Triple Zero legislative and regulatory review

NSW Government submission

New South Wales (NSW) welcomes the opportunity to respond to the Triple Zero legislative and regulatory review process.

This submission is made by the NSW Government in response to the Triple Zero Legislative and Regulatory Consultation Paper issued by the Triple Zero Custodian within the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts in May 2026. It represents a coordinated whole-of-government position, informed by the direct operational experience of NSW Police, NSW Ambulance, Fire and Rescue NSW, NSW Premiers Department, Transport for NSW (TfNSW) and the NSW Telco Authority (NSWTA). These stakeholders have a material stake in the reliable delivery of Triple Zero services to the people of NSW.

As the state government responsible for funding, resourcing and overseeing emergency service organisations (ESOs) that ultimately receive and action Triple Zero calls, NSW has direct and consequential experience of the legislative framework's real-world consequences, including its failures. The 2023 Optus national outage and the September 2025 outage specifically affecting Triple Zero call carriage each had immediate operational consequences for NSW emergency services that are reflected throughout this submission.

Our responses are anchored through the instruments listed in the Review's Terms of Reference: The *Telecommunications Consumer Protection and Service Standards Act 1999* (TCPSS), the *Telecommunications (Emergency Call Service) Determination 2019* (ECS Determination), the *Telecommunications Act 1997* (Tel Act), the *Australian Communications and Media Authority Act 1997* (ACMA Act), the *Telecommunications (Customer Communications for Outages) Industry Standard 2024*, the *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2025* (TLN), and the *Telecommunications Legislation Amendment (Triple Zero Custodian and Emergency Calling Powers) Act 2025,*the *State Emergency and Rescue Management Act 1989,* the *Government Telecommunications Act 2018 and* State Emergency Management Plan (EMPLAN).

Our overarching position is that Triple Zero should be regulated as a national life-safety capability, not merely as a telecommunications service. While the recent establishment of the Triple Zero Custodian and expanded ACMA powers are important reforms, the framework remains too reactive and must shift to proactive, anticipatory assurance. The Review should reflect the Bean Review, the Schott Review, the NECWG-A/NZ *Emergency Communications in Australia* White Paper and NSW operational experience by embedding enforceable obligations across the full call chain, improving real-time information sharing with ESOs, and ensuring future technology changes are assessed before they create operational, cyber, reliability, accessibility or funding risks for states and territories.

Methods of access for Triple Zero

1. **What principles should guide Triple Zero service regulation in the contemporary telecommunications environment? How should these be reflected in the legislative and regulatory framework?**

   The Consultation paper identifies that the current legislative framework was designed for a fixed-line world of the 1990s, while today over 85 percent of Triple Zero calls are made from mobile devices.

   NSW submits that the following principles should guide the reformed framework:

   - **Reliability as an absolute, enforceable standard.** The framework should recognise Triple Zero reliability as a non-negotiable life-safety obligation. The TCPSS Act and supporting instruments should require carriers, ECPs, CSPs and other entities that enable emergency communications to maintain continuous, resilient and measurable Triple Zero capability, supported by enforceable performance standards rather than broad outcome statements alone.
   - **Timely and complete notification of outages** or issues affecting the Emergency Call Service (ECS), for both community and government triple zero agencies, enabling rapid response, harm prevention, and the protection of life and property.
   - As proposed by the White paper, the framework should be **technology neutral but safety gated.** Any device, network or service capable of initiating or carrying emergency communications should be subject to equivalent reliability, testing, location, cyber security, accessibility, false-activation and operational acceptance requirements before it is promoted or enabled as an emergency contact pathway. This includes mobile, fixed, satellite, direct-to-device, application-based, sensor-generated and future machine-generated emergency contact methods.
   - **Proactive risk prevention**. The reformed framework must embed anticipatory obligations. Carriers must demonstrate Triple Zero capability before network changes are deployed, not after failures.
   - **Accountability across the full Emergency Call Service (ECS) call chain**. As the Consultation notes, a Triple Zero call can traverse multiple networks each operated by a different carrier. Current outcome-based language such as Section 19 of the DCS Determination: “CSPs and carriers must ensure an emergency call is carried to the relevant termination point” creates a responsibility but no performance metric. The TCPSS could be strengthened to ensure that carriers, ECP and CSPs collectively maintain continuous and resilient Triple Zero capability, including the downhill network from ECP to ESOs. This ensures accountability at all levels.
   - **Formal recognition of ESOs as critical ecosystem participants.** ESOs should be recognised in the legislative framework as critical participants in the Triple Zero ecosystem, not merely downstream recipients of calls. As operational agencies responsible for call-taking, dispatch and emergency response, ESOs should have guaranteed access to operational data, standing consultation rights before major system or access changes, and formal representation in national governance arrangements.

- **Consumer access and equity.** The framework must ensure that individuals in regional and remote areas, people with disability relying on the National Relay Service (NRS), people experiencing family violence, elderly residents, culturally and linguistically diverse communities, tourists, visitors, and users of non-mainstream devices are not disadvantaged by gaps in the current regulatory framework. This objective could be achieved through explicit regulatory requirements, performance standards, accessible public communications, and targeted safeguards for cohorts that are more likely to be affected by communications failure. The ECS Determination contains no specific performance standards for NRS-mediated Triple Zero calls, the 106 teletypewriter is obsolete for most users, and the Consultation Paper identifies that emerging technologies are not yet considered within the legislative and regulatory framework, leaving their accessibility implications unaddressed.
- Triple Zero service regulation should **enable information-sharing in real-time** with emergency services organisations, government agencies (e.g. NSW Telco Authority), and other frontline responders (e.g., NSW Maritime personnel, Rail Fire and Emergency personnel, Transport-run (e.g., Transport Management Centre) and privately run (e.g., Parramatta Light Rail control room) operational control centres, etc). Triple Zero service regulation should also enable integration with existing and emerging emergency systems (e.g., the computer-aided dispatch used by emergency services organisations) and processes (e.g., the AusAlert text message system which is currently being trialled by the National Emergency Management Agency).
- **Critical infrastructure and disaster resilience alignment.** The framework should align Triple Zero obligations with critical infrastructure resilience, cyber incident reporting, emergency management and natural disaster arrangements. This should include obligations for power resilience, deployable telecommunications assets, consequence reporting during disasters, identification of single-carrier reliant communities, and integration with state emergency management arrangements.
- **Financial sustainability and operational readiness.** Commonwealth-led changes to Triple Zero access should not create unfunded state or territory obligations. Any expansion of access modalities should be preceded by ESO impact assessment, cost modelling, implementation lead time, training requirements, operational protocol development and an agreed funding pathway.

2. **Are there any barriers in the current legislative and regulatory framework blocking access to the benefits of new delivery technologies which could be used to contact Triple Zero? If so, what aspects of the legislative and regulatory framework need to be amended to increase flexibility?**
    - The Consultation paper explicitly acknowledges that new technologies are “currently not fully considered under the legislative and regulatory framework.” Amendment is required to either broaden the TCPSS Act’s definition of covered services or to empower ACMA to declare new service classes as covered services by legislative instrument, without requiring primary legislation each time.
    - The TLN must be amended to impose post sale obligations on device manufacturers to maintain Triple Zero capability across the supported life of the device, and to notify ACMA of any update that might affect emergency calling functionality. A main challenge of

this proposed amendment is the grey market (or "non-Australian compliant") handsets that create a specific and material risk to reliable access to Triple Zero because they can behave differently from devices intended for the Australian network environment.

- The Consultation paper notes that LEOSat D2D services "will increasingly provide mobile coverage in areas of Australia which are currently not serviced by terrestrial mobile infrastructure." The TPSS Act and ECS Determination should explicitly address LEOSat D2D service obligations as providers of these services, which may be the only emergency communication option in remote areas, are not bound by any Triple Zero related reliability standards. ECS Determination should be updated simultaneously with Universal Outdoor Mobile Obligation (UOMO) commencement to ensure Triple Zero access obligations apply to all networks operating under UOMO obligations, including LEOSat D2D services.
- The framework should include a standards-based approach to new technologies. The data model should be consistent for all device types with new technologies considered e.g. the introduction of z-axis location services for Advanced Mobile Location (AML). Consideration needs to be given to the integration of these devices into the eco-system. For example, autonomous contacts today are currently required to do through a third-party relay (e.g. Apple SOS via satellite). The current framework prevents direct integration into the ECS for autonomous contacts requiring new technologies such as Apple SOS via Satellite to be implemented via an independent relay service. This potentially introduces additional delays in call handling and fails to provide a sustainable, scalable model for new technologies and contact channels.
- As communication technologies continue to evolve within the rail operational environment, including the planned migration from GSM-R to 5G-based mission-critical communication networks, TfNSW considers that the current legislative and regulatory framework, while effective in supporting access to Triple Zero across public telecommunications networks, does not sufficiently distinguish between public networks and closed, private operational networks. This creates a potential barrier to appropriately incorporating new delivery technologies and introduces unintended risks when the framework is applied uniformly across fundamentally different network types. To address these barriers and improve flexibility, the legislative and regulatory framework could be amended to explicitly exclude specific networks or carriage services, such as closed, private operational networks, where inclusion would:
    - Compromise safety-critical operations, or
    - Undermine the integrity of either the network or the Triple Zero service itself
- Such exclusions should be:
    - Clearly defined within the framework, and
    - Supported by regulatory powers for the ACMA and/or the Minister to determine applicability on a case-by-case or class basis

3. How should the legislative and regulatory framework balance multi-modal access to Triple Zero, when compared to reliability and redundancy?

NSW's position is that reliability and redundancy are the primary objectives of the Triple Zero service. Multi-modal access should be supported where it improves public safety and accessibility, but it must supplement rather than displace reliable voice calling and must not introduce unmanaged demand, unreliable location data, cyber risk, duplicated incidents, false activations, additional call-taker ambiguity or unsustainable costs for ESOs.

New access channels such as text, real-time text, video, telemetry, application-based contact, wearable alerts, connected vehicle alerts and satellite-enabled services should be introduced through a standards-based and nationally consistent gateway. Before deployment at scale, each modality should be assessed against service reliability, end-to-end routing, location accuracy, data quality, privacy, cyber security, workforce impact, public messaging, training, funding and interoperability with ESO call-taking and dispatch systems. Further, the assessment should consider the at-risk or minority groups who could potentially benefit from the new modality to improve inclusivity and equity of access to emergency communications.

The framework could exempt closed, private operational networks, such as rail communications networks, from obligations designed for public telecommunications environments. These networks are engineered for mission critical operational purposes, with strict performance, availability, and prioritisation requirements that are fundamentally different from public network design.

4. **Should the legislative and regulatory framework allow for the ACMA, and/or the Minister, to determine which class of devices or technologies should or should not be able to reach Triple Zero, in order to safeguard the integrity of the system?**

The Consultation paper identifies that expanding access to Triple Zero through new devices and technologies may increase the risk of non-genuine of accidental calls, potentially reducing capacity for genuine emergencies.
NSW's position is that this risk reinforces, rather than constrains, the need for stronger data-sharing and device-level transparency, coordinated by the Triple Zero Custodian. Improved access to operational data would support more effective identification and filtering of non-genuine calls. In this context, a mandatory device register coordinated by the Custodian would enable carriers and regulators to identify misconfigured or high-risk devices and apply targeted interventions, including blocking where necessary, which available only at subscriber level today.
There are opportunities to improve regulation of the classes of devices and technologies that can reach Triple Zero. For example, CSPs are currently required to carry emergency calls from SIMless and international handsets. These devices can generate a high proportion of non-genuine calls and may provide limited metadata or location information, increasing demand and call-processing time. A research-led, risk-based regulatory model should allow ACMA, informed by the Custodian and ESOs, to approve, restrict, condition or block device classes or services where evidence shows material life-safety, reliability, cyber security, misuse or operational risk.

TfNSW strongly supports the proposal that the ACMA, and/or the Minister, be empowered to determine which classes of devices or technologies should be permitted or restricted from accessing the Triple Zero service.
In addition, TfNSW considers it equally important that such determinations extend to identifying specific networks or carriage services that should be excluded from the Triple Zero regulatory framework, where inclusion would introduce unacceptable risks.
This approach supports expanded access while maintaining system integrity through evidence-based controls, rather than broad restrictions.

5. **Should mobile device manufacturers be considered more centrally in the Triple Zero legislative and regulatory framework (such as under ECS Determination)? What, if any, additional requirements should apply to mobile device manufacturers to ensure mobile devices can reliably contact Triple Zero on Australian networks?**

NSW submits that manufacturers of internet connected and contact capable devices including mobile phones, wearables, autonomous vehicles, and other devices capable of autonomously detecting and communicating an emergency event, should be brought expressly and enforceably within the ECS Determination. The TLN currently governs mobile devices but only at the point of market entry via the RCM certification process. Once certified, a manufacturer faces no ongoing obligation under the ECS Determination framework. This gap provides an opportunity for the following requirements:

- **Pre-deployment software testing**. Any software or firmware update that could affect emergency calling functionality must be tested against Australian network configurations before deployment. ACMA should be empowered to mandate testing and to withhold approvals for updates that fail testing.
- **Mandatory disclosure**. Device manufacturers must notify the ACMA and the Triple Zero Custodian of any known or suspected software, firmware, or hardware issues that may affect Triple Zero calling capability within a defined timeframe.
- **Lifecyle maintenance obligation**. Manufacturers must maintain Triple Zero calling capability for the duration of the device's supported software lifecycle.
- **Device register**. NSW supports the industry suggestion noted in the Consultation Paper that "a mobile device register was established" containing "device capability and emergency calling" information. This register should be mandatory, administered by the ACMA in conjunction with the Custodian, and publicly accessible.
- **Overseas device entry**. Where possible, devices sold in Australia through parallel import channels or online marketplaces must comply with the same requirements. Grey devices, devices without the latest system updates may fall outside of this need technically. Devices which are made to meet the standards of other countries then brought to Australia will remain a challenge. This is an issue that needs to be addressed separately.

- Network capability and lifecycle transition. Legislative and regulatory frameworks should support device compatibility during transitions between network generations. Earlier requirements for device compatibility, testing, customer notification and remediation during the 3G decommissioning may have reduced the number of legacy devices that attempted to contact Triple Zero without reliable emergency calling capability.

Industry Obligations

6. What outcomes should carriers, CSPs and ECP be accountable for in delivering Triple Zero calls, and what minimum requirements are needed to achieve those outcomes?

NSW supports accountability across the full call chain described in the Consultation Paper: from the caller's device, through the originating carrier and any intermediate network, to the ECP, and then to the relevant ESO. In this process the downhill network is as important as the uphill network. These outcomes must be supported by measurable, auditable performance standards. Minimum requirements should include not only documented processes but evidence that those processes have been tested, monitored, reported and remediated. Focusing only on ECP performance provides limited visibility of end-to-end Triple Zero call delivery and does not adequately address carrier, CSP, device or emerging network failures. Accountability requirements can provide the foundation for enhanced funding and support from the Commonwealth to the state for regulatory reform.

Carriers are accountable for:

- network availability for Triple Zero call origination, supported by a minimum uptime standard with increased reliability standards, power resilience standards, increased communication to customers, ESOs and government during outages,
- successful delivery of Triple Zero calls to the relevant termination point and, where technically measurable, end-to-end success across the full emergency contact pathway, including handover to the ECP and transfer to the relevant ESO;
- camp-on functionality, verified and tested by carriers as required by Recommendations 3 & 4 of the Bean Report.
- maximum time to detect and notify an outage affecting ability to access the Triple Zero service.
- meaningful and timely notifications to customers, ESOs and government, both state and federal.
- notification obligations during outages including the customer, the Custodian, the ACMA, ESOs and ECP
- Post-outage welfare check obligations as required under the ECS Determination

CSPs are accountable for:

- notification obligations during outages specifically related to their services including the customer, the Custodian, the ACMA, ESOs and ECP

The **ECP are accountable for:**

- the existing performance standards reported to ACMA under the ECS Determination. This obligation currently exists but there is no proactive performance reporting. The rules require providers to meet performance standards, but they are not currently required to actively and regularly report their performance data to ACMA without being asked.
- call transfer and completeness. This requirement is currently enforced.
- proactive notification to the Custodian, ACMA, affected ESOs and relevant carriers when disruption to the ECS is detected, suspected or confirmed, supported by defined notification thresholds and timeframes.
- While ECPs are currently subject to performance standards under the ECS Determination, there is no requirement for proactive, regular reporting of performance data to ACMA. Existing reporting is largely reactive or event based. ECPs do provide certain information to DITRDCSA; however, the proposed approach would likely require both expanded reporting obligations (including earlier-stage and more frequent performance data) and broader information sharing with other stakeholders, such as ACMA and ESOs.

The ESOs are accountable for:

- maintaining performance standards
- maintaining service availability to accept calls transferred from the ECP
- receiving complete and accurate call transfers from the ECP, including all available location and caller data
- participating in outage notification protocols and welfare check procedures as set out in Telecommunications (Emergency Call Service) Determination 2019.
- coordination with the ECP and Custodian during disruptions

7. How could the framework be amended to further provide obligations to support the proactive identification and rectification of systemic issues? What mechanisms (for example, incident learnings, mandatory improvement plans, directions, audits) are most effective, and why?

NSW's position is that all four mechanisms identified in the question are necessary and must operate in coordinated, escalating sequence. The framework should move from reactive compliance to anticipatory assurance.

Incident Learnings should be mandatory, structured, and shared. Following Triple Zero call failure, carriers, CSPs and ECPs must produce a formal root cause analysis in a standardised format prescribed by the ACMA, submitted within 30 days to both ACMA and the Custodian. While the ECS Determination requires carriers to report on major outages and outline prevention measures, there is currently no requirement for a formal, standardised root cause analysis across Triple Zero incidents.

Mandatory improvement plans should be triggered by any breach of performance standards or by any major outage as defined by ACMA. The Consultation paper identifies this as already proposed under the Government's Bean Review response requiring "industry to provide work plans to the regulator following a major outage." NSW supports making this mandatory under the ECS Determination with ACMA oversight, binding timeframes for plan delivery and implementation milestones, and a reporting mechanism to the Custodian.

Directions are the critical enforcement lever and are already available. The framework should formalise the escalation pathway.

a. Custodian identifies systemic issue through oversight
b. Custodian requests ACMA ECS Direction
c. ACMA issues direction within prescribed maximum response period
d. Failure to comply triggers civil penalty proceedings.

National testing and exercising should be mandated as a standing assurance activity. The framework should require scheduled and unannounced end-to-end exercises involving carriers, CSPs, the ECP, the Custodian, ACMA, NSW Telco Authority and affected ESOs. Exercises should test call delivery, outage detection, notification, welfare-check data transfer, public communications, carrier escalation, cross-agency coordination and ESO operational response.

8. Should new and ongoing performance reporting for carriers and/or CSPs providing access to Triple Zero be introduced? If yes, what metrics should be reported and how often?

Yes. Minimum performance standards should be developed and accompanied by mandatory ongoing reporting. ESOs and government require timely visibility of where Triple Zero is available, degraded or unavailable, including jurisdictional, regional, carrier, device and technology-specific impacts that may be obscured by aggregate national reporting. This depends on live outage information from all relevant carriers, current coverage and capability maps, and standardised reporting that is usable by operational agencies.

Additional performance reporting for carriers and CSPs supporting Triple Zero is appropriate, but it must be accompanied by notification protocols that are scaled to the level of impact.

The method of notification should be commensurate with the severity, scope, and duration of the issue. For high-impact or critical outages affecting access to Triple Zero, reliance on email alone is insufficient. Consideration should be given to multi-channel and near real-time notifications, and coordinated incident reporting to relevant stakeholders. Lower-impact issues may still be appropriately managed via standard reporting channels, including email- with improved content.

It is proposed that the obligation be defined by graduated trigger categories: suspected failure, degraded service, partial outage and full outage. This builds on the requirements introduced by the amended ECS Determination for real-time information sharing with ESOs during outages and extends them to suspected and emerging impairments before a formal outage is confirmed.

NSW also recommends a national minimum operating model for Triple Zero outage response. The model should include common outage severity levels, incident roles, escalation pathways, ESO liaison arrangements, standardised public messaging, welfare-check processes, post-incident review requirements and regular national exercises. This would reduce reliance on ad hoc coordination during major outages and provide a consistent baseline for public safety response across jurisdictions.

NSW proposes enhancement of the ECS determination reporting by including four trigger categories that reflect ECS impacts:

- **Category 1: Suspected failure (i.e. early stage indication of a potential problem affecting ECS, particularly 000) .**
  - Triple Zero ECS impact reporting: Internal detection of the anomaly triggers a notification to the Custodian and the ACMA within 15 minutes of detection. ESOs in potentially affected jurisdictions must be notified within 30 minutes.
  - Notification at this stage is advisory, not requiring confirmed impact, only reasonable grounds to suspect one.
  - Network Outage Reporting (NOR) where a carrier or CSP becomes aware of any anomaly in network performance that has not yet been confirmed as an outage, but which, if it were an outage, would affect Triple Zero call deliver. This includes but is not limited to abnormal call drop rates, failed routing attempts, or system alerts.
- **Category 2: Degraded service.**
  - Confirmation of degradation whether through internal monitoring, ECP reporting, or ESO notification triggers notification to the Custodian, ACMA, ECP and affected ESOs within 15 minutes of confirmation. Notification should include geographic description of the affected area, estimated number of affected services, and the carrier's initial assessment of cause and restoration timeline
  - Triple Zero ECS impact reporting: confirmed reduction in Triple Zero call delivery performance below the minimum standard, affecting some but not all users in a defined geographic area or network segment. Triple Zero calling remains possible but at materially reduced reliability. This includes where camp-on functionality is impaired but not fully available.
- **Category 3: Partial outage.**

- confirmed loss of Triple Zero call delivery capability affecting a defined subset of users, geographic area, or network segment. Triple Zero calling is unavailable for affected users and camp-on to an alternative network has either failed or is unavailable. This includes any outage affecting a single cell, tower, exchange, or regional network segment.
- Triple Zero ECS reporting: confirmation of partial loss of capability triggers notification to the Custodian, ACMA, ECP and ESOs in the affected jurisdiction within 10 minutes of confirmation. The notification must include geographic boundaries of the outage, estimated number of affected services, whether camp-on is available as an alternative, estimated restoration time and whether welfare-check obligations have been activated.

- **Category 4: Full outage.**
  - a confirmed loss of Triple Zero call delivery capability affecting all or substantially all users on a carrier's network, or affecting a whole state, territory or major metropolitan area, such that Triple Zero calling is unavailable, and no camp-on alternative exists at scale. This is equivalent to the 2023 and 2025 Optus outage events.
  - Network outage reporting: Confirmation of full or near-full loss of capability, or where a partial outage expands to meet this threshold triggers notification to the Custodian, ACMA, ECP and all ESOs nationally or in all affected jurisdictions within 5 minutes of confirmation.
  - Triple Zero ECS reporting: Notification must include all information under partial outage, plus: whether the outage is affecting the ECPs own network, whether 112 and 106 are also affected, and what alternative emergency contact pathways the carrier is activating or recommending for public communication.

NSW recommends that ACMA should be empowered to set minimum quantitative thresholds across categories, such as:

- call success rate (end-to-end, not just ECP)
- maximum call connection time
- maximum outage detection time
- minimum network availability for Triple Zero routing
- time to notify regulators/ESOs

9. What information is and should be shared across industry and/or ESOs to support the proactive, reliable and future-proof delivery of Triple Zero? What governance arrangements are needed to enable timely, secure, and usable information sharing?

Information sharing is an important operational deficiency in the current framework and key to risk management. Recent outage experience demonstrated that ESOs can become aware of Triple Zero disruption through call anomalies or community reports before receiving sufficiently

detailed formal carrier advice. For the purposes of this framework, information sharing should be timely, standardised, machine-readable and operationally actionable, with near real-time data provided within defined timeframes to support situational awareness, public messaging, welfare checks and continuity of emergency response.

NSW recommends that the Custodian establish national data standards and secure application programming interfaces for outage, coverage, failed-call, device capability, routing, welfare-check and planned-works information. These interfaces should provide a single, authoritative, near real-time source of operational data, rather than reliance on manual emails, inconsistent carrier portals or spreadsheets that cannot be readily consumed by ESO systems.

Information that must be shared with ESOs:
Currently information that must be shared is limited to real time network information about outages with specified entities, including ESOs in affected areas, ACMA, DITRDCSA and NEMA. Telcos are also now required to report outages in real-time to ACMA and ESOs. Our recommendation adds the specific time frame for information sharing.

- ECS impacts:
    - Real-time notification of any confirmed or suspected impairment to Triple Zero call delivery affecting the relevant jurisdiction, with maximum 15-minute notification obligation. This timeframe should be tiered (5/10/15 mins depending on severity) and auditable.
- Failed Triple Zero calls:
    - Caller location data with specified maximum timeframe
    - Post outage welfare checklists. ESOs require timely, complete lists of unsuccessful Triple Zero callers during an outage to enable physical welfare checks. Consideration should also be given to the resourcing of the ESOs to manage this workload.
- The ECS Determination should expressly authorise disclosure and use of failed-call, location and subscriber information for welfare checks and continuity of emergency response, supported by clear retention, access-control, audit and privacy safeguards to prevent secondary use beyond life-safety purposes.
- Network Outages
    - Network capability maps. ESOs should have access to current carrier coverage and capability data for their jurisdiction, updated in real time during incidents. This should be consistent and comparable across carriers. Data must be machine readable, standardised across carriers and interoperable with ESO systems.
    - We note that there remains a gap in carrier network outage reporting – that the operational impact of carrier outages in many cases remains unclear due to insufficient carrier outage reporting and consequence communication.

- In many areas Carriers have overlapping coverage with one another.
  - The impact to the community (especially regarding access to TZ / emergency camp on) is reliant on more than just one carrier. There is a need to create a coordinated single source of truth showing all carrier coverage, and current outages in near real time.
- Single carrier reliant communities
  - Outages in communities who are reliant on a single carrier for coverage have greater impact due to the lack of emergency camp on.
- Multi-carrier outages resulting in communities in isolation (even if these outages do not reach any of the existing reporting thresholds)
  - Highlighting the importance of outage mapping, showing extents of impact.
- Requirements for carriers to do additional communication to their customers in areas where communications are down.
  - Existing methods (such as displaying outage information on a carrier website) is insufficient due to a high likelihood that impacted customers are unable to access this information during outages.
  - Greater transparency regarding carrier deployment of how carrier deployable assets are utilised, and how coverage is restored using these devices

Carriers should be required to issue timely, accessible public warnings during Triple Zero-impacting outages through multiple channels, coordinated with state emergency management and public information arrangements. Carrier websites or apps alone are not sufficient, as affected customers may be unable to access them during network disruption.

Recommended information that must be shared across industry, ESOs and government.

- Reporting of impacts (via the TZDP) to the ECP, and thus other participants in the TZDP including other carriers and ESOs.
- Device level Triple Zero capability status through the proposed mandatory device register
- Network change notifications including assurance of zero impact to Triple Zero related systems
- Incident learnings

Governance arrangements

NSW supports the Custodian taking the central coordinating role for national information-sharing governance under its TCPSS Act functions. This role should be supported by a formal, legislated framework that ensures information sharing is consistent, standardised and enforceable across all parties, while preserving direct operational notification channels between the ECP, carriers and affected ESOs during live incidents.

For NSW, the information-sharing model should support state emergency management arrangements by ensuring relevant information flows directly to affected ESOs, NSW Telco Authority as the telecommunications functional area lead, NSW Police Force where coordination or policy responsibilities are engaged, and relevant public information and emergency management coordination channels. National consistency should not prevent NSW from maintaining operationally effective local escalation, notification and decision-making arrangements.

The framework should clearly define:

- the Custodian's role in setting information sharing requirements, receiving system-wide data and identifying systemic risks
- ACMA's role in enforcing compliance with those requirements
- industry obligations to provide timely and accurate information
- ESO access to operational data required to support incident response

It should also establish:

- standardised, interoperable data requirements to ensure information is comparable and usable across carriers and jurisdictions
- clear escalation pathways for systemic risks, including coordination by the Custodian and referral to ACMA for enforcement action
- a formal oversight mechanism, through an expanded Triple Zero Coordination Committee, to monitor performance, review incident learnings and maintain system-wide accountability

Without a formalised governance framework, information sharing will remain inconsistent, delayed and dependent on voluntary cooperation, rather than functioning as a reliable component of the Triple Zero system.

The Legislative framework's impact on ESOs

10. Does the objective of the single national emergency call system encourage, or hinder, the ability for state and territory organisations to innovate in their delivery of emergency calling and dispatch services?

Where the single national system objective enables innovation: The baseline provided by Commonwealth legislation frees NSW ESOs from having to individually negotiate with carriers for emergency call access. However, carriers are legislated and regulated at Commonwealth level, so there remains a need for Commonwealth oversight and coordination. A common operating picture across carriers should be mandated.

Where the single national system objective can hinder innovation: The Consultation Paper correctly identifies the structural constraint that expanding access to Triple Zero beyond voice, including messaging or video, will require complementary investment and technology upgrades by each ESO within each state and territory. When the Commonwealth determines to expand access modalities, it can effectively mandate capital expenditure, workforce change, training, public messaging, cyber controls and operational protocol changes for state governments without providing associated funding or adequate implementation lead time.

The framework should distinguish between national access to Triple Zero and state-based operational delivery. National consistency is essential at the point of public contact, including access, reliability, resilience, data quality and service continuity. However, ESOs must retain authority to modernise call-taking, dispatch, data integration, inter-agency notifications and operational workflows in ways that reflect jurisdictional risk, service models and funding realities.

What the framework should look like: The TCPSS Act's single national system objective should be supplemented by a statutory obligation on the Custodian to conduct a formal ESO impact assessment before recommending any expansion of Triple Zero access modalities. The assessment should be undertaken with direct ESO engagement and should include:

- **Timebound assessment requirement**. The Custodian should complete the ESO Impact Assessment within a defined and reasonable statutory timeframe, with provision for expedited assessments where there is a demonstrated public safety need of strong market readiness.
- **Core assessment components**. Each ESO Impact assessment should include a
    - cost estimate for state/territory ESO upgrades
    - minimum implementation timeline
    - no unfunded mandate principle
    - requirement for Commonwealth cost sharing, OR industry co-contribution (especially where obligations are expanded) and,
    - clearly defined and realistic funding pathway.

This preserves transparency, consistency and decision making discipline across jurisdictions.

- **Flexible, stated and opt-in implementation model.** To support jurisdictional diversity and existing service innovation:
    - jurisdictions should have the ability to opt in on a staged basis rather than being subject to immediate uniform national adoption
    - early adopters should be supported to implement new modalities where capability already exists, or demand is evident (e.g. where alternative contact channels such as Police BlueLink or equivalent digital pathways are already in use)
    - the framework should explicitly allow parallel operation of alternative contact methods outside Triple Zero, while ensuring safety, interoperability and public clarity.

This approach recognises that capability maturity varies and avoids constraining jurisdictions that are already innovating.

- Mechanism for iterative and rapid updates. To avoid stagnation and the proliferation of informal workarounds:
    - the Custodian should be empowered to undertake targeted or scaled assessments for emerging technologies or incremental changes, rather than requiring a full process each time

- a periodic review trigger should be embedded to reassess access modalities
- provisional or pilot authorisations should be available to test new modalities in controlled environments before national consideration

This ensures the regulatory framework can evolve alongside industry developments and user behaviour.

- Recognition of industry and market developments. The framework should explicitly recognise that telecommunications providers, platform operators and ESOs are already evolving contact channels. To support alignment:
  - the assessment process should include structured input form industry on technical feasibility, deployment timelines and emerging capabilities
  - consideration should be given to leveraging existing industry infrastructure or platforms where appropriate, rather than duplicating capability
  - regulatory settings should remain technology neutral, enabling adoption of new modalities as they mature.

11. Is there information that carriers, CSPs, and ECPs, hold that is not currently, but should be made available to ESOs through regulation to support the delivery of emergency services?

Yes. NSW identifies that predictive outage information, real-time call failure data, failed-call caller details for welfare checks, affected cell sites and geographies, device compatibility issues, routing failures, planned works with potential emergency call implications, and device blocking decisions are not currently available to ESO or government agencies in a consistently timely or usable form. This information should be mandated under an amended ECS Determination and provided through sustainable, standardised and scalable channels that support national interoperability while allowing affected ESOs to act quickly to protect life, manage risk and maintain continuity of emergency response.
The regulatory test should be whether the information assists an ESO or government agency to protect life, manage risk, support public warning, conduct welfare checks, maintain continuity of response or learn from a material incident. Security and privacy controls are necessary, but they should not operate as a practical barrier to providing operationally necessary information to agencies responsible for emergency response.
The framework should consider frontline responders more broadly than just emergency services organisations.

Proactive regulatory oversight of Triple Zero

12. Are there any additional regulatory powers and mechanisms the ACMA requires to regulate Triple Zero, especially to support a framework that is proactive and future focused?

While the Consultation paper confirms that ACMA's powers under Part 27 of the Tel Act, Section 12 of the ACMA Act, and the expanded powers under the *Telecommunications Legislation Amendment (Triple Zero Custodian and Emergency Calling Power) Act 2025* provide a broad foundation, NSW identifies four specific opportunities.

- **Power to issue binding standards proactively.** ACMA should have an express power under the TCPSS Act to issue forward looking technical standards for Triple Zero call delivery, including minimum network performance benchmarks, before failures occur.
- **Power to conduct compulsory audits**
- **Power to impose interim conditions on new network technologies**. When a carrier proposes a new network technology deployment that may affect Triple Zero, ACMA should have the power to impose interim Triple Zero access conditions as a precondition to deployment.
- **Power to require independent assurance before high-risk changes.** ACMA should be able to require independent assurance before carrier, ECP or emerging provider changes that may affect Triple Zero access, including network shutdowns, routing changes, platform migrations, satellite direct-to-device activation and software releases affecting emergency call handling
- **Power to address multi-operator systemic failures**. ACMA's enforcement powers are currently directed at individual entities. A new power to investigate and direct remediation of systemic failures spanning multiple carriers is needed.

The framework should be strengthened to provide the ACMA (and, where appropriate, the Minister) with explicit powers to exempt certain classes of networks or carriage services from Triple Zero obligations, even where those entities hold a carrier licence.

13. Are there barriers to the ACMA considering Triple Zero issues, or linking related infringements, to ensure issues indicating broader problems are addressed appropriately? If yes, what should change?

NSW has identified two structural barriers.

Firstly, individual entity enforcement architecture. ACMA's enforcement framework under the TPSS Act is structured around individual carrier, CSP or ECP breaches. The Act does not expressly provide for ACMA to conduct a systematic investigation spanning multiple entities when system wide failure is apparent. The TCPSS Act should be amended to confer on ACMA a systematic investigation function.

Secondly, information fragmentation that occurs as information streams are not structurally integrated. The Custodian's 17 April 2026 ECS Directions to MNOs for network performance data are a step towards addressing this but the mechanism should be permanent and structured. The relationship between ACMA and the Custodian is directly relevant here. The Custodian's whole ecosystem oversight function positions it to identify systemic patterns. The Custodian must have a formal obligation to report systemic risk findings to multiple parties, not only ACMA. Findings with enforcement implications must be referred to the ACMA with a formal recommendation and a prescribed response timeframe.

ACMA must have a reciprocal obligation to advise the Custodian on enforcement action taken in response, and to provide reasons if no action is taken. Findings that have not been resolved within the prescribed ACMA response period, or that indicate risks of category 3 or 4 severity, must be escalated to Minister for Communications, who holds ultimate accountability for the Triple Zero framework and the power to direct the ACMA under the TCPSS Act. Findings with operational implications for emergency service delivery must be notified to the ESOs in affected jurisdictions, consistent with the real-time information sharing obligations NSW has recommended under questions 9 and 11. The ECP must be notified of findings relating to the carrier-to-ECP segment of the call chain.

The current framework does not mandate these reporting pathways with defined timeframes. This is a structural gap that the Review's final report should close.

There are some practical barriers to the ACMA effectively identifying and addressing systemic Triple Zero issues, including linking related incidents or non-compliances across the broader ecosystem. A key barrier is the absence of clear regulatory mechanisms to exempt closed, private operational networks, such as rail communications systems, from the standard Triple Zero framework. In the absence of explicit exemption mechanisms, closed, private networks may be inappropriately captured within regulatory reporting and compliance frameworks, incidents or performance characteristics from these networks may be aggregated with those of public networks, despite being fundamentally different in function and risk profile, and this may lead to distortion or dilution of systemic analysis, making it more difficult for the ACMA to accurately identify trends, risks, and root causes affecting the delivery of Triple Zero services.

14. Do recent changes to the TCPSS Act effectively balance the role of the ACMA as a regulator with the role of the Custodian as an entity which oversees the Triple Zero ecosystem as a whole?

Partially, but with important gaps that should be addressed in the Review's final report. The recent amendments have made significant progress by legislating the Custodian's functions, confirming the information request mechanism and distinguishing the Custodian's whole-of-ecosystem oversight role from ACMA's enforcement role. However, the practical balance between the two roles must be clearer, and the framework must avoid creating additional administrative layers between the ECP, carriers and call-taking ESOs during operational events.

The Custodian cannot act directly. The Custodian's compulsion mechanism is indirect through ACMA. The framework should include an emergency power for the Custodian to issue interim directions directly, effective immediately but subject to ACMA confirmation during a declared Triple Zero outage or imminent threat. This would operationalise the Custodian's function of 'aiding preparation for, response to or recover from an emergency call service outage."

There is no prescribed response time for ACMA to act on a Custodian request. NSW proposes: 4 hours for urgent requests during and active outage, and 10 business days for non-urgent requests. For the purposes of this obligation, a request is urgent if it is made during a confirmed

Category 2, 3 or 4 outage events as defined in question 8, or where the Custodian has reasonable grounds to believe Triple Zero call delivery is being or is about to be materially impaired.

The accountability loop to the Minister for Communications is asymmetric. A formal escalation protocol that is legislated in the TCPSS Act for resolving Custodian-ACMA disagreements on Triple Zero emergency response, with the Minister as the final decision maker, would close this gap.

15. Does the Triple Zero Custodian have all the powers needed to fulfil its functions under the TCPSS Act?

The recent amendments have established a stronger foundation, but additional powers and practical authorities are recommended so the Custodian can perform a genuine ecosystem stewardship role without duplicating ACMA's enforcement function or displacing direct operational relationships with ESOs.

- **Direct information gathering power.** The Custodian should have an independent, direct power to require carriers, CSPs, ECPs, device manufacturers and emerging network providers to provide operational data, including real-time network performance, outage, call-failure, device capability and testing data. This power should support ecosystem oversight and operate alongside, not instead of, ACMA's enforcement powers.
- **Power to set best practice standards.** The Custodian currently operates in an advisory function that "advocates for best practice processes, policies and procedures." For matters requiring operational consistency including welfare check procedures, outage notification protocols and incident reporting formats, the Custodian should have power to issue binding operational standards by legislative instrument under the TCPSS Act, distinct from ACMA's enforcement instruments.
- **Power to coordinate cross-jurisdictional response.** During a live outage, the Custodian needs executive coordination authority to direct Commonwealth agency responses and coordinate with state ESOs. The TCPSS should be amended to confer an express incident coordination function with defined authority.
- **Power to maintain national outage operating arrangements.** The Custodian should maintain and exercise a national minimum operating model for Triple Zero outage response, including common severity levels, public communications, welfare-check data processes, direct ESO liaison and post-incident review requirements.
- **Power to commission independent testing and audit.** The Custodian should have the power under the TCPSS Act to commission, and if necessary, compel carrier participation in, independent technical testing of the Triple Zero call delivery including at the UTS testing facility.

Conclusion

NSW's submission is driven by a single non-negotiable premise: reliable access to Triple Zero is an absolute life-safety obligation, not an aspiration. The legislative and regulatory framework should therefore provide clear accountability before, during and after an incident, enable controlled adoption of new technologies, and ensure ESOs receive the information, time and funding required to protect the community. Broadly, NSW recommends:

- broadening the definitional scope of the TCPSS Act to capture new technologies
- imposing lifecycle compliance obligations on device manufacturers
- mandating performance reporting across the full call chain
- strengthening the Custodian's ecosystem stewardship role while preserving ACMA's enforcement role and direct operational engagement between carriers, the ECP, ESOs and NSW Government agencies
- formally recognising ESOs as critical Triple Zero ecosystem participants with guaranteed consultation rights, operational data access and standing representation in national governance
- establishing a national minimum operating model for Triple Zero outages, including severity levels, escalation, public communications, welfare checks, testing and post-incident review
- mandating secure, standardised data interfaces for outage, coverage, failed-call, welfare-check, device capability and planned-works information
- requiring privacy-safe lawful-use arrangements for failed-call, location and subscriber data used for welfare checks and emergency response continuity
- aligning Triple Zero regulation with critical infrastructure resilience, cyber incident reporting, disaster management and state emergency management arrangements
- amending the legislative and regulatory framework to explicitly exclude closed, private, rail operational networks.

The Triple Zero Custodian is central to achieving this reform. NSW is committed to working with the Triple Zero Custodian, the ACMA, and industry throughout the rest of the Review process.