



Bills Digest | 8 October 2025

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

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Key points

- Following an Optus network outage which impacted emergency call services in 2023, the Government appointed Richard Bean to undertake a review into what happened (the Bean Review). One of the recommendations was to establish a Triple Zero Custodian, which was accepted by the Government.
- A Triple Zero Custodian was established administratively in the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (the Department) in March 2025.
- On 18 September 2025, a second major Optus outage occurred which impacted Triple Zero Calls across a number of jurisdictions. It was reported that in response to this outage, the Government would fast-track legislation to establish a Triple Zero Custodian in legislation, including providing it with compliance powers.
- The [Telecommunications Legislation Amendment \(Triple Zero Custodian and Emergency Calling Powers\) Bill 2025](#) (the Bill) amends the [Telecommunications \(Consumer Protection and Service Standards\) Act 1999](#) (TCPSS Act) to establish the Triple Zero Custodian in legislation. The Triple Zero Custodian will be the Secretary of the Department.
- The Bill will also amend the TCPSS Act to provide the Australian Communications and Media Authority (ACMA) with the power to direct carriers, carriage service providers and emergency call persons to provide information, and take certain action, regarding the effective functioning of emergency call services.
- At the time of writing, the Bill had not been referred to or reported on by any parliamentary committees. The Bill passed the House on 8 October 2025.
- Both the Opposition and the Australian Greens have criticised the Government for not acting sooner in establishing the Triple Zero Custodian in legislation.

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Contents

Purpose of the Bill.....	2
Background.....	3
The first Optus outage	3
The Bean Review.....	3
The second Optus outage	4
Policy position of non-government parties/independents.....	5
Key issues and provisions	5
Power to issue ECS directions	5
Use and disclosure of ESC information	6
Establishment of the Triple Zero Custodian	7
Concluding comments	8

Date of introduction: 7 October 2025

House introduced in: House of Representatives

Portfolio: Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

Commencement: Commences on the day after Royal Assent

Links: The links to the [Bill](#), [its Explanatory Memorandum](#) and [second reading speech](#) can be found on the Bill's home page, or through the [Australian Parliament website](#).

When Bills have been passed and have received Royal Assent, they become Acts, which can be found at the [Federal Register of Legislation website](#).

All hyperlinks in this Bills Digest are correct as of October 2025.

Purpose of the Bill

The [Telecommunications Legislation Amendment \(Triple Zero Custodian and Emergency Calling Powers\) Bill 2025](#) (the Bill) amends the [Telecommunications \(Consumer Protection and Service Standards\) Act 1999](#) (TCPSS Act) to:

- establish the Triple Zero Custodian within the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (the Department),
- provide the Australian Communications and Media Authority (ACMA) with the power to make directions to carriers, carriage service providers and emergency call persons to provide information, and take certain action, regarding the effective functioning of emergency call services and
- authorise the use and disclosure of information obtained by the ACMA by entrusted persons, the Triple Zero Custodian and the ACMA to address emergency call services outage events.

The Bill also makes necessary amendments to the [Telecommunications Act 1997](#) (the Act) to enable the ACMA and the Triple Zero Custodian to perform the relevant powers and functions set out in the Bill.

Background

The first Optus outage

On 8 November 2023, Optus customers (and customers of Optus network resellers) were impacted by a national whole-of-network outage which continued for approximately 12 hours ([p. 2](#)). The outage ‘had a significant impact on a wide range of Australians, affecting emergency services, government services, businesses and vulnerable people’ ([p. 6](#)).

On 13 November 2023, the ACMA [commenced an investigation](#) under [section 510](#) of the Act into the relevant Optus entities' compliance with the relevant legislation. The ACMA [found](#) Optus failed to provide access to the emergency call service for 2,145 people during the course of the outage. The ACMA also [found](#) Optus liable for failing to conduct 369 welfare checks on people who had tried to make an emergency call during the outage. The ACMA [announced](#) on 8 November 2024 that Optus had paid penalties totalling more than \$12 million for these breaches.

The Senate Environment and Communications References Committee was also [referred an inquiry](#) in relation to the outage. The Committee made a number of recommendations, including, at Recommendation 1, ‘the development of an enforceable communications standard for carriers that obliges them to communicate to government, emergency services and the public during national outages’ ([p. vii](#)). In its [response to the Committee’s report](#), the Government stated in January 2025 that it supported this recommendation ([p. 4](#)). The Committee noted that the Government had agreed to the establishment of a Triple Zero custodian and urged the Government to implement this measure as a matter of priority ([p. 52](#)).

The Bean Review

On 9 November 2023 the Government [announced](#) that it would undertake a post-incident review into the outage and appointed Mr Richard Bean, former Deputy Chair of the ACMA to lead the review.

Mr Bean submitted the [review's final report](#) on 21 March 2024, making 18 recommendations to address structural issues within the telecommunications ecosystem, particularly in regard to access to Triple Zero. The Government has [accepted](#) all of these recommendations, with 13 of these implemented [as at 7 October 2025](#).

Of particular relevance to the Bill is recommendation 2:

Establish a Triple Zero custodian, with oversight of and overarching responsibility for the efficient functioning of the Triple Zero ecosystem, including monitoring the end-to-end performance of the ecosystem ([p. 9](#)).

The Bean Review noted that there are a number of ways this could be achieved, including by establishing a new body or enhancing the role of an existing body (p. 24). In its [response to the Bean Review](#), the Government stated what while it considered this to be a priority recommendation, 'further investigation and stakeholder consultation will be required to determine the appropriate structure of oversight' (p. 4).

In May 2024, the Government [established](#) a Triple Zero Custodian Steering Committee, 'to bring together Government departments, industry, and emergency service representatives to develop a model for the Custodian'. According to [media reporting](#), the Steering Committee handed high-level advice regarding the custodian's design to the Minister in November 2024. The Triple Zero Custodian was then [established](#) in the Department in March 2025.

Other relevant recommendations from the [Bean Review](#) include requirements for carriers to share real time network information detailing outages with relevant emergency services organisations and other appropriate entities (Recommendation 5) and requirements to communicate specific information to customers during and about outages (Recommendation 10).

On 21 August 2024, the former Minister for Communications, Michelle Rowland, [directed](#) the ACMA to determine an industry standard to implement recommendation 10. The [Telecommunications \(Customer Communications for Outages\) Industry Standard 2024](#) commenced on 31 December 2024. On 21 August 2024, Michelle Rowland [directed](#) the AMA to amend the [Telecommunications \(Emergency Call Service\) Determination 2019](#) (ECS Determination) to implement Recommendation 5. The direction required the ACMA to amend the ECS Determination to include this requirement by 30 April 2025, and for it to come into force by 1 November 2025, providing Mobile Network Operators six months to make any necessary technical changes to their respective networks. The [Telecommunications \(Emergency Call Service\) Amendment Determination 2025 \(No. 1\)](#) was registered on 29 April 2025 and will commence on 1 November 2025.

The second Optus outage

On 18 September 2025, a [second major outage](#) occurred which impacted Triple Zero Calls across a number of jurisdictions. During the process of conducting welfare checks, Optus was [advised](#) that four of the Triple Zero calls involved households where a person had died.

During Question Time on 7 October 2025, the Minister for Communications, Annika Wells, [told the Parliament](#) that she was made aware by her office late afternoon on the 19 September that 'there had been more than 600 calls impacted and three deaths'.

Following this outage the ACMA has [commenced an investigation](#) into Optus' compliance with emergency call service regulations and other related rules. In its investigation the ACMA will also investigate Optus' obligations to:

- communicate information about the outage to customers and the public, including putting relevant and up-to-date information on its website and using apps, email, SMS, other media or call centres to keep the public informed
- notify the emergency call person (Telstra) as soon as possible about a significant network outage
- communicate information about the outage to other stakeholders including the relevant ministerial portfolio department, the Telecommunications Industry Ombudsman, the National Emergency Management Agency and the ACMA.

Following the second outage, it was [reported](#) that the Government would fast-track legislation to establish a Triple Zero Custodian, including providing it with compliance powers. On 7 October 2025, the Bill was introduced into Parliament. On the same day, the Minister [met with the CEOs of telecommunications companies](#) (including Optus, Telstra and TPG) to discuss strengthening the Triple Zero ecosystem. At this meeting it was [reportedly agreed](#) that a simulated outage facilitated by the [National Emergency Management Agency](#) would take place to test the network ahead of bushfire season.

Prior to debate on the Bill in the House of Representatives, the Shadow Minister, Melissa McIntosh, sought to move a motion to establish a House Select Committee on the Triple Zero Ecosystem, which was not successful. The Bill passed the House on 8 October 2025.

Policy position of non-government parties/independents

Both the Opposition and the Australian Greens have criticised the Government for not acting sooner in establishing the Triple Zero Custodian in legislation. Senator Sarah Hanson-Young (Australian Greens) [argued that](#) 'there was no excuse for the government not to have implemented the full Bean report under the current minister or Attorney-General Michelle Rowland, who previously held the portfolio.' Shadow Communications Minister, Melissa McIntosh, [criticised](#) the Government for not implementing all of the recommendations from the Bean Review. She has also [called for](#) a publicly accessible Triple Zero register 'to ensure there is confidence in the system.'

Key issues and provisions

Power to issue ECS directions

Proposed section 151A of the [Telecommunications \(Consumer Protection and Service Standards\) Act 1999](#) (TCPSS Act) (**item 7** of the Bill) will provide the ACMA with new powers to

give written directions to a carrier, carriage service provider or emergency call person (provided the recipient of the direction is not an individual). These directions must relate to the following matters (referred to as ECS matters):

- the provision of access to an emergency call service
- the operation of an emergency call service
- the receiving, handling, transfer or carriage of calls to an emergency service number
- the handling, transfer or carriage of calls made by an emergency call person to an emergency service, or a service for despatching an emergency service, in connection with a call to an emergency service number and
- matters that may affect or be affected by one of the matters mentioned above, in a manner that may pose a risk to the safety of the public or a section of the public.

Due to constitutional constraints, ACMA will not have the power to give directions to Emergency Service Organisations (ESOs) which fall under the jurisdiction of State and Territory legislation ([Explanatory Memorandum](#), p. 3). The ACMA will also have the ability to issue a direction on its own initiative or at the request of the Triple Zero Custodian. Directions may require the recipient to provide information (including information relating to a specified ECS outage event) or to take a specified action. Failure to comply with these directions attracts a maximum civil penalty of \$250,000 for each contravention (see **proposed section 151D** and paragraph 570(3)(b) of the [Telecommunications Act 1997](#) (the Act)).

The ESC direction must set out the compliance period and if relevant, how information is to be provided (**proposed section 151B**). A copy of the direction is to be provided to the Triple Zero Custodian as soon as practicable (**proposed section 151C**).

Use and disclosure of ESC information

According to the Explanatory Memorandum, ‘the Bill includes a formal use and disclosure of information regime in line with standard practices within existing Commonwealth legislation’ ([p. 4](#)).

Proposed section 151F will allow the Triple Zero Custodian and the ACMA to use and disclose information in line with the following objectives:

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

Any use or disclosure of this information by the person who received the information must be in accordance with the purpose for which it was disclosed to constitute a lawful authorisation (**proposed section 151E**). This includes information provided to a person under an ECS direction.

Proposed section 151G will allow for ‘entrusted persons’ (being the Minister for Communications, the Secretary and employees of the Department, an ACMA official, or a contractor engaged by the Department or the ACMA) to use or disclose ECS information in accordance with their duties and functions, or for a range of other purposes (including for

enforcement-related activities, complying with the law, or preventing a serious threat to safety, health or well-being).

Establishment of the Triple Zero Custodian

Proposed section 151J establishes the role of the Triple Zero Custodian and provides that the Secretary of the Department (or their delegate) will be the Triple Zero Custodian.

Proposed section 151K sets out the functions of the Triple Zero Custodian to be:

- aiding preparation for, response to or recovery from an emergency call service outage event
- improving preparedness for emergency call service outage events
- overseeing the effective functioning of emergency call services and the proper functioning of the emergency call service matters
- any other function conferred by the TCPSS Act in relation to emergency call services
- any other function specified by the Minister via legislative instrument provided the Minister is satisfied that the function is related to emergency call services.

The Triple Zero Custodian will have a range of powers to allow it to carry out its functions. These include:

- requesting the ACMA to make ECS directions (**proposed section 151L**)
- requesting information or advice from the ACMA (**proposed section 151M**) and
- referring matters to the ACMA for investigation (**proposed section 151N**).

Currently Part 26 of the Act allows the ACMA to investigate any matter relating to the performance of the ACMA's telecommunications functions, or the exercise of the ACMA's telecommunications powers, except to the extent that it relates to the content of a [content service](#), if the ACMA thinks that it is desirable to investigate the matter. The Bill will also allow the Triple Zero Custodian to refer matters to the ACMA which relate to the operation of emergency call services and the ACMA's powers/functions, separate to the ACMA's existing powers. It is the ACMA's decision whether it chooses to investigate the matter, and that decision must be made within 30 days and provided to both the Minister and the Triple Zero Custodian.

Proposed section 151Q requires ACMA to report to the Minister on the following matters:

- ECS directions given during the period
- matters referred to the ACMA for investigation by the Triple Zero Custodian
- the ACMA's decisions on whether or not it will investigate those matters and
- any other activities the ACMA has undertaken during the period using information obtained or generated by the ACMA in the course of, or for the purposes of, performing functions or duties, or exercising powers, under proposed Divisions 3, 4 or 5 of the TCPSS Act.

Concluding comments

Following the latest Optus outage, there has been much debate about the need for a Triple Zero Custodian to monitor emergency call services. The Bill will also provide significant directions powers to the ACMA to allow the Government to maintain ‘effective oversight’ of the system ([p. 2](#)). According to [media reports](#), stakeholders in the telecommunications industry have ‘questioned whether handing more responsibility to federal bureaucrats to oversee the triple-0 ecosystem would enhance its function’.

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