

SENATE ESTIMATES OPENING STATEMENT

JAMES CHISHOLM, DEPUTY SECRETARY, COMMUNICATIONS AND MEDIA GROUP

- Thank you Chair.
- At around midnight on Thursday September 18, a firewall upgrade to the Optus network triggered a Triple Zero outage which prevented over 600 Triple Zero calls from connecting in South Australia, the Northern Territory, Western Australia and some parts of New South Wales.
- Tragically, this failure was linked to 3 deaths.
- An outage of this nature, one that impacts emergency Triple Zero services, is completely unacceptable.
- The department was notified by Optus about an issue affecting Triple Zero services at 2:45PM on 18 September, and, *within seven minutes*, at 2:52PM, further advised that the matter had been resolved and up to 10 calls to Triple Zero may have been impacted.
- The department was not made aware of the full impact of the outage until approximately 3:30pm on Friday 19 September, through notification from the Australian Communications and Media Authority (ACMA), and subsequently by Optus.
- The Optus CEO, Stephen Rue, has publicly stated that upon preliminary investigation into the incident, they have ascertained that the Triple Zero failure was triggered due to an internal failure to comply with standard processes for a systems firewall upgrade. This was compounded by a failure to escalate and take immediate action when they were notified by their customers, as well as the Telecommunications Industry Ombudsman, that Triple Zero calls were not working.
- ACMA will be investigating Optus's compliance with the law.
- To be very clear: Triple Zero should never be permitted to fail as part of a 'routine upgrade'.

- Moreover, if there is a disruption, affected triple zero calls are meant to connect, or 'camp-on', to another network. These calls did not 'camp on' to another network, even though they are required to do so by laws put in place by the government.
- Network operators must carry Triple Zero calls – it's the law. The Emergency Call Service Determination sets out rules for telecommunication carriers and providers to ensure reliable provision and handling of emergency calls, particularly protocols to allow emergency calls to connect to a service during mobile network outages. This includes making sure that Triple Zero calls are carried by another network if an operator's own network is unavailable.
- As a result of the nation-wide outage in 2023, Optus was found in breach of its regulatory obligations as a telecommunications carrier to ensure that emergency calls must be carried to emergency call services at all times. This resulted in a \$12M fine.

Actions Taken

- Since the 2023 Optus outage, the government accepted all 18 recommendations of the Bean review, fully implemented 13 and the remaining five are well underway. All recommendations allocated to Government to implement are done with the exception of one recommendation focused on reviewing any outstanding issues not addressed in the Bean reforms.
- Of the five Bean Review recommendations not yet completed, four of them were charged to industry to complete. Two have now been submitted as an industry code to the ACMA and we expect registration of this code soon (recs 3 and 4). Two others remain with industry (recs 14 and 15).
- I want to be very clear about three things here:

- The government has put in place tough Triple Zero laws imposing obligations on industry. These are the strongest reforms to Triple Zero for many, many years. No such regulatory reforms were put in place after previous major outages, including in 2018 after a similar serious outage affecting Triple Zero.
- Optus is now being investigated by ACMA including for not complying with fully implemented laws stemming from the Bean review.
- The Custodian and ACMA powers bill introduced to Parliament this week will further strengthen the framework by giving a statutory basis for the Custodian and even stronger powers for ACMA.
- We have already made amendments to the Emergency Call Service regulations to strengthen obligations on the industry for outage reporting, real-time information sharing, and tower wilting – which is a regulatory obligation on the industry to ensure Triple Zero calls can be carried by other networks in the event of an outage. These amendments were made in April 2025 and come into effect on 1 November.
- The *Telecommunications Amendment (Enhancing Consumer Safeguards) Bill 2025*, which was reintroduced to parliament on 28 August, will also strengthen ACMA's compliance powers and increases penalty amounts for infringements.
- In the coming weeks, ACMA is expected to register the mandatory testing code which will require the three mobile network operators to undertake compulsory device and end-to-end network testing relevant to the Triple Zero ecosystem every six months. We have partnered with the University of Technology, Sydney, and industry, to establish the National Telecom Resilience Centre (NTRC) in direct response to the 2023 Optus outage to securely replicate network scenarios and device behaviour, including during

outages. Mobile phone and network behaviour can be verified in a range of failure scenarios at the centre. This is new and innovative work that is vital to public safety.

- As a supplement to the mandatory testing code, industry will be required to disclose to customers if their device potentially has limited triple zero access. This will be given effect through the publication of results of device testing undertaken.

Next steps

- Following the decision by the former Communications Minister in March 2025 to establish the Triple Zero Custodian within the department, we have been operating administratively as the Custodian, albeit without legislative powers.
- The Custodian has issued requests for information to industry and has undertaken enquiries of industry and the Emergency Call Person. These actions have been undertaken in anticipation of legislation.
- The Bill introduced this week enables information to be obtained and directions made not just during outages but well before any outages occur, all year round, and regularly assess individual or systemic compliance. It confirms that the Custodian and ACMA will be able to share information gathered under these powers with Emergency Service Organisations, state and territory authorities and regulators.
- Ensuring the continuous and reliable provision of emergency call services directly underpins public safety and security. The government is taking strong action to develop and enforce its substantial reforms with community safety at the heart of that work.