

Proposed amendments to the Telecommunications (Emergency Call Service) Determination 2019

10 March 2025

Recommendations

This Submission recommends the ACMA:

- > Clarify and expand the definition of 'significant local outage'.
- > Prioritise consumer welfare for both major outages and significant local outages.

About this submission

The Australian Communications Consumer Action Network (**ACCAN**) is pleased to provide this submission to the Australian Communications and Media Authority (**ACMA**) on proposed amendments to the *Telecommunications (Emergency Call Service) Determination 2019 (ECS Determination)*. ACCAN supports the ACMA's proposed amendments, particularly in response to the Optus outage of 8 November 2023 and the shutdown of the 3G network.¹

To further strengthen the ECS Determination, we urge the ACMA to reduce ambiguity, establish clearer requirements for providers, and prioritise consumer welfare to enhance public confidence and emergency communications resilience.

¹ Richard Bean, *Review into the Optus outage of 8 November 2023 – Final Report* (Final Report, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 2024); Rural and Regional Affairs and Transport References Committee, *Shutdown of the 3G mobile network* (The Senate, Commonwealth of Australia, February 2025).

Contents

Recommendations	1
About this submission.....	1
Introduction	3
ACCAN’s response to consultation questions.....	3
Requirements under paragraph 6(1)(a) of the direction.....	3
Requirements under paragraph 6(1)(b) of the direction.....	6
Requirements under paragraph 6(1)(c) of the direction	8
Requirements under paragraph 6(1)(d) of the direction.....	9
Requirements under paragraph 6(1)(e) of the direction.....	9
Conclusion.....	10



**Australian Communications
Consumer Action Network**

Australian Communications Consumer Action Network

ACCAN is the peak national consumer advocacy organisation for communications working to achieve trusted, accessible, inclusive, affordable and available communications and digital services for all Australians.

Introduction

ACCAN welcomes the ACMA's proposed amendments to improve the operation of the ECS through the ECS Determination. However, ACCAN considers the ECS Determination could be significantly improved by reducing ambiguity and imposing clearer requirements on telecommunications carriers and carriage service providers. Strengthening these provisions would not only enhance operational certainty for providers but also rebuild consumer confidence, which was severely impacted by the Optus outage of 8 November 2023 and the ongoing impacts of the 3G shutdown.²

Given the serious risks that outages present to public safety, ACCAN urges the ACMA to refine the ECS Determination to ensure consumer safety remains the highest priority.

ACCAN's response to consultation questions

Requirements under paragraph 6(1)(a) of the direction

Question 1: Are the proposed definitions, particularly the definitions for the terms, 'customer access network', 'core network', 'emergency call camp on functionality' 'emergency registration', 'mobile base station' and 'wilt' appropriate? If not, please provide an alternative definition and give reasons for doing so.

ACCAN has no comments.

Question 2: Is the definition of significant local outage proposed at section 6 workable? If not, please provide an alternative definition and explain your reasons for doing so.

ACCAN considers the definition of 'significant local outage' proposed at section 6 to be unworkable.

ACCAN suggests removing the phrase 'distinct location in regional or remote Australia' from the definition, as it unnecessarily restricts the identification of significant local outages. Such outages can take place anywhere in Australia, including urban regions, where a total loss of service in a particular suburb or population centre can lead to serious repercussions. Consequently, we propose that the definition be location-neutral to guarantee equal protection for all consumers across Australia.

Moreover, the threshold of 1,000 services is overly high, particularly for smaller communities like remote Aboriginal and Torres Strait Islander populations, which may be overlooked if the existing definition is used. Additionally, the six-hour duration requirement could present significant risks to consumer safety, along with considerable impacts on businesses and essential services in affected areas.

Therefore, ACCAN recommends revising the definition to (changes in **bold** and ~~strikethrough~~):

Any unplanned adverse impact to a telecommunications network ~~in a distinct location in regional or remote Australia~~ that is used to supply carriage services to end-users that:

² Ibid.

- (a) results in an end-user being unable to establish and maintain a carriage service;
- (b) affects or is likely to affect:
 - i. ~~100~~ **1,000** or more services in operation; or
 - ii. **All carriage services provided by a carrier or carriage service provider within an area classified as a Statistical Area Level 1 (SA1) by the Australian Bureau of Statistics (ABS);³ and**
- (c) is expected to be, or is, of a duration longer than **30 minutes** ~~6 hours~~; and
- (d) is not a major outage.

Question 3: Please provide data on the nature and volume of outages in telecommunications networks that would be captured by the proposed definition of significant local outage. Explain the impact of meeting the requirements under the proposed amendments in relation to significant local outages.

Communications outages can have serious implications for access to the ECS, particularly in regional, rural, and remote (**RRR**) areas, where alternative communication options are limited. Under the proposed definition, a significant local outage is one that affects 1,000 or more services for over six hours. However, this threshold fails to capture the real-world impact of smaller but highly disruptive outages, particularly those that completely isolate communities from emergency services. ACCAN's engagement with stakeholders on past outages indicates that while large-scale failures occur, smaller outages affecting hundreds of people are far more frequent.⁴ In areas where mobile coverage is patchy or there is only one network provider, even an outage impacting 100 services can leave an entire population without the ability to call Triple Zero during emergencies.

The six-hour threshold before an outage is classified as significant is also too high, as it allows extended periods where people may be unable to reach emergency assistance. Historical network incidents show that even 30-minute service losses can delay ambulance dispatch, police response, and fire department coordination, particularly in bushfire-prone regions or remote Aboriginal and Torres Strait Islander communities. In urban areas, alternative networks or public Wi-Fi may provide backup options, but in many RRR locations, a single network failure can result in total service loss, effectively eliminating access to Triple Zero calls until services are restored.

Meeting the requirements under the proposed amendments would require communications providers to enhance outage detection, escalation procedures, and reporting systems, which may increase compliance costs. However, the need to protect communities and ensure uninterrupted emergency call access far outweighs any operational burden on providers. The ability to call for help during medical emergencies, natural disasters, or personal safety threats must be prioritised over commercial concerns. A stronger regulatory framework will push providers to improve network resilience, deploy faster response mechanisms, and invest in redundancy solutions, ultimately benefiting all Australians. While there may be initial financial and operational adjustments, ensuring

³ SA1 is the smallest geographic unit used by the ABS for Census data, typically covering 200 to 800 persons. Using SA1 ensures the definition captures outages affecting an entire localised area, such as a neighbourhood, suburb, small town, or Aboriginal and Torres Strait Islander community, rather than relying solely on service count thresholds.

⁴ See also, Carli Willis, *Remote communities are suffering telecommunications outages. Advocates say lives are at risk* (Online, NITV, 5 February 2024) <<https://www.sbs.com.au/nitv/article/lives-at-risk-during-remote-telstra-outages-advocates-say/nxgz5w1lq>>.

that no community is left without emergency call access is a fundamental safeguard that cannot be compromised.

To ensure reliable emergency call access, ACCAN recommends reducing the service threshold from 1,000 to 100, lowering the duration threshold from six hours to 30 minutes, and removing geographic limitations from the definition. These changes would ensure that communities facing total service loss are protected, preventing unnecessary delays in accessing life-saving emergency services and creating more equitable, responsive communications across Australia.

Question 4: Is the proposed definition of significant local outage likely to lead to more missed emergency calls requiring welfare checks and referrals to police services? If so, why? Please explain your answer.

The proposed definition of a significant local outage fails to provide transparency on a critical issue – emergency calls that are not getting through due to communications failures. Under the current threshold of 1,000 or more services over six hours, entire communities in RRR areas can be completely disconnected, yet there is no mechanism to track or act on emergency calls that fail due to network outages. This means that individuals in life-threatening situations may attempt to call Triple Zero, but their call never connects, leaving them without assistance while police and emergency services remain unaware that a welfare check may be needed.

By adopting a more inclusive definition of 100 or more services or all carriage services within an ABS SA1 area this issue becomes visible and actionable. This definition ensures that localised but highly consequential outages are properly reported, monitored, and responded to, preventing scenarios where people in distress are unknowingly left without help.

Increasing transparency around failed emergency calls is not about creating an undue burden on police services. It is about ensuring that network failures do not leave people in life-threatening situations without any pathway to assistance. Greater clarity and accountability in outage reporting will ultimately enhance consumer safety and improve emergency response coordination, ensuring that no Australian is left without the ability to reach help when they need it most.

Question 5: Is the possibility of a greater impost on police services to follow up on failed welfare checks sufficiently balanced by the benefit of checking on the welfare of a person who has made an emergency call that failed during a major or significant local outage? Please explain your response.

A lack of clear and timely communication about communications outages means that police and emergency services are left unaware of situations where individuals have attempted to call for help but were unable to connect due to a service disruption. This results in missed opportunities for welfare checks and creates unnecessary risk for those in vulnerable situations, particularly in RRR areas where alternative contact methods may not exist.

Rather than imposing an unreasonable burden on police services, ensuring greater transparency and reporting on outages enhances consumer safety, allowing for proactive interventions where needed. If emergency services are made aware that a call attempt has failed due to a communications outage, they can prioritise welfare checks more effectively, ensuring that people in distress are not left without assistance.

The benefit of preventing harm, reducing response delays, and improving public safety far outweighs any additional operational requirements, reinforcing the need for clear protocols that balance the responsibilities of police services with the fundamental right of all Australians to access emergency assistance when needed.

Question 6: Is the wilting requirement appropriate to meet the requirements of the direction?

ACCAN has no comments.

Question 7: Are there circumstances where there should be an exemption from wilting a mobile base station? For example, where voice services may not be working but data services are working, and it may be possible for an end-user to use the data services on their phone to seek assistance (but not by using the Triple Zero Emergency Call Service).

ACCAN has no comments.

Question 8: Are there specific conditions that should apply to the requirement to wilt mobile base stations during outages (other than the loss of connectivity between the mobile base station and the core network)?

ACCAN has no comments.

Question 9: Are there any additional relevant examples of matters that are beyond the control of the provider that may materially and adversely affect the provider's technical ability to meet the proposed new requirements?

ACCAN has no comments.

Requirements under paragraph 6(1)(b) of the direction

Question 10: Proposed section 78 is intended to apply when either a significant local, or major outage that affects the carriage of calls to the emergency call person for 000 and 112 occurs. Is this appropriate or should it apply only to major outages affecting the carriage of emergency calls? Please explain your answer.

Section 78 requires carriers to share real time network information with designated emergency call persons, emergency service organisations, the ACMA and the Department, during a major outage or significant local outage.

ACCAN strongly supports the inclusion of both major and significant local outages in the scope of proposed section 78, ensuring that all disruptions impacting access to emergency services are addressed. While major outages may have a broader geographic impact, significant local outages can be just as critical, particularly in RRR communities where alternative communication options are limited.

Any disruption to the ability to contact emergency services, whether widespread or localised, can have life-threatening consequences, delaying vital assistance in situations where every second counts. By covering both types of outages, the regulation ensures a more robust and responsive

approach to safeguarding public safety, reinforcing the fundamental principle that all Australians must have reliable access to life-saving emergency services, regardless of their location.

Question 11: Is the information specified in proposed paragraphs 78(3)(a) to (f) sufficient real-time information about a network outage to provide useful assistance for emergency service organisations in the relevant area impacted by the network outage and the emergency call persons for 000 and 112 and 106?

ACCAN supports the requirement that carriers must provide timely updates on the scale, cause, affected areas, impacted services, and rectification timeframes, enabling better coordination and protection for consumers, especially those in vulnerable situations.

However, ACCAN notes that the requirement for carriers to disclose the cause or likely cause of a major outage or significant local outage under paragraph 78(3)(b) is subject to the qualification in subsection (5). Subsection (5) states that the carrier is not required to give information about the cause or likely cause of a major outage or a significant local outage if it has reasonable grounds to believe that disclosing this information could compromise its telecommunications network security or national security.

While we acknowledge the importance of protecting critical infrastructure, this provision introduces ambiguity and the potential for inconsistent application across carriers. The ability of emergency services to effectively respond to outages depends on receiving comprehensive and timely information, including the cause where possible. Without clearer guidelines or a definition on what constitutes 'reasonable grounds' for withholding this information, there is a risk that essential real-time data will be unnecessarily restricted, impacting public safety and emergency response coordination. ACCAN urges greater transparency and accountability in the application of subsection (5) to ensure that security considerations do not unduly limit the flow of critical outage information to those who need it most.

Question 12: Is there additional information about a network outage that should be specified as real-time network information? Please explain your answer.

ACCAN has no further comments.

Question 13: As drafted, proposed section 78 requires carriers to share real-time information with emergency service organisations located in the relevant area impacted by the network outage. Is this sufficient, or should emergency service organisations nationally be given information about outages? For example, would it be useful for emergency service organisations in New South Wales to be given real-time network information about a significant local outage in south-east Queensland? Does it depend on the relative proximity of the emergency service organisations to the location of the outage? For example, would emergency service organisations in Western Australia want to receive information about outages in Tasmania? Is there value in receiving this information for situational awareness? Please explain your answer.

ACCAN supports the need for emergency service organisations to have access to national outage information while ensuring that local information remains the priority. In an increasingly interconnected emergency response system, situational awareness of network outages beyond state

or territory borders can be valuable, particularly for large-scale disasters and cross-border emergency coordination. However, the primary focus must remain on providing real-time, detailed information to emergency services in the directly affected areas to support immediate response efforts.

A tiered approach, where local emergency services receive comprehensive, real-time outage details while national bodies and neighbouring jurisdictions receive summary-level information, would strike the right balance. This ensures that emergency responders in the impacted region can act quickly while also allowing broader awareness for contingencies, resource deployment, and coordination across state and territory lines when necessary.

Question 14: Are there additional stakeholders who should receive real-time network information under this section?

ACCAN recommends that relevant local, state, and territory governments be included in receiving real-time network outage information under this section to ensure a coordinated and effective emergency response. Government agencies play a critical role in disaster management, public safety coordination, and community communications during network disruptions. By providing them with timely and accurate outage data, they can better assess risks, allocate resources, and keep the public informed. Including all levels of government in the information-sharing framework ensures a more integrated approach to emergency management, helping to minimise the impact of outages on communities and critical services.

Requirements under paragraph 6(1)(c) of the direction

Question 15: Is 30 days an appropriate timeframe to prepare a report setting out the information in subsection 79(2)? If not, what would be an appropriate timeframe? Please explain your answer.

ACCAN considers 30 days an appropriate timeframe to prepare a report setting out the information in subsection 79(2). We further recommend expanding the requirement to include significant local outages. This will support transparency and accountability on outages that occur outside of major metropolitan areas. ACCAN recommends revising the legislation to include (changes in **bold**):

79 Carriers to report to the ACMA and the Department

- (1) Carriers must, within 30 days of the restoration of a major outage **or significant local outage**, provide a written report to:
 - (a) The ACMA; and
 - (b) the Department.
- (2) The written report under subsection (1) must include the following information:
 - (a) the cause of the major outage **or significant local outage**;
 - (b) the steps taken to resolve the major outage **or significant local outage**;
 - (c) the impact of the major outage **or significant local outage** on the delivery of emergency calls to the emergency call person for 000 and 112 and the emergency call person for 106;
 - (d) an estimate of the number of end-users affected by the outage;

- (e) the number of unsuccessful emergency calls made during the outage that the carrier has been able to identify;
 - (f) the steps that were taken to resolve issues identified as contributing to the outage; and
 - (g) a clear and detailed plan (the Outcomes Plan), including timelines, outlining the steps that will be taken by the carrier to avoid similar outages from occurring in the future.
- (3) Carriers must provide further written updates to the ACMA and the Department that detail the carrier's progress on the Outcomes Plan.
- (4) The further written updates under subsection (3) must be provided:
- (a) if the ACMA specifies in writing a timeframe for those updates, within those specified timeframes; or
 - (b) if the ACMA has not specified a timeframe under (a), every 45 days from the date of providing the written report under subsection (1) until each of the steps taken by the carrier under the Outcomes Plan has been implemented in full.

Requirements under paragraph 6(1)(d) of the direction

Question 16: Are there specific matters that should be set out in the disruption protocol in the ECS Determination? Please describe in detail those matters, giving reasons for your answer.

ACCAN supports expanding Part 6 on disruption protocols for carriers, CSPs, and emergency call person for 000 and 112 to cover significant local outages alongside major outages. Significant local outages can leave communities vulnerable, making timely coordination and real-time information sharing essential.

ACCAN recommends that carriers should be required to notify other carriers, CSPs, the public, and relevant stakeholders as soon as practicable during and after a significant local outage. They must also share real-time information with relevant parties, including emergency service organisations to ensure a coordinated response. Similarly, CSPs should promptly inform affected end-users and the public about the significant local outage, along with notifying the emergency call person for 000, 112, and 106, and conduct welfare checks on end-users who made unsuccessful emergency calls.

The emergency call person for 000 and 112 must also conduct welfare checks, coordinate with emergency service organisations, and keep the ACMA, the Department, the Home Affairs Department, and the public informed. Expanding the disruption protocol to include significant local outages would improve public safety, enhance coordination, and ensure accountability, particularly for vulnerable communities.

Requirements under paragraph 6(1)(e) of the direction

Question 17: Is 6 months prior to the proposed change an appropriate amount of time to submit the management plan to the ACMA? If not, please specify a timeframe and provide reasons why.

ACCAN considers 6 months prior to the proposed change an appropriate amount of time to submit the management plan to the ACMA.

Conclusion

ACCAN supports the ACMA's efforts to strengthen the ECS Determination and improve the reliability of ECS. However, to ensure its effectiveness, the ECS Determination must be refined to provide clearer requirements for communications providers and reduce ambiguity. Strengthening these provisions will not only enhance industry compliance but also restore consumer confidence, particularly in the wake of the Optus outage and the 3G network shutdown.

Given the significant risks that outages pose to public safety, ACCAN urges the ACMA to prioritise consumer welfare in finalising these amendments, ensuring that all Australians can reliably access emergency services when they need them most.

We thank the ACMA for the opportunity to comment on the ECS Determination. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact Dr Amelia Radke, Senior Policy Adviser, at amelia.radke@accan.org.au.

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers. ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP.](#)
