Triple Zero Legislative and Regulatory Review

The First Nations Digital Inclusion Advisory Group (Advisory Group) welcomes the opportunity to provide a submission to the review of the Triple Zero Legislative and Regulatory Framework. Since Triple Zero is plainly an essential communications service, it should be available to all Australians in as many locations as possible with the highest standards of availability.

The Advisory Group was established by the Minister for Communications in 2023 to provide advice on progressing Target 17 of the National Agreement on Closing the Gap, which aims for equal levels of digital inclusion for First Nations Australians by 2026. Target 17 underpins Outcome 17 of the National Agreement, which is focused on ensuring First Nations Australians have access to information and services enabling participation in informed decision-making regarding their own lives.

Our advice is founded on a strong belief that digital inclusion is a human right and is a key enabler to self-determination and empowerment for First Nations people and communities. Digital inclusion is not just access but it must include a structural safeguard against racism, exclusion and harm in these digital environments to participate confidently and safely. Triple Zero is therefore an important test case as to whether telecommunications services are delivered in a manner which ensures availability and whether First Nations have equitable access to these services.

The Advisory Group also notes the importance of ensuring that First Nations perspectives and voices are central to policy and regulatory reforms. We encourage the Triple Zero custodian to ensure ongoing engagement with First Nations organisations on this important matter, to help build understanding of what access to Triple Zero looks like in many First Nations communities.

The First Nations Digital Inclusion Advisory Group's remit access, affordability and ability to access digital telecommunications, media and broadcasting including considering fixed line, mobile and satellite technologies. FNDIAG has considered these issues in depth for more than [3 years], including extensive industry engagement, collaborations with NBN, NIAA, Telstra, Optus and others, and consideration of the Australian Digital Inclusion Index (ADII) and Mapping the Digital Gap to gain deep insights into the challenges and opportunities for First Nations Australians.

Reliance on terrestrial networks for Triple Zero has left many First Nations communities in a particularly vulnerable and disadvantaged position as terrestrial networks invariably only offer patchy coverage in regional areas, with coverage diminishing to unworkable in rural and remote Australia. There is a disproportionate number of First Nations Australians and communities in regional, rural and remote areas that do not have reliable access to Triple Zero via terrestrial mobile networks.

At present, there are around 600 First Nations communities which lack mobile coverage or access to reliable internet. Phone and internet outages – which are frequent in many remote communities – can mean limited access to emergency services, including Triple Zero, sometimes for days or weeks. For example, in Wadeye across March and April this year, for example, rolling outages of the Telstra service led to members of the community reporting they were unable to access Triple Zero across that period.

It is vital that this lived experience is considering how Triple Zero laws and rules could be improved to better fit the modern telecommunications environment.

Guiding principles for Triple Zero regulation

The Advisory Group confirms that a single national emergency number remains essential. When someone dials Triple Zero, there is a fundamental expectation that the network will connect them to help. The Advisory Group believes that expectation is a basic right of modern life for all Australians. The Advisory Group recommends the primary principle that should guide Triple Zero regulation should be equitable and reliable access regardless of location. This means that people living in remote communities should have access that is functionally equivalent to that which is available in metropolitan Australia.

Another guiding principles should be the need for the Triple Zero ecosystem to be technology-neutral as reliance on a single technology can create unacceptable levels of risk, particularly for remote communities. Many current arrangements appear to assume emergency access occurs through fixed or mobile carrier networks only. This exclude communities whose primary communication pathways are satellite-based (such as NBN Sky Muster or Low Earth Orbit satellites) or Community Wi-Fi services. Regulation should explicitly allow and encourage:

- direct satellite access to triple Zero
- emergency SMS and messaging services over satellite links
- voice-over-IP emergency calling
- community wi-fi services .

A key concern for the Advisory Group is that devices capable of satellite emergency communication should not be prevented from accessing Triple Zero because they fall outside of traditional telecommunications categories. It is imperative that the Review formally recognise that for many First Nations communities, satellite communications are not a backup service – they are the primary communications network.

First Nations Australians, as well as many regional, rural and remote communities, also spend significant time outside of terrestrial mobile coverage, for example, when travelling between communities. Australia is one of the largest countries in the world, with one of the lowest population densities and terrestrial networks only cover the third of the land mass. Primary reliance on terrestrial networks is simply unlikely to deliver government's objective of ensuring maximum access to critical services.

The current reliance on terrestrial networks is an inherent risk since those networks all rely on common points of failure and are part of a complex interconnected system which has proved complex and unreliable. This focus is also unnecessary as Triple Zero Satellite-based Direct to Device (D2D) Triple Zero services have in fact been available in Australia for approximately 50 per cent of mainstream mobile users for nearly 4 years[1] since 2022, and other Triple Zero D2D services are being deployed.

Future Triple Zero regulation must guarantee that people living in satellite-only communities can access emergency services with a level of reliability, functionality, and safety that is equivalent to Australians living within mobile network coverage. Understanding the reality of satellite-based D2D services for Triple Zero is important as it offers the only truly redundant and resilient complement to the current complex terrestrial system. Australians can and should have two options available to them for such an

[1] Since Apple launched its Globalstar Triple Zero service in 2022-23: https://www.apple.com/au/newsroom/2023/05/emergency-sos-via-satellite-available-in-australia-new-zealand/

essential service. Before the NBN migration, Australians had both mobile and fixed line, and the post-migration risks of reliance on a single system which only utilises mobile networks are now clear.

Policy and funding should be targeted at the highest value for money and ensuring a resilient satellite based D2D service is very likely to represent the highest value as it could very quickly not only replicate terrestrial mobile coverage but instantly offer true national coverage.

Critical Infrastructure Resilience

Since the release of the First Nations Digital Inclusion Roadmap in late 2024, the Advisory Group has strongly advocated for improved resilience of communications infrastructure, including the resilience of power supplies. Communications, Energy and Space services are all recognised across government as Security of Critical Infrastructure (SOCI) Sectors. However, these sectors are often delivering inefficient, unreliable and expensive outcomes for First Nations communities, with the inter-dependencies between the sectors often leaving First Nations Australians without access to power and therefore without access to communications services whether terrestrial or satellite.

Seasonal weather, natural disasters and power outages can cause communications and broadcasting infrastructure to go offline, which has at times led to life threatening situations and emergencies, particularly in remote areas. This can be compounded by the time it takes for technicians to be able to visit the community, as well as delays in the provision of required spare parts.

Ensuring main power supply and back-up power and battery solutions for communications and broadcasting infrastructure will significantly reduce the number of disruptions to the network and will also provide ample time for technicians to repair and restore services when there are outages.

The Advisory Group recommends the expansion of government telecommunications resilience programs, such as the Telecommunications Disaster Resilience Innovation Program, to cover all First Nations communities of need.

Industry responsibility and outcomes

If emergency access increasingly depends on smartphones, satellite-enabled devices, smartwatches, or future technologies, manufacturers should share responsibility for ensuring emergency functionality works in Australian conditions. Urban testing alone is insufficient, and requirements should include testing in remote and satellite-only environments to ensure emergency calling and messaging capability.

The Advisory Group believes industry performance measures should explicitly include remote and very remote Australia rather than relying on national averages that can hide poor outcomes in small populations. Remote and very remote communities often experience problems that are invisible in national reporting but still have life-threatening consequences. Industry performance measures should be directly linked to:

- network performance reporting by remoteness category
- Investigation of recurring outages affecting remote users
- consultation with First Nations communities during reviews
- collection of data on satellite service performance for emergency communications.

ACMA and the Triple Zero Custodian

The Advisory Group is concerned that insufficient visibility of remote community experiences could be a potential barrier preventing ACMA from addressing systemic problems. Systemic issues in remote Australia can remain hidden because populations are small, failures may not generate large complaint numbers and data may be aggregated nationally. ACMA should have the authority to investigate patterns affecting remote communities, such as performance data from satellite providers, even where national performance metrics appear satisfactory.

The Advisory Group believes the Triple Zero Custodian should be required to consider the needs of remote and very remote communities as a core responsibility. The most important consideration for regulation is clarity and who is accountable. It is imperative for people living in remote communities to know:

- who is responsible for emergency access
- Who investigates failures
- who drives improvements and can respond to complaints.

The roles of ACMA and the Triple Zero Custodian must be clearly defined and adequately communicated, with explicit responsibility for ensuring remote and satellite-dependent users are not overlooked.

Conclusion

We would be happy to discuss the contents of this submission further. If you would like to do so, please contact firstnationsdigitalinclusion@infrastructure.gov.au.

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Ms Dot West OAM
Co-chair
First Nations Digital Inclusion Advisory Group

Professor Lyndon Ormond-Parker
Co-chair
First Nations Digital Inclusion Advisory Group