in the request (if any);
16 subject to any changes agreed to in writing by the Custodian.
- 17 **@151N Referral of matters to the ACMA for investigation**
- 18 (1) The Custodian may, in writing, refer a matter to the ACMA for
19 investigation under Part 26 of the *Telecommunications Act 1997* if:
20 (a) the matter relates to an emergency call service; and
21 (b) the matter relates to the performance of the ACMA's
22 telecommunications functions or the exercise of the ACMA's
23 telecommunications powers.
- 24 Note: The ACMA may, on its own initiative, decide to investigate such a
25 matter under Part 26 of the *Telecommunications Act 1997* (see
26 paragraphs 508(f) and 510(1)(c) of that Act).
- 27 (2) As part of the referral, the Custodian may disclose to the ACMA
28 any relevant ECS information.
- 29 Note: This subsection constitutes an authorisation for the purposes of Part 13
30 of the *Telecommunications Act 1997*, the *Privacy Act 1988* and other
31 laws (including the common law).

Schedule 1 Amendments

Part 1 Main amendments

- 1 (3) The ACMA must decide, in writing, whether or not it will
2 investigate the matter.
- 3 (4) The decision must:
4 (a) be made within 30 days of receiving the referral; and
5 (b) be given to the Minister and the Custodian.
- 6 (5) If the ACMA decides to investigate the matter, paragraph 510(1)(c)
7 of the *Telecommunications Act 1997* is taken to apply to the
8 investigation.
- 9 Note: The matter will be a matter covered by paragraph 508(f) of the
10 *Telecommunications Act 1997* (because of paragraph (1)(b) of this
11 section), and the ACMA will investigate the matter, under
12 paragraph 510(1)(c) of that Act, as a matter that the ACMA thinks that
13 it is desirable to investigate (because of this subsection).

14 **@151P Delegation by the Custodian**

- 15 (1) The Custodian may, by writing, delegate any or all of the
16 Custodian's functions or powers to an SES employee, or acting
17 SES employee, in the Department.
- 18 Note: The expressions *SES employee* and *acting SES employee* are defined
19 in the *Acts Interpretation Act 1901*.
- 20 (2) A delegate must comply with any written directions of the
21 Custodian.

22 **Division 6—Other matters**23 **@151Q Reporting**

- 24 (1) The ACMA must, within 3 months after the end of each 6 month
25 period starting on the commencement of this section, report in
26 writing to the Minister on the following matters:
27 (a) ECS directions given during the period;
28 (b) matters referred for investigation under section @151N
29 during the period;
30 (c) the ACMA's decisions on whether or not it will investigate
31 those matters;

1 (d) any other activities the ACMA has undertaken during the
2 period using information obtained or generated by the
3 ACMA in the course of, or for the purposes of, performing
4 functions or duties, or exercising powers, under Divisions 3,
5 4 or 5.

6 (2) The ACMA must provide a copy of the report to the Custodian.

7 **@151R Review of Divisions 3, 4 and 5**

8 The Minister may, in the second year after the commencement of
9 this section, cause a review to be conducted of the effectiveness of
10 Divisions 3, 4 and 5.

Schedule 1 Amendments

Part 2 Consequential amendments

1 **Part 2—Consequential amendments**

2 ***Telecommunications Act 1997***

3 **8 At the end of subsection 510(1)**

4 Add:

5 Note: If the ACMA decides to investigate a matter referred to it by the
6 Custodian under section @151N of the *Telecommunications*
7 *(Consumer Protection and Service Standards) Act 1999*, the ACMA
8 will investigate the matter under paragraph (c) of this subsection (see
9 subsection @151N(5) of the *Telecommunications (Consumer*
10 *Protection and Service Standards) Act 1999*).

Part 3—Amendments of references to emergency services

Telecommunications Act 1997

9 Section 7 (paragraph (b) of the definition of *emergency call service*)

Omit “to:”, substitute “to an emergency service or a service for despatching an emergency service.”.

10 Section 7 (subparagraphs (b)(i) to (v) of the definition of *emergency call service*)

Repeal the subparagraphs.

11 Section 7

Insert:

emergency service has the meaning given by subsection 466(1).

12 Section 7 (subparagraph (b)(iv) of the definition of *exempt network-user*)

After “emergency service”, insert “(within its ordinary meaning)”.

13 Subparagraphs 286(c)(i) to (iii)

Repeal the subparagraphs, substitute:

- (i) an emergency service; or
- (ii) a service for despatching an emergency service; or

14 Subparagraphs 286(c)(v) to (vi)

Repeal the subparagraphs.

15 Subsection 466(1)

Omit “following services:”, substitute “following services (each an *emergency service*):”.

Schedule 1 Amendments

Part 3 Amendments of references to emergency services

1 ***Telecommunications (Consumer Protection and Service***
2 ***Standards) Act 1999***

3 **16 Subsection 147(11) (definition of *emergency service***
4 ***organisation*)**

5 Repeal the definition, substitute:

6 ***emergency service organisation*** means an emergency service or a
7 service for despatching an emergency service.

8 **17 Subparagraphs 149(1)(c)(ii) and (iii)**

9 Omit “organisation”.

2025

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**Telecommunications Legislation Amendment (Triple Zero Custodian and Emergency
Calling Powers) Bill 2025**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Communications the Hon Anika Wells MP)

Telecommunications Legislation Amendment (Triple Zero Custodian and Emergency Calling Powers) Bill 2025

OUTLINE

Overview of the Bill

The purpose of the Telecommunications Legislation Amendment (Triple Zero Custodian and Emergency Calling Powers) Bill 2025 (the Custodian Bill) is to amend the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (TCPSS Act) to establish the legislative function of the Triple Zero Custodian (the Custodian) within the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (the department). The Custodian will have the ability to request the Australian Communications and Media Authority (ACMA) to make directions to Carriers, Carriage Service Providers (CSPs) and Emergency Call Persons (ECPs) to require information on, or direct action in regards to, the effective functioning of the Emergency Call Service (ECS). The Bill will strengthen the ACMA's role as an active participant in the Triple Zero ecosystem while establishing the Custodian as a coordinating body for the management of the end-to-end Triple Zero ecosystem. Collectively, this will ensure the Government has the appropriate powers to maintain effective oversight of the ECS and to help ensure the continued availability of emergency calling to all Australians when they need it.

Context of the Bill

The Custodian Bill implements Recommendation Two of the Bean Review into the Optus Outage of 8 November 2023 (Bean Review). On 8 November 2023, Optus customers (and customers of Optus network resellers) were impacted by a national whole-of-network outage. The outage interrupted critical services for consumers and businesses. It also impacted essential government, public health and safety infrastructure, including calls to Triple Zero.

On 9 November 2023 the Australian Government announced that it would undertake a post-incident review into the outage and appointed Mr Richard Bean, former Deputy Chair of the ACMA, to lead the review. On 30 April 2024, the final report of the review was published. Among other things the Bean review stated:

“The different roles and functions of the participants in the delivery of Triple Zero resulted in each having its own siloed view of the system, and each ‘staying in its lane’ on the day”

“the vesting of overarching responsibility for, and visibility of, the end to end functioning of the Triple Zero service in one person or organisation would have significantly improved information flow and recovery efforts on the day.”

In September 2025, an outage occurred in the Optus network that left hundreds of Optus customers (and customers of Optus network resellers) unable to connect to Triple Zero. Investigations remain ongoing in relation to this incident.

The Triple Zero Custodian has been established administratively with the Department. This Bill will establish the role formally in legislation. While the *Telecommunications (Emergency Call Service) Determination 2019* (ECS Determination) regulates how Carriers, Carriage

Service Providers (CSP) and the Emergency Call Person(s) (ECP) each interact with the ECS ecosystem, and the ECP(s) have further requirements to meet contractual obligations with the department, neither of these regimes require a single entity to be aware of the overall operation of the ECS, from Carrier to ECP to ESO. The ACMA has responsibility for enforcing the ECS Determination, however, compliance is often scrutinised post-hoc, following an outage situation. Compliance with the ECS Determination does not require Carriers or CSPs to document how they will connect with the service or with other stakeholders in the system (such as other Carriers, ESOs or the ECP).

Recommendation Two of the Review called to *“Establish a Triple Zero custodian, with oversight of and overarching responsibility for the efficient functioning of the Triple Zero ecosystem, including monitoring the end-to-end performance of the ecosystem.”*

A policy framework was agreed which established the Secretary of the Department as the Custodian, with the ability to request the ACMA to utilise formal legal powers conferred through the Custodian Bill to require information and direct action. The Bean Review emphasised the need for a Custodian to have broad powers to manage information across the ECS ecosystem and advocate for best practice delivery of the ECS. These powers are found within the Custodian Bill.

Functions and powers of the Custodian

The Custodian will have the ability to request the ACMA to require information, or direct action, from Carriers, CSPs and ECPs in relation to matters which affect the ECS. These matters may relate to a current or impending outage to the ECS or to the delivery of the ECS in times of business as usual. Given constitutional limitations, the Custodian does not have the ability to request the ACMA to give directions to Emergency Service Organisations (ESOs) which fall under the jurisdiction of State and Territory legislation, and these organisations are not included as potential recipients to a direction by the ACMA. The ACMA will also have the ability to enact the direction powers on its own accord, in order to react to situations as they arise in regards to all activities relating to the ACMA’s regulatory oversight of the ECS. Whether the ACMA acts on a request by the Custodian, or acts on its own initiative, it must provide any relevant information received or details of actions taken to the Custodian.

Where relating to an outage, the ACMA will have the ability to require a broad range of information on the particular nature of the outage and its effect on relevant stakeholders. The information could be used to inform responses or guide public messaging to an outage. In addition, outside of an outage situation, the ACMA will have the ability to require information on policies, procedures and the testing of telecommunications infrastructure which deliver the ECS, so as to inform best practice management and delivery of the ECS. The ACMA will provide this information to the Custodian to inform oversight of the ECS system as a whole.

The ACMA will also have the ability to direct recipients to take certain actions in relation to their delivery of the ECS, for example, directing a recipient to consult with other stakeholders, provide information with other stakeholders or develop certain policies and procedures which relate to the ECS. This ensures recipients of an ACMA direction will move information to other stakeholders of the ECS in a timely fashion, especially during an outage situation, and do so within a proper framework of information disclosure. This could include

situations where the ACMA requires information to be shared with specific ESOs to assist in managing a Triple Zero access issue.

The Bill includes a formal use and disclosure of information regime in line with standard practices within existing Commonwealth legislation. This regime allows the Custodian and the ACMA to use and disclose information in line with the objective to prepare or respond to an outage, maintain the ECS and respond to matters relating to the ECS. The regime allows the ACMA and the Custodian to disclose information to persons under an ECS direction and for those persons to use or on disclose the information. This supports the information management functions of the Custodian, allowing for information to be circulated and utilised as necessary under the purpose of an ECS direction. Standard clauses are also included to protect the use and disclosure of information in situations outside of those envisioned within a typical ECS direction (for example, the use or disclosure for purposes of enforcement-related activity).

The Bill sets official review and reporting mechanisms on the ACMA, with oversight from the Minister for Communications, ensuring public accountability for the actions and directions made by the ACMA in the performance of its functions.

The Bill also makes amendments to the TCPSS Act and the Telco Act to create consistency across these Acts of parliament when referring to “emergency services”. This Bill will provide an overall definition so as to improve the readability and clarity of both Acts. These amendments are made as a recommendation for completeness from the Office of Parliamentary Council and are separate to the amendments to implement the Custodian.

Financial impact statement

There is no financial impact associated with this Bill. The actions of the Custodian will be subsumed by existing departmental resources.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Telecommunications Legislation Amendment (Triple Zero Custodian and Emergency Calling Powers) Bill 2025

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Bill promotes human rights to the extent that it strengthens the rights to life, health and accessibility, by aiming to maintain the effective functioning of the emergency call service and ensuring, to the greatest extent possible, that all Australians can contact emergency services when they require them.

To the extent that this Bill may limit those rights and freedoms, such limitations are reasonable, necessary and proportionate in achieving the intended outcomes of the Bill.

Overview of the Bill

The Bill amends the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (TCPSS Act) to establish the Triple Zero Custodian within the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (the Department), with the ability to request the Australian Communications and Media Authority (ACMA) to make directions to Carriers, Carriage Service Providers (CSPs) and Emergency Call Persons (ECPs) to provide information on, and take certain action in regards to, the effective functioning of the Emergency Call Service (ECS). The Bill will provide the Government with the appropriate powers to maintain effective oversight of the ECS ecosystem.

The Bill makes amendments to the TCPSS Act to:

- Allow the Secretary of the Department, or a delegated official of the Secretary, to undertake the functions of the Custodian. The Custodian will have the ability to request the ACMA to exercise any of its powers outlined in the Bill;
- Provide the ACMA with the ability to direct Carriers, CSPs and ECPs in relation to ECS matters. These directions may include the requirement to provide the ACMA information on ECS matters. This information may also be related to a specified ECS outage event. The Directions may also include the requirement for Carriers, CSPs and ECPs to take specified action, for example to provide information to another person or to consult with another person in relation to ECS matters or an ECS outage event;
- Authorise the use and disclosure of information obtained by the ACMA by “entrusted persons” (being the Minister for Communications, employees of the Department, an ACMA official, or a contractor engaged by the Department or the ACMA) and by the Custodian and the ACMA to address ECS outage events, to maintain the effective functioning of the ECS and to address matters which relate to the effective functioning of the ECS;

- Require reporting by the ACMA on ECS directions given and related matters, giving the Minister for Communications oversight of directions made by the ACMA and any other relevant actions taken; and
- Allow the Minister to cause a review to be conducted of the effectiveness of the new provisions.

The Bill also makes necessary amendments to the *Telecommunications Act 1997* to enable the ACMA and the Custodian to perform the powers and functions this Bill provides.

Human rights implications

This Bill primarily promotes the rights to life and health, in accordance with article 6(1) of the International Covenant on Civil and Political Rights (ICCPR) and article 12(1) of the International Covenant on Economic Social and Cultural Rights (ICESCR), by working to maintain the effective functioning of the Emergency Call Service (ECS) and ensuring, to the greatest extent possible, that Australians can contact emergency services when they require them.

The right to life

Article 6(1) of the ICCPR provides that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of life.

Article 6 of the Convention on the Rights of the Child (CRC) similarly provides that every child has the inherent right to life and requires that, to the maximum extent possible, the survival and development of the child. Article 10 of the Convention on the Rights of Persons with Disabilities (CRPD) also provides that every human being has the inherent right to life and all necessary measures shall be taken to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Calls to the ECS are often made in time-critical events, where any delay or impediment would be detrimental to the effective response to the situation. Ensuring the ECS is functioning as effectively as possible allows all Australians to have confidence that a call for help during an emergency will be made as intended and required.

The Bill positively engages with the right to life by enabling the Government to maintain effective oversight of the ECS, a service which connects Australians to first responders and emergency services in potentially life-threatening situations.

The Bill will specifically give the ACMA and the Custodian the ability to require information in relation to ECS outage events. The information will be used for the purposes of aiding preparation for, response to or recovery from an ECS outage event, improving preparedness for ECS outage events, and overseeing the effective functioning of the ECS.

The Bill will therefore enhance the right to life by all Australians by working to maintain the effective functioning of the ECS and ensuring, to the greatest extent possible, that Australians can contact emergency services when they require them.

The right to health

Article 12 (1) of the ICESCR provides the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Further, article 12(2)(d) provides every person should be assured to all medical services and medical attention in the event of sickness.

Article 24 of the CRC similarly provides that every child has the right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. Article 24(2)(b) specifically provides that no child should be deprived of the right of access to medical assistance and health care.

Article 25 of the CRPD also provides that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.

The effective functioning of the ECS ensures all persons can maintain trust in its operation and that health services will be accessible in the event of an emergency, without impediment. Timely access to emergency health services is particularly critical for vulnerable or marginalised members of society.

The powers and functions this Bill confer on the Custodian and the ACMA will be used to ensure that the ECS system functions reliably and effectively and that it is better prepared to respond to, and recover from, an ECS outage event. It will enable the Government to take a proactive role in ensuring that all Australians requiring urgent medical treatment will have access to health facilities and services, including essential medical and health care.

The Bill will therefore enhance the right to health by all Australians by working to maintain the effective functioning of the ECS and ensuring, to the greatest extent possible, that Australians can contact emergency services when they require them.

The right to accessibility

Article 9 of the CRPD provides that to enable persons with disabilities to live independently and participate fully in all aspects of life, appropriate measures should be taken to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. This includes access to emergency services.

The Bill positively engages with the right to accessibility, by ensuring the effective functioning of the ECS and that persons with disabilities have access to the ECS when needed.

The right to privacy

Article 17 of the ICCPR prohibits unlawful or arbitrary interferences with a person's privacy, family, home and correspondence. It also prohibits unlawful attacks on a person's reputation and provides that persons have the right to the protection of the law against such interference or attacks. This right may be limited in instances where necessary to protect the rights and freedoms of others.

Article 16 of the CRC contains a similar obligation, specifically applicable to the rights of children. The right to privacy includes respect for informational privacy, including in respect of storing, using and sharing personal information and the right to control the dissemination of this information.

Article 22 of the CRPD also provides that no person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation.

The measures contained in the Bill do not, and are not intended to, limit the right to privacy. The directions the ACMA may give can be made to a Carrier, CSP or an ECP “that is not an individual”. This reflects the intention to direct the powers contained in the Bill to body corporates who are Carriers, CSPs or ECPs, to ensure the ECS system functions effectively and to enable the information held by those body corporates to be used to improve the overall preparedness and resilience of the ECS system.

It is not intended that personal information about members of the public will be obtained.

Where personal information is obtained, the relevant safeguards contained in the Bill (which include, in particular, the provisions specifying the circumstances in which information obtained in response to a direction made by the ACMA may be used or disclosed) will ensure the use and disclosure of any personal information are conducted lawfully and will be done so in accordance with and consistently with the *Privacy Act 1988*, and the applicable Australian Privacy Principles.

As such, the Bill is consistent with Article 17 of the ICCPR (and the equivalent provisions in the CRC and CRPD) and in instances where it limits these rights, those limitations are reasonable, necessary and proportionate in achieving the intended outcomes of the Bill.

Conclusion

The Bill is compatible with human rights because it actively promotes the right to life, health and accessibility.

Where the Bill imposes any actual or perceived limitations on particular human rights, these limitations are reasonable, necessary and proportionate to the need to improve the Government's effective oversight and maintenance of the ECS ecosystem, and the preparedness and resilience of the ECS system to respond to an ECS outage event.

Minister for Communications

NOTES ON CLAUSES

Clause 1: Short Title

1. Clause 1 provides that if the Bill is enacted, it will be called the *Telecommunications Legislation Amendment (Triple Zero Custodian and Emergency Calling Powers) Act 2025* (the amending Act).

Clause 2: Commencement

2. Clause 2 provides that the amending Act commences on the day after it receives the Royal Assent.

Clause 3: Schedule(s)

3. Clause 3 is a standard provision that gives effect to the amendments and repeals set out in the Schedule to the amending Act.

SCHEDULE 1 - Amendments

PART 1 – Main amendments

Telecommunications (Consumer Protection and Service Standards) Act 1999

4. Part 1 of Schedule 1 makes amendments to the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (the TCPSS Act).

Item 1 – Section 4

5. Section 4 of the TCPSS Act contains a simplified outline of the Act. Item 1 amends the simplified outline to add additional dot points summarising the roles of the Triple Zero Custodian and the Australian Communications and Media Authority (ACMA) in relation to an emergency call service direction (ECS direction). The new dot points explain that the Triple Zero Custodian may request the ACMA to give an ECS direction, and that ACMA may give such a direction, requiring information to be provided and certain action to be taken in relation to emergency call services.

Item 2 – Subsection 5(2)

6. Subsection 5(2) of the TCPSS Act defines key terms used in the TCPSS Act. Item 2 amends that subsection to include key terms relating to ECS directions and the Triple Zero Custodian (used in the provisions inserted by item 7). For each new key term, item 2 adds a signpost definition to the new provision that explains the meaning of the relevant term.
7. The term ***Custodian***, when used in the TCPSS Act, means the Triple Zero Custodian established under section 151J of the Act.

8. The term **ECS direction**, when used in the TCPSS Act, means a direction in force under section 151A of that Act. It refers to a direction that the ACMA may give a carrier, carriage service provider or an emergency call person about matters relating to an emergency call service.
9. The terms “carrier” and “carriage service provider” are defined in the *Telecommunications Act 1997* (Tel Act). Definitions included in the Tel Act also apply to the TCPSS Act unless the contrary intention appears (see subsection 5(1) of the TCPSS Act).
10. The term “emergency call person” is also defined in the Tel Act, as a person who operates an emergency call service and is specified in a written determination by the ACMA under paragraph 19(1)(b) of that Act. The *Telecommunications (Emergency Call Persons) Determination 2019*, made for the purposes of paragraph 19(1)(b) of the Tel Act, specifies Telstra Limited and Concentrix Services Pty Ltd, the provider of the National Relay Service, to be emergency call persons.
11. The terms “emergency call service” and “emergency service” are defined in section 7 of the Tel Act, as amended by Part 3 of Schedule 1 to the amending Act.
12. The term **ECS information** is defined in subsection 151F(1) of the TCPSS Act. It refers to information obtained or generated by a person in the course of, or for the purposes of, performing functions or duties, or exercising powers, under Division 3, 4 or 5 of Part 8.
13. The term **ECS matter** is defined in subsection 151A(1) of the TCPSS Act. It refers to the list of matters relating to emergency call services that are covered in paragraphs 151A(1)(a) to (e), for example, matters relating to the provision of access to an emergency call service, the operation of an emergency call service, and the receiving, handling, transfer or carriage of calls to an emergency service number.
14. The term **ECS outage event** is defined in subsection 151A(4) of the TCPSS Act. It refers to an event that is currently occurring or will occur, that may result in either one or more persons losing access to an emergency call service, or an emergency call person being unable to receive or handle calls to an emergency service or a service for despatching an emergency service.

Item 3 – Subsection 5(2) (paragraphs (a) and (b) of the definition of **eligible administrative costs**)

15. The Public Interest Telecommunications Services Special Account (PITSSA) is established by section 37 of the TCPSS Act for the purposes set out in section 39 of that Act. Paragraph 39(c) provides that one of the purposes of the PITSSA is to pay the eligible administrative costs of the Commonwealth.
16. Subsection 5(2) of the TCPSS Act includes a definition of **eligible administrative costs**. Item 3 amends the definition of **eligible administrative costs** so that it includes remuneration, and other employment-related costs and expenses, in respect of APS employees whose duties relate to the performance or exercise of the Triple Zero Custodian’s functions and powers under Divisions 3, 4, 5 and 6 of Part 8 of the Act (which is inserted by item 7), as well as including any other costs, expenses or obligations

incurred by the Commonwealth in connection with the Custodian. This allows amounts standing to the credit of the PITSSA to be used to pay costs relating to the work of the Custodian.

Item 4 – Before section 146

17. Item 4 is a consequential amendment related to Item 7. Item 7 inserts new provisions into Part 8 of the TCPSS Act. The new provisions will be divided into Divisions 3 to 6. Item 4 therefore adds a new Division 1 heading “Introduction”, to apply to existing section 146 of the TCPSS Act. Item 6 below groups the existing sections 147 to 151 in Part 8 of the TCPSS Act into Division 2.

Item 5 – At the end of section 146

18. Section 146 of the TCPSS Act provides a simplified outline of Part 8 of the Act (which is about the provision of emergency call services). Item 5 adds two new dot points into the simplified outline to summarise the new provisions relating to ECS directions and the Triple Zero Custodian.
19. The first new dot point explains that the ACMA may give carriers, carriage service providers and emergency call persons ECS directions, requiring them to provide information or consult with other persons in relation to emergency call services, or take certain action to develop policies, procedures and processes relating to emergency call services. The second new dot point explains that the Triple Zero Custodian may request the ACMA to give an ECS direction, and also has other functions relating to emergency call services.

Item 6 – Before section 147

20. Item 6 is another consequential amendment related to item 7. Item 7 inserts new Divisions 3 to 6 into Part 8 of the TCPSS Act. Item 6 adds a new Division 2 heading, “Requirements relating to the provision of emergency call services”, to group the existing sections 147 to 151 in Part 8 of the TCPSS Act.

Item 7 – At the end of Part 8

21. Item 7 adds new Divisions 3 to 6 at the end of Part 8 of the TCPSS Act. The new Divisions contain the provisions relating to ECS directions and the Triple Zero Custodian.

Division 3 – ECS Directions

Section 151A Direction relating to emergency call service matters

22. Subsection 151A(1) empowers the ACMA to give a written direction to a carrier, carriage service provider or emergency call person that is not an individual(the recipient). The direction can be about any of the matters listed in paragraphs 151A(1)(a) to (e). These matters (known as the *ECS matters*) are:
 - the provision of access to an emergency call service (paragraph 151A(1)(a));
 - the operation of an emergency call service (paragraph 151A(1)(b));

- the receiving, handling, transfer or carriage of calls to an emergency service number (paragraph 151A(1)(c));
 - the handling, transfer or carriage of calls made by an emergency call person to an emergency service, or a service for despatching an emergency service, in connection with a call to an emergency service number (paragraph 151A(1)(d)); and
 - matters that may affect or be affected by one of the matters mentioned above, in a manner that may pose a risk to the safety of the public or a section of the public (paragraph 151A(1)(e)).
23. The notes under subsection 151A(1) explain that section 151L allows the ACMA to give an ECS direction on its own initiative, or at the request of the Triple Zero Custodian, and that section 151C requires the ACMA to give a copy of the direction to the Custodian as soon as practicable.
24. Subsection 151A(2) provides that a written direction given by the ACMA may require the recipient to provide the ACMA with information relating to an ECS matter, including information on policies, procedures or processes relating to an ECS matter, and information on the installation, operation, maintenance or testing of network units, cabling, equipment, facilities, networks or software which relate to an ECS matter.
25. Under subsection 151A(3), a direction given by the ACMA can also require the recipient to provide the ACMA with information relating to a specified ECS outage event. This could include any of the information listed in paragraphs 151A(3)(a) to (i). This could include, for example, details about the services impacted by the ECS outage event, and details about the effects that an ECS outage event has on carriers, carriage service providers, emergency services, or Commonwealth, State or Territory agencies or authorities. It could also include details (including timeframes) relating to restoration to deal with the ECS outage event and its impact.
26. The term **ECS outage event** is defined in subsection 151A(4). It refers to an event that the Custodian or the ACMA reasonably believes is occurring or will occur, and may result in one or more persons losing access to an emergency call service, or an emergency call person being unable to receive or handle calls to an emergency service number, or to transfer such calls to an emergency service or a service for despatching an emergency service (for example, a police force or service, fire service or ambulance service).
27. In addition to directions requiring information to be given to the ACMA under subsections 151A(2) and (3), subsection 151A(5) also allows the ACMA to direct a person to provide that same information to a specified person or body (see paragraph 151A(5)(b)), or to consult with a specified person or body in relation to that information, or in relation to an ECS matter (see paragraph 151A(5)(c)). In addition, the ACMA may require the recipient to take specified action for the purpose of developing policies, procedures and processes relating to an ECS matter (see paragraph 151A(5)(a)), or to provide information to the ACMA in relation to any action the recipient is required to take under a direction under section 151A (see paragraph 151A(5)(d)).
28. The note at the end of section 151A refers to section 151E, which provides that if the recipient of a direction provides information to another person under a direction, that other person may use or disclose the information for the same purpose as the purpose for which the direction was given.

29. A decision to give a carrier, carriage service provider or emergency call person an ECS direction is not subject to merits review. This is because such a decision may be considered to be a preliminary or procedural decision that does not have substantive consequences. According to the Administrative Review Council (ARC), preliminary or procedural decisions are unsuitable for merits review (see ARC publication, *What decisions should be subject to merit review?*, paragraph 4.3).

Section 151B Content of ECS direction

30. Section 151B requires a direction given by the ACMA under section 151A (known as an ECS direction) to contain certain information.
31. Firstly, the direction must specify the period of time that the recipient has to comply with the direction, and must specify that the recipient can apply to the ACMA to have that period extended (see paragraphs 151B(1)(a) and (b)). Paragraph 151B(2)(a) allows the ACMA to extend the compliance period by written notice, at the request of the recipient.
32. Secondly, a direction to provide information must specify the manner and form in which the information is to be provided (see subparagraph 151B(1)(c)(i)), and the fact that the provision of the information is authorised by or under law for the purposes of Part 13 of the Tel Act (see subparagraph 151B(1)(c)(ii)). Division 2 of Part 13 of the Tel Act sets out offences for certain primary disclosures and use of information or documents. However, section 280 of that Act makes it clear that Division 2 of Part 13 does not prohibit a primary disclosure or use of information that is required or authorised by or under law (except in very limited circumstances outlined in that section). Therefore, subparagraph 151B(1)(c)(ii) makes it clear that a person can comply with an ECS direction by the ACMA without committing an offence under Division 2 of Part 13 of the Tel Act.
33. Thirdly, if information under the direction can or must be provided verbally, the direction must specify that the recipient is required, as soon as practicable after providing information verbally, to make a written record of the information provided and give a copy of the record to the ACMA, but that the recipient may apply to the ACMA to waive the requirement to give a copy of the written record to the ACMA (see paragraphs 151B(1)(d) and (e)). Paragraph 151B(2)(b) allows the ACMA to waive that requirement at the request of the recipient of the direction and by written notice.
34. Finally, the direction must also specify that, despite anything else in the direction, it does not impose on the recipient any requirement to the extent it is inconsistent with a requirement imposed on the recipient by a determination in force under section 147 of the TCPSS Act (see paragraph 151B(1)(f)). This refers to a written determination by the ACMA imposing requirements on carriers, carriage service providers and emergency call persons in relation to emergency call services. The purpose of paragraph 151B(1)(f) is to clarify that recipients of an ECS direction are not required to do anything that would conflict with their responsibilities under the determination in force under section 147.

Section 151C Notice of ECS direction

35. Section 151C requires the ACMA to give a copy of an ECS direction (that is, a direction under section 151A) to the Triple Zero Custodian as soon as practicable after giving the direction.

Section 151D Compliance with ECS direction

36. Subsection 151D(1) provides that a person on whom a requirement is imposed by an ECS direction (i.e. a direction in force under section 151A) must comply with the direction.

37. Subsection 151D(2) provides that a person must not:

- aid, abet, counsel or procure a contravention of subsection (1); or
- induce, whether by threats or promises or otherwise, a contravention of subsection (1); or
- be in any way, directly or indirectly, knowingly concerned in, or a party to, a contravention of subsection (1); or
- conspire with others to effect a contravention of subsection (1).

38. Subsection 151D(3) provides that subsections 151D(1) and (2) are civil penalty provisions. The note under this section confirms that contraventions of these provisions attract pecuniary penalties as provided under Part 31 of the Tel Act.

Division 4 – Use and disclosure of information

Section 151E Using or disclosing information provided under ECS direction

39. Section 151E provides that if a person (other than an *entrusted person* – see section 151G, or a person who the Custodian or the ACMA have disclosed ECS information pursuant to subsection 151F(3)) receives information that is provided under an ECS direction or disclosed under section 151F, the person may use or disclose the information if the use or disclosure is for the same purpose as the purpose for which the direction was given or the information was disclosed.

40. The first note under this section clarifies the provision constitutes an authorisation for the purposes of Part 13 of the Tel Act, the *Privacy Act 1988* and other laws (including the common law). The second note under this section explains the effect of section 151H, which is that the authorisation in subsection 151E(2) to use or disclose information does not limit any other authorisation in Division 4 of Part 8.

Section 151F Using or disclosing ECS information to prepare for etc. ECS outage events

41. Section 151F of the TCPSS Act provides that the Custodian and the ACMA may use or disclose ECS information for the following purposes specified in subsection (2):

- aiding preparation for, response to or recovery from an ECS outage event;
- improving preparedness for ECS outage events;
- maintaining an emergency call service;
- matters relating to an emergency call service or an ECS matter.

42. The first note under subsection 151F(2) clarifies the provision constitutes an authorisation for the purposes of Part 13 of the Tel Act, the *Privacy Act 1988* and other laws (including

the common law). The second note under this section makes it clear that the provision does not in any way limit the operation of any other authorisations in Division 4.

43. Subsection 151F(3) includes the following non-exhaustive list of parties with whom the Custodian and the ACMA may disclose ECS information for the purposes mentioned in subsection 151F(2):

- a carrier;
- a carriage service provider;
- an emergency call person;
- an emergency service or a service for despatching an emergency service;
- the National Emergency Management Agency;
- the Minister;
- a Department, agency or authority of the Commonwealth or a State or Territory.

Section 151G Authorisations to use or disclose ECS information

Use or disclosure in performing functions or exercising powers under this Act

44. Section 151G of the TCPSS Act specifies persons (an **entrusted person**) who may use or disclose ECS information in performing functions or duties, or exercising powers, under or for the purposes of the TCPSS Act. These are the Minister, the Secretary, an APS employee in the Department, an ACMA official (within the meaning of the *Australian Communications and Media Authority Act 2005*), a contractor engaged to provide services to the Department or the ACMA for the purposes of the TCPSS Act (including an officer or employee of such a contractor).
45. The first note under subsection 151G(1) clarifies that each of the provisions in section 151G constitutes an authorisation for the purposes of Part 13 of the Tel Act, the *Privacy Act 1988* and other laws. The second note under subsection 151G(1) makes it clear that an authorisation in section 151G does not in any way limit any other authorisations in Division 4.
46. Subsection 151G(2) provides that an ACMA official, or a contractor engaged to provide services to the ACMA for the purposes of the TCPSS Act (including an officer or employee of such a contractor), may use or disclose ECS information in performing functions or duties, or exercising powers, relating to an ECS matter, under or for the purposes of an Act administered by the Minister.
47. Subsection 151G(3) allows an entrusted person to disclose ECS information to a court or tribunal, or in accordance with an order of a court or tribunal, for the purposes of proceedings.
48. Subsection 151G(4) allows an entrusted person to use ECS information, or disclose ECS information to enforcement agencies (within the meaning of the *Telecommunications (Interception and Access) Act 1979*) and enforcement bodies (within the meaning of the *Privacy Act 1988*) if the person reasonably believes that the use or disclosure is reasonably necessary for, or directly related to, one or more enforcement-related activities being conducted by, or on behalf of, the enforcement agency or body.

49. Subsection 151G(5) clarifies that the enforcement agency or body may use or disclose the information disclosed under subsection 151G(4) for the purposes of one or more enforcement-related activities being conducted by, or on behalf of, that agency or body.
50. Subsection 151G(6) allows an entrusted person to use or disclose ECS information if the use or disclosure is required or authorised under a law of the Commonwealth (other than the TCPSS Act); or a State or Territory.
51. Subsection 151G(7) allows an entrusted person to disclose ECS information to the person to whom the information relates.
52. Subsection 151G(8) allows an entrusted person to use or disclose ECS information for a purpose if the person to whom the information relates has expressly consented to the entrusted person using or disclosing the information for that purpose.
53. Subsection 151G(9) allows an entrusted person to disclose ECS information to the person who provided the information.
54. Subsection 151G(10) allows an entrusted person to use ECS information, or disclose ECS information to another person, if the information has been lawfully made available to the public.
55. Subsection 151G(11) provides that an entrusted person may disclose ECS information if the disclosure is necessary to lessen or prevent a serious threat to the safety, health or well-being of another person.

Section 151H Authorisations not limited

56. Section 151H makes it clear that each individual authorisation provision is intended to operate in addition to and not restrict in any way, the operation of other authorisations provided for in Division 4.

Division 5 – Triple Zero Custodian

Section 151J Establishment of the Triple Zero Custodian

57. Section 151J of the TCPSS Act establishes the role of the Triple Zero Custodian and specifies the person who is performing the functions of the Secretary of the Department to be the Triple Zero Custodian.

Section 151K Functions of the Triple Zero Custodian

58. Subsection 151K(1) of the TCPSS Act specifies the functions of the Custodian as:
 - aiding preparation for, response to or recovery from an ECS outage event;
 - improving preparedness for ECS outage events;
 - overseeing the effective functioning of emergency call services and the proper functioning of the ECS matters;
 - any other function conferred by the TCPSS Act in relation to emergency call services;

- any other function specified under subsection 151K(2). Subsection 151K(2) provides that the Minister may make a legislative instrument specifying an additional function of the Custodian if satisfied that the function is related to emergency call services.

Section 151L Requesting the ACMA to make ECS directions

59. Subsection 151L(1) allows the Custodian to request the ACMA to give an ECS direction to a carrier, a carriage service provider or an emergency call person that is not an individual if the Custodian considers it is necessary or appropriate for the performance of the Custodian's functions.
60. Subsection 151L(2) specifies the requirements for the request to be in writing and specify the carrier, carriage service provider or emergency call person that is to be the recipient of the direction as well as the terms of the direction.
61. Subsection 151L(3) requires the ACMA to give the direction within 7 days of receiving the request unless the request specifies that the direction is to be given as soon as practicable or within such longer period as agreed to in writing by the Custodian. This allows the Custodian to request the ACMA to give the direction as soon as practicable where that is considered necessary.
62. The ACMA must give the direction if requested by the Custodian. This provides the basis for the ACMA to be subject to direction by or on behalf of the Commonwealth for the purposes of section 15 of the *Australian Communications and Media Authority Act 2005*. That section provides that, except as otherwise provided by or under that Act or any other Act, the ACMA is not subject to direction by or on behalf of the Commonwealth.
63. Subsection 151L(4) provides that the ACMA must give the direction to the person specified in the request, and in the terms specified in the request, subject to any changes agreed to in writing by the Custodian.
64. Subsection 151L(5) provides that if the direction requires information to be provided to the ACMA, as soon as practicable after receiving the information, the ACMA must give the Custodian the information and any views the ACMA has about the information.

Section 151M Requesting information or advice from the ACMA

65. Section 151M of the TCPSS Act allows the Custodian to request the ACMA to give the Custodian information required to be provided to the ACMA under an ECS direction, ECS information held by the ACMA, any other information relating to an ECS matter, or advice relating to an ECS matter. The Custodian may request the information or advice if the Custodian considers it is necessary or appropriate for the performance of the Custodian's functions.
66. Paragraph 151M(1)(a) allows the Custodian to request information received by the ACMA under an ECS direction given on ACMA's own initiative. In the case of an ECS direction given at the request of the Custodian, the Custodian would already have received the information by operation of subsection 151L(5).

67. Subsection 151M(2) specifies the requirements for the Custodian's request for information or advice from the ACMA which are that the request must be in writing and specify the information or advice requested from the ACMA.
68. Subsection 151M(3) requires the ACMA to give the information or advice to the Custodian within 7 days of receiving the request, unless the request specifies that the information or advice is to be given as soon as practicable, or within such longer period as agreed to in writing by the Custodian. This allows the Custodian to obtain information from the ACMA as soon as practicable where that is considered necessary.
69. Subsection 151M(4) requires that the ACMA give the Custodian any information or advice as specified in the request unless there are changes that the Custodian has agreed to in writing.

Section 151N Referral of matters to the ACMA for investigation

70. Section 151N allows the Custodian to refer a matter to the ACMA for investigation under Part 26 of the Tel Act if the matter relates to an emergency call service and the matter relates to the performance of the ACMA's telecommunications functions or the exercise of the ACMA's telecommunications powers. The note under this subsection makes it clear that the ACMA retains its power to investigate, on its own initiative, such matters as provided under Part 26 of the Tel Act. Part 26 of the Tel Act allows the ACMA to investigate any matter relating to the performance of the ACMA's telecommunications functions, or the exercise of the ACMA's telecommunications powers, except to the extent that it relates to the content of a content service, if the ACMA thinks that it is desirable to investigate the matter.
71. Subsection 151N(2) clarifies that the Custodian can disclose to the ACMA any relevant ECS information as part of the referral. The note under this subsection explains to the reader that this subsection constitutes an authorisation for the purposes of Part 13 of the Tel Act, the *Privacy Act 1988* and other laws (including the common law).
72. Subsection 151N(3) requires the ACMA to decide in writing whether it will investigate the matter. Subsection 151N(4) requires that the ACMA's decision on whether or not it will investigate the referred matter must be made within 30 days of receiving the referral and be given to the Minister and the Custodian.
73. Subsection 151N(5) makes it clear that paragraph 510(1)(c) of the Tel Act applies to ACMA's investigations of referred matters.

Section 151P Delegation by the Custodian

74. Subsection 151P(1) allows the Custodian to delegate any or all of the Custodian's functions to an SES employee or acting SES employee in the Department. The note under subsection 151P(1) explains that the terms **SES employee** and **acting SES employee** are defined in the *Acts Interpretation Act 1901*. Subsection 151P(2) provides that a delegate will be subject to any written directions of the Custodian in the exercise of a delegated power.

Division 6 – Other matters

Section 151Q Reporting

75. Subsection 151Q(1) requires the ACMA to provide a written report to the Minister within 3 months after the end of each 6 month period starting at the commencement of the section, reporting on:

- ECS directions given during the period;
- matters referred for investigation under section 151N during the period;
- the ACMA's decisions on whether or not it will investigate those matters; and
- any other activities the ACMA has undertaken during the period using information obtained or generated by the ACMA in the course of, or for the purposes of, performing functions or duties, or exercising powers, under Division 3, 4 or 5 of Part 8.

76. Subsection 151Q(2) requires the ACMA to provide a copy of the report to the Custodian.

Section 151R Review of Divisions 3, 4 and 5

77. Section 151R allows the Minister to cause a review of the effectiveness of Divisions 3, 4 and 5 of Part 8 of the TCPSS Act to be conducted in the second year after the commencement of the provision.

PART 2 – Consequential amendments

78. Part 2 of Schedule 1 to the amending Act makes consequential amendments to the Tel Act.

Telecommunications Act 1997

Item 8 – At the end of subsection 510(1)

79. Paragraph 510(1)(c) of the Tel Act allows the ACMA to investigate any matter relating to the performance of the ACMA's telecommunications functions or the exercise of the ACMA's telecommunications powers that the ACMA thinks is desirable to investigate.

80. Item 8 adds a note explaining the effect of subsection 151N(5), which is that if the ACMA decides to investigate a matter referred to it by the Custodian under section 151N, then the ACMA will investigate the matter under paragraph 510(1)(c) of the Tel Act.

PART 3 – Amendments of references to emergency services

81. Part 3 of Schedule 1 makes amendments to both the Tel Act and the TCPSS Act to consolidate the references to the term **emergency services**. This will be achieved by designating each of the services listed in paragraphs 466(1)(a) to (e) of the Tel Act — being a police force or service, a fire service, an ambulance service, or a service specified by the ACMA — as an **emergency service**, and referring to them throughout the Tel Act and the TCPSS Act.

Telecommunications Act 1997

Items 9 and 10 – Section 7 (paragraph (b) of the definition of *emergency call service*)

82. Section 7 of the Tel Act contains a definition of *emergency call service*. Items 9 and 10 amend paragraph (b) of the definition to repeal the references to particular types of emergency services currently listed in subparagraphs (b)(i) to (v) and replace them with a reference to “an emergency service or a service for despatching an emergency service”. This picks up the definition of *emergency service* which is inserted into section 7 of the Tel Act by item 11.

Item 11 – Section 7

83. Item 11 inserts a new signpost definition of *emergency service* in section 7 of the Tel Act, which refers to subsection 466(1) of the Tel Act, where the term is defined. Under subsection 466(1) of the Tel Act, as amended by item 15, an emergency service includes:

- a police force or service;
- a fire service;
- an ambulance service;
- if there is a numbering scheme manager – a service specified by the ACMA in a legislative instrument for the purpose of paragraph 466(1)(d);
- if there is no numbering scheme manager – a service specified in the numbering plan made by the ACMA for the purpose of paragraph 466(1)(e).

Item 12 – Section 7 (subparagraph (b)(iv) of the definition of *exempt network-user*)

84. Subparagraph (b)(iv) of the definition of *exempt network-user* in section 7 of the Tel Act refers to “an emergency service specified in the regulations”. Item 12 amends that subparagraph to insert the words “(within its ordinary meaning)” after the term “emergency service”. The purpose of this amendment is to ensure that the term “emergency service” in that definition is not limited by the new definition of *emergency service* in subsection 466(1) of the Tel Act. Therefore, an emergency service specified in the regulations for the purposes of the definition of *exempt network-user* does not need to be one of the services mentioned in subsection 466(1) of the Tel Act.

Items 13 and 14 – Paragraph 286(c)

85. Subparagraphs 286(c)(i) to (vi) of the Tel Act list the persons or services to whom information that is otherwise prohibited from disclosure under Part 13, Division 2 of the Tel Act may be disclosed.

86. Items 13 and 14 repeal existing subparagraphs 286(c)(i) to (iii) and (v) to (vi) and replaces these subparagraphs with new subparagraphs 286(c)(i) and (ii), which refer to an emergency service, or a service for despatching an emergency service.

Item 15 – Subsection 466(1)

87. Item 15 inserts after “following services”, in subsection 466(1) of the Tel Act, the words “(each an *emergency service*)”. The purpose of this amendment is to designate each of the services listed in subsection 466(1) as an *emergency service* which can then be referred to in other sections of the Tel Act and the TCPSS Act.

Telecommunications (Consumer Protection and Service Standards) Act 1999

Item 16 – Subsection 147(11) (definition of **emergency service organisation**)

88. Item 16 introduces a new definition for **emergency service organisation** in subsection 147(11) of the TCPSS Act, which picks up the definition of **emergency service** set out in subsection 466(1) of the Tel Act and signposted in section 7 of the Tel Act.

Item 17 – Subparagraphs 149(1)(c)(ii) and (iii)

89. Item 17 omits the word “organisation” from paragraph 149(1)(c)(ii) and (iii) of the TCPSS Act. This amendment updates the references to “emergency service organisation” in those subparagraphs to become, instead, references to “emergency service”. The references to “emergency service” pick up the definition **emergency service** set out in subsection 466(1) of the Tel Act and signposted in section 7 of the Tel Act.

TELECOMMUNICATIONS LEGISLATION AMENDMENT (TRIPLE ZERO CUSTODIAN) BILL 2025

SECOND READING SPEECH

Speaker

Triple Zero is the most critical service in our telecommunications system. It is the number Australians call in their darkest moments, when lives and safety are on the line. Australians trust that when they call Triple Zero, someone will answer and help will come.

The tragic Optus outage in September this year, in which hundreds of emergency calls failed to connect and lives were lost, showed that the expectation we have, of help being available when we need it, is not guaranteed. While inquiries will determine the exact causes of the outage, what is clear is that the Government must act decisively to strengthen the resilience and oversight of Triple Zero.

Today, I introduce the *Telecommunications Legislative Amendment (Triple Zero Custodian and Emergency Calling Powers) Bill 2025*. This Bill responds to the vulnerabilities exposed in our emergency call system by establishing into law the powers and functions of the Triple Zero Custodian.

The need for reform

The call for a Triple Zero Custodian came from the Independent Review into the 2023 Optus outage. That review found that no single body had oversight of the end-to-end performance of Triple Zero. This lack of overarching accountability left the system vulnerable when coordination broke down. This was once again demonstrated in this most recent, tragic outage.

Schedule 1 – Main amendments

Schedule 1 to the Bill amends the *Telecommunications (Consumer Protection and Service Standards) Act 1999* to put the Custodian on a statutory footing and equip ACMA with targeted powers.

Under these amendments, ACMA may issue directions to carriers, carriage service providers and emergency call persons. These directions may require critical information to be provided, such as technical details of an outage, policies and processes affecting Triple Zero, or restoration plans. They may also require specific actions to be taken, such as consulting with other stakeholders, sharing information with an emergency service organisation, or improving procedures to prevent a repeat failure.

During an outage event, where the Custodian or ACMA reasonably believes access to Triple Zero may be affected, ACMA can compel timely information on the outage's nature, scale, impacts and restoration.

Information gathered by ACMA will be provided to the Custodian, a function to be established within my Department. The Custodian will use this material to support its ongoing, system-wide oversight of Triple Zero. ACMA will also provide advice and analysis to the Custodian to assist in identifying risks and improving preparedness across the ecosystem. This arrangement strengthens ACMA as an active participant in Triple Zero, while maintaining the Custodian as the central coordination and oversight function within the Department.

The Bill also establishes rules for the use and disclosure of Custodian information. This framework allows information to be shared with emergency service organisations, regulators and other relevant bodies to remediate problems before they cause crisis, and to respond during an outage of the Triple Zero system.

Schedule 1 requires the ACMA to report every six months to the Minister on use of the new powers, with a copy provided to the Custodian. The Minister may also cause a review of the Custodian's effectiveness within two years of commencement. These provisions reinforce accountability and provide the flexibility to refine the framework over time.

Schedule 2 – Consequential amendments

Schedule 2 makes consequential amendments to the *Telecommunications Act 1997*. It confirms ACMA's investigation pathway where matters are referred by the Custodian and establishes civil penalties for contraventions of Custodian directions.

This aligns with the penalty settings of other enforcement tools across the telecommunications regulatory framework and reinforces the seriousness of compliance.

Schedule 3 – Technical updates to emergency services references

Schedule 3 of the Bill updates references to 'emergency services' so that the term is consistently defined across telecommunications legislation.

Conclusion

This Bill acts on the lessons of past service disruptions by establishing into law the powers and functions of the Triple Zero Custodian. It provides the Commonwealth with a permanent mechanism to oversee emergency call services, both during outages and in business-as-usual operations.

It will also give the ACMA the tools it needs to be proactive and forward leaning in pursuing a resilient, reliable emergency call service for the benefit of all Australians.

Expedited passage of this Bill demonstrates our commitment to strengthen the safeguards around Triple Zero and prevent tragedies like September 2025 from being repeated.

I commend the Bill to the House.

701 words