



Submission in response to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts Triple Zero Legislative and Regulatory Review

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Department of Infrastructure, Transport, Regional Development, Communications and the Arts Triple Zero Legislative and Regulatory Review

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AUSCL

The Australasian Society for Computers and Law (**AUSCL**) is a multidisciplinary association bringing together professionals from law, technology, government, academia and industry to advance the responsible development, governance and regulation of digital technologies.

AUSCL contributes to public policy, professional education and thought leadership across areas including artificial intelligence, privacy, cyber security, digital identity, computational law, digital government, critical infrastructure, financial technology and emerging technologies.

Opening comments

AUSCL welcomes the opportunity to provide comment as part of the Triple Zero Legislative and Regulatory Review conducted by the Department of Infrastructure, Transport, Regional Development and Communications ('Department'). As an organisation deeply committed to providing independent and thoughtful advice on the sound prosecution of risks to Australia's national resilience, we believe this consultation is timely.

The emergency call service ('ECS') for 000 is a critical determinant of Australia's national resilience. As highlighted in our submission below, there have been multiple disruptions to Australians' access to the ECS in recent years, in some cases being unfortunately followed by fatalities. There are multiple opportunities for reforming both the regulatory framework governing it and the administration of that framework by the Australian Communications and Media Authority ('ACMA'), overseen by the Minister for Communications ('Minister') and acting in partnership with the Department.

AUSCL's submission recommends how the ACMA, Department and Minister should respond to these opportunities for reform.

Recommendations summary

With our submission structured according to three themes, AUSCL recommends that:

What should drive the 000 regulatory framework as a whole?

1. The execution of the regulatory framework for ECS for 000 place greater emphasis, as part of *Telecommunications (Emergency Call Service) Determination 2019* (Cth) s 5(2)(c) ('ECS Determination'), on 'network agnosticism' for emergency calling by handsets that connect to Australian telecommunications networks.

2. The Department and ACMA give particular attention to reporting of camp on failures as an existing metric within reporting requirements with respect to a major outage under *ECS Determination s 79*. The Department and ACMA should also clarify, through regulatory guidance to carriers, the section 79 reporting obligation to include the reporting of camp on failures known to the carrier prior to the restoration of the major outage.
3. The Department consider the role which it can play, in partnership with the Cyber Affairs and Critical Technology branch of the Department of Foreign Affairs and Trade, to help ensure that:
 - implementation of LTE and 5G standards by mobile telecommunications network operators and handset manufacturers results in network agnosticism for emergency calling; and
 - 6G standards, and the implementation of those standards results in, network-agnosticism for emergency calling.
4. The Department work to ensure that what existing telecommunications standards prescribe is translated into the actual camp on capabilities of handsets used by Australians.

A more proactive regulatory posture for the ACMA

5. The most pressing need for reform of the regulatory framework for the ECS for 000 is in its execution, that is, to ensure that the ACMA itself is a more proactive regulator. As part of this, AUSCL recommends that:
 - the ACMA avoid a deferential approach with respect to regulated entities;
 - the ACMA take steps, in partnership with the Department and Minister's office, to avoid a scenario analogous to the Australian Government's failing to appropriately plan for the impact of the 3G shutdown on Australians' access to the ECS for 000;
 - the ACMA avoid allowing carriers, carriage service providers and handset manufacturers to treat decisions about the functioning of infrastructure and products affecting 000 access as purely commercial matters; and
 - the ACMA, in partnership with the Department and the Minister's office, review whether its crisis response procedures adequately support coordination of those stakeholders, Telstra (as the emergency call person for 000), carriage service providers and emergency services organisations.

An effective handset testing regime

6. The *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2025 (Cth)* ('TLN') and the co-regulatory industry code, *C674:2025*, (which AUSCL refers to collectively as the 'Handset Testing Regime') operate effectively in:
 - directly regulating the sale of handsets on the basis of their ability to access the ECS for 000; and
 - strategically enabling the wider 000 regulatory regime as sources of data on the ability of handsets to access the ECS for 000.

7. Handset manufacturers be given the same priority as carriers and carriage service providers under the 000 regulatory framework. AUSCL does not recommend imposing obligations on handset manufacturers beyond those under the Handset Testing Regime.
8. The ACMA:
 - acting in partnership with the Department, become more proactive in administering and acting on opportunities for reforming the Handset Testing Regime;
 - support and scrutinise the work of the Australian Telecommunications Alliance Device End-to-End Service Testing Group;
 - acting in partnership with the Department, support more robust auditing of handsets' compliance with applicable technical standards listed by the TLN; and
 - operate a public register of the ability of handsets, bearing Regulatory Compliance Marks for meeting applicable technical standards listed by the TLN, to access the ECS for 000, and accelerate its engagement with industry on this issue.
9. To enable more robust auditing of handset compliance with the mentioned applicable technical standards, the:
 - Department, in partnership with the DETEST Group, facilitate the creation of more Controlled Testing Facilities ('CTFs') to enable a greater volume of handset testing under C674:2025 than possible through the one CTF at present;
 - ACMA strengthen its scrutiny of handset compliance, including by commissioning independent testing of randomly sampled devices through government facilities and scrutinising the DETEST Group's testing efforts; and
 - Australian Government adequately resource the ACMA and Department to perform these roles.

1. What should drive the 000 regulatory framework as a whole

Responses to Questions 1, 6, 8 and 9

One of the objectives or principles of the regulatory framework for ECSes in Australia is to:

ensure that a carriage service provider, as far as practicable, carries emergency calls in a way that would give an end user of an emergency telephone service the *appearance of a single national emergency call system*.¹

While AUSCL does not recommend the creation of an additional objective or principle, we recommend that the execution of the regulatory framework for 000 emphasises, as part of *ECS Determination s*

¹ *Telecommunications (Emergency Call Service) Determination 2019* (Cth) s 5(2)(c) ('*ECS Determination*') (emphasis added).

5(2)(c), ‘network agnosticism’ for emergency calling by handsets that connect to Australian telecommunications networks.

Our recommendation especially stems from the emergency camp on functionality (‘camp on’) issue with 71 Samsung handset models which came to light in October 2025. This was brought into sharp relief by the shutdown of 3G networks in Australia, itself part of the larger transition in Australia from reliance on circuit switched to Internet Protocol (‘IP’) networks such as LTE and 5G networks.² The 71 Samsung models were unable to camp onto the Vodafone LTE network if other LTE networks (such as the Telstra and Optus networks) were unavailable because the handsets’ baseband firmware lacked an eVoLTE configuration for the former, rather the firmware was directing the handsets to camp onto the since-shutdown Vodafone 3G network.³

An aggravating factor was Samsung being unique among handset manufacturers in the Android ecosystem by architecting the baseband firmware of its handsets to not be network agnostic for eVoLTE calls. The firmware required an update for each new carriage service provider-specific eVoLTE configuration (via Samsung’s proprietary VoLTE and IMS/MMTEL System). The eVoLTE configuration for the Vodafone LTE network could be added by a firmware update for 61 of the 71 Samsung models (‘Updatable Models’). The manufacturer claimed that the remaining ten models could not be updated because they were legacy devices, thus requiring their users to obtain replacements as carriage service providers are required to block handsets that cannot access the ECS for 000. AUSCL considers it inappropriate for handset users to be required to install firmware updates, or obtain replacement devices at their own cost, merely to make emergency calls via 000 on any Australian mobile telecommunications network.

- impact on the delivery of 000 calls to the emergency call person for 000: section 79(2)(c); and
- number of unsuccessful 000 calls made during the outage that the carrier could identify: section 79(2)(e).

Since camp on is only required where the handset’s home network is unavailable, AUSCL recommends that the ACMA and the Department to clarify, through new regulatory guidance, the section 79 reporting obligation to include the reporting of camp on failures known to the carrier before restoration of the relevant major outage.

² *ECS Determination* s 6 defines emergency camp on functionality is defined as:

the mobile phone-initiated function that enables a mobile phone end-user, in cases where the end-user cannot access the emergency call service using the end-user’s usual carrier’s mobile network, to access another carrier’s mobile network that is available and within range to connect the end-user’s mobile phone to the emergency call service.

LTE refers to a 4G telecommunications standard enabling wireless broadband communication for mobile devices at faster speeds than on 2G/3G networks: Alexander S. Gillis, Dan Jones and Kevin Beaver, ‘LTE (Long-Term Evolution)’, *TechTarget* (Web Page, 9 March 2023) <<https://www.techtarget.com/searchmobilecomputing/definition/Long-Term-Evolution-LTE>>. VoLTE (short for ‘Voice-over-LTE’) is a configuration which allows a handset to make a voice call on an LTE network if the handset is VoLTE-capable and has the necessary VoLTE configuration: James Parker, ‘How to Check for Working 4G VoLTE Calling on Android Handsets’, *Medium* (Blog Post, 1 September 2024) <<https://medium.com/@jamesdwho/how-to-check-for-working-volte-calling-on-android-8c343362ecfe>>. eVoLTE is a configuration which allows a handset to make an emergency call on an LTE network: Andrew Colley, ‘TPG Telecom Reveals Potential New Fatality Linked to Samsung Handset’, *iTnews* (online, 9 December 2025) <<https://www.itnews.com.au/news/tpg-telecom-reveals-potential-new-fatality-linked-to-samsung-handset-622446>>.

³ See, eg, Evidence to Senate Standing Environment and Communications References Committee, Parliament of Australia, Canberra, 9 December 2025, 40-1 (Eric Chou); ‘What Is a Baseband Processor?’, *Supermicro* (Web Page, 2026) <<https://www.supermicro.com/en/glossary/baseband-processor>>.

Other matters/issues/opportunities/principles requiring consideration

AUSCL considers that the Department may usefully investigate the role it can play, in partnership with the Cyber Affairs and Critical Technology branch of the Department of Foreign Affairs and Trade, to help ensure that:

- implementation of LTE and 5G standards by mobile telecommunications network operators and handset manufacturers results in network agnosticism for emergency calling; and
- 6G standards, and the implementation of those standards results in, network-agnosticism for emergency calling.

Apart from the imperative for the network-agnosticism of all handsets when it comes to making emergency calls, AUSCL notes that existing telecommunications standards require network agnosticism for emergency calling with a handset, regardless even of whether the handset has a SIM card loaded or its usual network state.⁴ Hence, AUSCL recommends that the Department work to ensure that what existing telecommunications standards prescribe is translated into the actual capabilities of handsets used by Australians.

2. A more proactive regulatory posture for the ACMA

Response to Question 7

AUSCL considers that the effectiveness of the 000 regulatory framework is central to public safety and national resilience, and thus the Australian Government's role as the public's 'chief risk manager'. In this context, AUSCL recommends that the most pressing reform need is effective execution, including a more proactive regulatory posture by the ACMA. The following two case studies support this recommendation.

Case study 1: Deference to entities regulated under the Spam Act 2003 (Cth)

While we welcome the ACMA's plan to establish a dedicated 000 branch (slated to partly support the Triple Zero Guardian),⁵ AUSCL considers that there are questions around the nature of ACMA's regulatory culture generally. These questions arise from reporting in December 2025 concerning ACMA's deference to major firms that the regulator itself had penalised for breaching the *Spam Act 2003* (Cth). Such deference was evident in how:

⁴ 3GPP, *Circuit Teleservices Supported by a Public Land Mobile Network (PLMN)* (Technical Specification No 22.003 v19.0.0, 15 October 2025) cl A.1.2; 3GPP, *Service Aspects; Service Principles* (Technical Specification No 22.101 v20.0.0, 28 March 2025) cls 10.1.0, 10.1.1, 10.4.1; 3GPP, *Non-Access-Stratum (NAS) Functions Related to Mobile Station (MS) in Idle Mode* (Technical Specification No TS 23.122 v.19.4.0, 13 March 2026) cls 2, 3.5; 3GPP, *System Architecture for the 5G System (5GS)* (Technical Specification No TS 23.501 v20.0.0, 16 March 2026) cl 5.16.4.1; Communications Alliance Ltd, *Requirements for Connection to An Air Interface of a Telecommunications Network—Part 1: General* (Australian Standard No AS/CA S042.1:2025, 30 June 2025) cl 5.2.2 ('S042.1:2025').

⁵ Andrew Colley, 'ACMA to Establish Dedicated Triple Zero Division', *ITnews* (online, 13 May 2026) <<https://www.itnews.com.au/news/acma-to-establish-dedicated-triple-zero-division-625834>>.

- in 2022, the ACMA imposed a pecuniary penalty of over \$2.5 million on Sportsbet but redrafted its own press release announcing the enforcement action following interventions from the corporate bookmaker; and⁶
- in 2024, the ACMA imposed a pecuniary penalty of over \$7.5 million on the Commonwealth Bank of Australia but agreed to the bank's request to postpone the announcement until after the bank's Annual General Meeting, which was after emailing the draft release to the bank six days before the AGM.⁷

While these are historical examples from a separate regulatory regime, the ACMA's approach raises questions about its regulatory culture. AUSCL notes with concern the reported statement of an ACMA spokesperson that the regulator 'did not consider the request by the Commonwealth Bank regarding the date of the announcement was unreasonable'. Our concern is especially because, in practical terms, public awareness of a significant regulatory matter was deferred until after the bank's annual general meeting.

AUSCL therefore recommends that the ACMA avoid a deferential approach in administering the 000 framework, not least since the community welfare and national security stakes of the ACMA's role as the regulator of all ECSes in Australia are significant.

Case Study 2: Coordination of crisis response

AUSCL recommends that the ACMA, in partnership with the Department and the Minister's office, review whether its crisis response procedures are adequate in driving robust coordination among those stakeholders as well as Telstra (as the emergency call person for 000), carriage service providers and emergency services organisations.

This recommendation arises from coordination issues during and in the immediate aftermath of the death of a TPG customer in Wentworth Falls who was unable to connect to 000 on their first attempt on 24 September.

That customer had a Samsung handset from one of the Updatable Models, but had not accepted the prompt from TPG to install the firmware update needed to enable camp on capabilities. The following key details indicate the need for stronger stakeholder coordination:

- Neither Samsung nor the Minister knew of this fatality until the 9 December 2025 hearing of the Senate Environment and Communications References Committee's inquiry into the September 2025 Optus 000 outage ('000 Inquiry').⁸

⁶ Michael Atkin and Alison Branley, 'Sportsbet Pressured Key Watchdog into "Watering Down" Enforcement Announcement', *ABC News* (online, 31 December 2025) <<https://www.acma.gov.au/publications/2022-02/instruction/enforceable-undertaking-and-infringement-notice-sportsbet-pty-ltd-february-2022>>.

⁷ Michael Atkin and Alison Branley, 'Commonwealth Bank Convinced Regulator to Delay News It Was Breaking Spam Laws until after AGM', *ABC News* (online, 30 December 2025) <<https://www.abc.net.au/news/2025-12-30/acma-backdown-commonwealth-bank/106125460>>.

⁸ Dan Jervis-Bardy, 'Second Death Linked to Triple-Zero Connection Failure Revealed as Explosive Inquiry Hears Minister Was not Informed', *The Guardian* (online, 9 December 2025) <<https://www.theguardian.com/australia-news/2025/dec/09/second-death-linked-to-triple-zero-connection-failure-revealed-as-explosive-inquiry-reveals-minister-was-not-informed>>; Evidence to Senate Environment and Communications References Committee, Parliament of Australia, Canberra, 9 December 2025, 24-5 (Eric Chou).

- The then-First Assistant Secretary at the Department testified before the 000 Inquiry that Telstra advised him on 24 September that the customer had died. Two days later, TPG ‘confirmed’ to him that no one had died (with it unclear whether the Department investigated the conflicting accounts of 24 and 26 September from Telstra and TPG, respectively). On the night of 8 December, Telstra notified the then-First Assistant Secretary that the TPG customer actually had died.⁹
- Although NSW Ambulance told the Department about the deceased’s handset being unable to connect to 000, the Department did not publicly warn about Samsung devices potentially being unable to connect to 000. Telstra was left to issue the first public warning about the 71 aforementioned Samsung models with camp on issues on 22 October 2025.¹⁰
- The ACMA failed to identify the fatality despite NSW Ambulance having ‘complained to [the] ACMA directly’ about the incident.¹¹
- Telstra, as emergency call person, did not advise TPG until the night of 8 December that there had been a fatality.¹²

These points indicate a serious coordination failure by the ACMA, as the regulator of the ECS for 000, to ensure that:

- it knew all critical information about a handset user being unable to connect to the ECS for 000, including that the user passed away in the process; and
- all relevant stakeholders, especially TPG (the relevant carriage service provider), had that information.

Given these case studies, AUSCL recommends that the most pressing need for reform of the regulatory framework is to ensure that the ACMA itself is a more proactive regulator.

3. The need for the handset testing regime to be effective

Response to Question 5

AUSCL considers that the *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2025 (Cth)* (‘TLN’) and the co-regulatory industry code, C674:2025¹³ (which AUSCL refers to collectively as the ‘Handset Testing Regime’), need to operate effectively in:

- directly regulating the sale of handsets on the basis of their ability to access the ECS for 000; and

⁹ Evidence to Senate Environment and Communications References Committee, Parliament of Australia, Canberra, 9 December 2025, 62-77 (Sam Grunhard).

¹⁰ Ibid 74; Evidence to Senate Environment and Communications References Committee, Parliament of Australia, Canberra, 9 December 2025, 31 (Cecelia Burgman); Evidence to Senate Environment and Communications References Committee, Parliament of Australia, Canberra, 9 December 2025, 70 (Kathleen Silleri).

¹¹ Evidence to Senate Environment and Communications References Committee, Parliament of Australia, Canberra, 9 December 2025, 63 (Sam Grunhard).

¹² Evidence to Senate Environment and Communications References Committee, Parliament of Australia, Canberra, 9 December 2025, 26 (Lyndall Stoyles).

¹³ Australian Telecommunications Alliance, *C674:2025 Emergency Calling – Network and Mobile Phone Testing* (Industry Code No C674:2025, October 2025) (‘C674:2025’).

- strategically enabling the wider 000 regulatory regime as sources of data on the ability of handsets to access the ECS for 000.

One of the applicable technical standard[s] that handsets must comply with under the *TLN* s 9, sch 1 is *S042.1:2025*, clause 5.2.2 of which requires that handsets must be able to dial 000 and 112 whether or not they have working SIM cards inserted.¹⁴ Given *TLN* pt 4, a handset cannot be sold in Australia unless it can dial 000. Hence, the *TLN* is a key control for ensuring that Australians are using handsets capable of accessing the ECS for 000 when they need it.

AUSCL considers that handset manufacturers warrant the same priority as carriers and carriage service providers under the 000 regulatory framework, given that individuals require functional handsets to access the ECS for 000 via Australian network units. AUSCL does not recommend, however, imposing obligations on handset manufacturers beyond those under the Handset Testing Regime, given that the:

- *TLN* and *C674:2025* concern the compliance of their products with applicable technical standards such as *S042.1:2025*; and
- manufacturers do not supply carriage services over which the ECS for 000 is accessed and that are regulated by the ECS Determination and Telecommunications Act 1997 (Cth).

Nonetheless, AUSCL recommends that the operation of the *TLN* and *C674:2025* be enhanced through four reforms to how the ACMA administers and otherwise facilitates the functioning of the Handset Testing Regime, namely that it:

- acting in partnership with the Department, become more proactive in administering and acting on opportunities for reforming the Handset Testing Regime;
- support and scrutinise the work of the Australian Telecommunications Alliance Device End-to-End Service Testing Group ('DETEST Group');
- acting in partnership with the Department, support more robust auditing of handsets' compliance with applicable technical standards listed by the *TLN*; and
- operate a public register of the ability of handsets, bearing Regulatory Compliance Marks for meeting applicable technical standards listed by the *TLN*, to access the ECS for 000.

A more proactive approach to administering and reforming the handset testing regime

AUSCL recommends that the ACMA, acting in partnership with the Department, takes a more proactive approach to administering and identifying opportunities for reforming the Handset Testing Regime. This view is informed by the fact that the co-regulatory code for testing handset and network unit performance under failure scenarios, *C674:2025*, was developed eighteen months after such a framework was recommended by the Bean Review, specifically Recommendation 3:

To ensure (to the extent possible) continuous access to Triple Zero, carriers must conduct 6-monthly end-to-end testing of all aspects of the Triple Zero ecosystem within and across networks. The end to end detection testing should include:

¹⁴ *S042.1:2025* (n 4) cl 5.2.2, especially clause 5.2.2.1.

- *Behaviour of all* known devices in different circumstances, and
- Interoperability of all parts of the ecosystem (from originating carrier, to ECP, to ESO answering point) during outages.

Any identified deficiencies must be reported to the ACMA and be accompanied by a remediation plan with timetable.

This requirement should be mandated in a standard or determination.¹⁵

AUSCL recommends that future implementation of important recommendations concerning the 000 regulatory framework proceed with greater urgency, particularly where those recommendations arise from a review commissioned by the Australian Government. Where delay occurs, the ACMA could engage industry stakeholders to understand and help address the causes of that delay.

ACMA support and scrutiny of the DETEST Group

As part of being a more proactive regulator, especially of handset testing, the ACMA must support and scrutinise the work of the Australian Telecommunications Alliance Device End-to-End Service Testing Group ('DETEST Group'). Established in November 2025, the DETEST Group has Apple, Certification Body Australia, Comtest Laboratories, Optus, Samsung, Telstra and TPG as members.¹⁶ The DETEST Group's mission is 'to develop industry technical guidance and share technical information' to enable end-to-end testing at the Controlled Testing Facility ('CTF') specified under C674:2025 and relevant facilities at carriers and carriage service providers.¹⁷ The DETEST Group's terms of reference prescribe that it 'consider and provide guidance and/or solutions' with respect to:

- testing camp on; and
- 'life cycle aspects of devices', including operating system updates.

AUSCL welcomes the creation of the DETEST Group, given the following observation in the final report of the *Bean Review*:

*The carriers do not test with and/or across each other's networks. While testing the camp on function on their own networks, even if covering all scenarios, the testing does not guarantee (as far as practicable) that calls will be picked up when a competitor's network is unavailable.*¹⁸

Given these factors, AUSCL recommends that the ACMA support the DETEST Group's work to improve handset testing and scrutinise progress, noting that the DETEST Group was only established:

- 21 months after the Bean Review's final report was handed down;
- two months after the death of a TPG customer unable to immediately access the ECS for 000 via their Samsung device; and

¹⁵ Richard Bean et al, *Review into the Optus outage of 8 November 2023 – Final Report* (Report, 30 April 2024) 9.

¹⁶ 'Device End-To-End Service Testing (DETEST) Group', Australian Telecommunications Alliance (Web Page, November 2025) <<https://www.austelco.org.au/committees-and-groups/device-end-to-end-service-testing-detest-group/>>.

¹⁷ Ibid.

¹⁸ Bean et al (n 15) 22 (emphasis added).



- the month after the registration of C674:2025, the co-regulatory industry code for network and device testing with respect to emergency calling.

When read with the delay in enacting C674:2025 (mentioned above), the significant delay in the creation of the DETEST Group suggests at least a lethargy on industry's part with respect to the accessibility of the ECS for 000. This especially necessitates greater vigilance and proactivity from the ACMA as the regulator of all ECSes in Australia.

More robust auditing of handset compliance with applicable technical standards

AUSCL recommends that the:

- Department, in partnership with the DETEST Group, facilitate the creation of more CTFs to enable a greater volume of handset testing under C674:2025 than possible through the one CTF at present;
- ACMA strengthen scrutiny of handset compliance with applicable technical standards such as S042.1:2025 under the TLN, including by commissioning independent testing of randomly sampled devices at government facilities and scrutinising the DETEST Group's testing efforts (recommended above); and
- Australian Government adequately resource the ACMA and Department to perform these roles.

Our position stems especially from the telecommunications *industry* peak body, the Australian Telecommunications Alliance ('ATA'), warning that manufacturers are, in essence, supervising themselves under the TLN.¹⁹ The ATA also raised the sheer inadequacy of device testing under the C674:2025 regime:

The Controlled Test Facility testing regime established under code C674 will only test a small fraction of devices in market (10-20 per year out of well over 40,000 handset makes/models in Australia), and while MNO [Mobile Network Operator] device testing will complement these efforts, there will still be a significant number of devices in market that are not captured by these testing arrangements and will be impossible to capture by testing arrangements due to the nature of the devices and how they are brought into market, e.g. grey market imports etc.²⁰

AUSCL's position is reinforced by the Bean Review's warning that '[t]he countless variations in handsets, handset and SIM settings, and the alternative configurations between nodes within each of the networks, present a significant risk to the certain operation of the camp on functionality in all (or as many as might reasonably be anticipated) circumstances'.²¹ This was arguably manifest with the baseband firmware issue with the 71 problematic Samsung models (mentioned in Sections One and Two of this submission) going undetected even after four layers of testing by four separate bodies.²² The ATA even warned that testing conducted under C674:2025 may find handsets that cannot access the

¹⁹ Australian Telecommunications Alliance, Submission No 12 to Senate Standing Committee on Environment and Communications, *Triple Zero Service Outage* (25 November 2025) 9 ('ATA Submission').

²⁰ *Ibid.*

²¹ Bean et al (n 15) 22.

²² Andrew Colley, 'Samsung Triple Zero Handset Firmware Mystery Deepens', *iTnews* (Online, 5 November 2025) <<https://www.itnews.com.au/news/samsung-triple-zero-handset-firmware-mystery-deepens-621536>>.

ECS for 000 ‘in some circumstances’ while certified by their manufacturers as compliant with applicable technical standards under the *TLN*.²³

Given that access to the ECS for 000 is literally a matter of life and death and thus national resilience, AUSCL recommends that the ACMA strengthen oversight of the Handset Testing Regime, and work with the Department and DETEST Group to ensure deeper technical scrutiny of handset access to 000.

An ACMA-operated public register for the ability of RCM-bearing handsets to access the ECS for 000

AUSCL recommends that the ACMA operate a public register of the ability of handsets bearing Regulatory Compliance Marks to access the ECS for 000. This is required as a single source of truth about whether the handsets connecting to Australian telecommunications towers are actually safe to use. Such a register will provide both tactical intelligence (specific models unable to connect to 000) and strategic intelligence (signs of systemic issues with certain manufacturers about multiple models or families thereof failing to connect to 000) to those stakeholders.

The ACMA, Department, Triple Zero Custodian and Minister can use the register to inform their operational activity, stakeholder engagement and collective oversight of the 000 system specifically and delivery of carriage services generally. They can identify problematic trends among devices before they multiply into systemically critical problems and take appropriate action to safeguard the availability of 000.

Industry stakeholders can also use this intelligence to inform swifter amendment of handset design, manufacturing, testing and life cycle management processes in line with real-world data. One notes that, at least as at December 2025, Australian carriage service providers used ‘slightly different methodologies’ for detecting handsets from the 71 problematic Samsung models.²⁴ Samsung itself was unaware of those models having camp on issues or that the handsets had been sold locally by Samsung Australia until Telstra performed its own testing and notified the manufacturer.²⁵ In this regard, the Head of Mobile Division for Samsung Electronics Australia testified before the 000 Inquiry in favour of ‘an industry-wide register of all devices that are being sold in the market and also have the relevant conformity declaration’.²⁶

AUSCL’s position also echoes that of carriage service providers that suggested manufacturers be required ‘to populate a public register of compliant (tested) devices sold in Australia’.²⁷ Carriage service providers also recommended that ‘the ACMA or another appropriate government agency’ run the register because the ACMA administers the regime and other key telecommunications registers.²⁸ AUSCL also notes that the terms of reference for the DETEST Group cover development of ‘guidance

²³ *ATA Submission* (n 19) 9.

²⁴ Evidence to Senate Standing Environment and Communications References Committee, Parliament of Australia, Canberra, 9 December 2025, 41 (Eric Chou).

²⁵ *Ibid* 40; Michael Atkin and Lucy Kent, ‘Telstra Testing Reveals Some Samsung Mobile Phones Unable to Make Triple-0 Calls’, *ABC News* (online, 22 October 2025) <<https://www.abc.net.au/news/2025-10-22/samsung-mobile-devices-triple-0-telstra-network/105920816>>.

²⁶ Evidence to Senate Standing Environment and Communications References Committee, Parliament of Australia, Canberra, 9 December 2025, 44 (Eric Chou).

²⁷ *ATA Submission* (n 19) 10

²⁸ *Ibid* 10-11.



and/or solutions' regarding 'device testing and a common approach to permitted devices, including the future development of a proposed ACMA/government database'.²⁹

AUSCL considers there is a strong case for the ACMA to operate a register of handsets' regulatory compliance and ability to connect to 000. AUSCL encourages the ACMA to accelerate engagement with industry on this issue, noting the 27 November 2025 statement of an ACMA spokesperson that discussions with industry were 'ongoing'.³⁰

4. Conclusion

AUSCL regards the *Triple Zero Legislative and Regulatory Review* as a valuable and timely initiative.

There have been multiple disruptions to Australians' access to the ECS for 000 in recent years. 71 models of Samsung handsets were identified just in late 2025 as being unable to camp onto the Vodafone LTE network, 61 of which required owners to install a firmware patch and 10 of which required replacement. Such issues raise important questions regarding the effectiveness of the ACMA as the regulator for the ECS. The regulatory framework for testing handsets' compliance with applicable technical standards must also be closely scrutinised, as must the efforts of government and industry stakeholders to drive the execution of that framework.

In this respect, AUSCL considers this consultation an important opportunity to support a broader and necessary policy discussion. Australia's resilience requires a functional and reliable ECS for 000. In that regard, AUSCL respectfully presents its analysis and recommendations for the Department's consideration.

²⁹ Australian Telecommunications Alliance Device End-To-End Service Testing (DETEST) Group, 'Terms of Reference' (Terms of Reference, November 2025) 1.

³⁰ Andrew Colley, 'ATA Asks Fed Gov to Make Triple Zero "Compliant" Device List Public', *iTnews* (online, 27 November 2025) <<https://www.itnews.com.au/news/ata-asks-fed-gov-to-make-triple-zero-compliant-device-list-public-622086>>.



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Disclaimer

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