



# Telecommunications Legislation Amendment (Universal Outdoor Mobile Obligation) Bill 2025

Submission to Environment and  
Communications Legislation Committee

*8 April 2026*

## Executive summary

The Australian Communications Consumer Action Network (**ACCAN**) is pleased to provide this submission to the Environment and Communications Legislation Committee on the Telecommunications Legislation Amendment (Universal Outdoor Mobile Obligation) Bill 2025 (**the Bill**).

Reliable and affordable mobile telecommunications are vital for public safety, economic participation, and social inclusion, especially in Australia's regional, rural, and remote (**RRR**) areas. While the Bill aims to enhance outdoor mobile coverage via terrestrial networks and Low Earth Orbit satellites (**LEOSats**), ACCAN is concerned that it falls short in several critical areas required to deliver equitable and effective outcomes for all Australians.

ACCAN's submission highlights the urgent need to mandate affordable LEOSat-compatible devices and plans, to set clear statutory objectives, constrain and guide the currently expansive powers vested in delegated legislation, and to strengthen consumer protections to ensure the Universal Outdoor Mobile Obligation (**UOMO**) delivers on its promise. Without changes to the Bill, there is a significant risk that the Bill could establish a universal services framework in which essential telecommunications remain unaffordable for many Australians and which fails to prioritise reliability or public safety adequately. These issues are especially pressing in the current economic climate.

To achieve universal, equitable, reliable, and affordable mobile services, ACCAN recommends several key amendments to the Bill:

- First, the framework should **explicitly prioritise affordability** and put in place critical measures to ensure future connectivity under the UOMO will be affordable to Australian consumers. This should include:
  - Requirements for Primary Universal Outdoor Mobile Providers (**PUOMPs**) to offer affordable baseline mobile plans and pre-paid services, introduce incentives to increase the availability of low-cost LEOSat-compatible devices, and establish a device distribution program for low-income consumers.
  - The UOMO should apply to both Mobile Network Operators (**MNOs**) and Mobile Virtual Network Operators (**MVNOs**) to promote competition and affordability for all Australians.
- Second, the Bill should include a **dedicated statutory objectives section** to explicitly guide ministerial discretion.
  - This section should ensure consumer needs, reliability, affordability, and public safety are prioritised in all decision-making.
  - Decisions regarding further development of the UOMO be anchored in these statutory objectives, and that any delegated powers to divide, expand, or delay the UOMO – which, as drafted, lacks sufficient parliamentary oversight – require robust justification and have clear constraints in place.
- Third, stronger consumer protections are essential. ACCAN welcomes the Bill's provisions that empower the Minister to set standards, benchmarks and rules for mobile services. ACCAN

recommends **amendments to strengthen the Minister's powers** to cover a range of matters including reliability, quality, and accessibility of mobile services, supported by civil penalties and a compensation scheme for breaches.

- Requirements should be aligned across the Bill to ensure consistency in consumer safeguards in all aspects of the framework.

ACCAN urges the Environment and Communications Legislation Committee to consider these recommendations as part of its examination of the Bill, to ensure the UOMO framework delivers reliable, affordable, and accessible mobile services for all consumers.

## Recommendations

This submission calls on the Environment and Communications Legislation Committee to make the following recommendations in relation to the Bill:

*Without considering affordability measures, the UOMO risks making essential communications services unaffordable for many Australians*

1. Require PUOMPs to provide baseline affordable mobile plans and access to pre-paid services.
2. Introduce measures to incentivise the availability of low-cost, LEOSat-compatible devices and establish a device distribution program supporting low-income consumers.
3. Ensure the UOMO applies to both MNOs and MVNOs, and that access is provided to promote competition and affordability for all consumers.

*Safeguarding reliability, affordability and public safety*

4. Include a dedicated objectives section in the Bill to explicitly guide ministerial discretion, prioritising consumer needs, reliability, quality, affordability, and public safety.

*Providers must be held to coherent and consistent minimum standards*

5. Strengthen the Minister's powers to set minimum mobile service standards, benchmarks, and rules for a range of matters including the reliability, quality, and accessibility of mobile services.
6. Align the Minister's powers to set minimum standards, benchmarks, and rules requirements across the Bill to ensure consistency and integration.
7. Ensure standards, benchmarks, and rules are civil penalty provisions and accompanied by a robust compensation scheme for breaches.

*Scrutiny, oversight and constraint on delegated legislation*

8. Amend the Bill and explanatory memorandum to require robust justification and clear constraints for any delegated powers to divide, expand, or delay the UOMO.
9. Ensure significant changes to the UOMO are subject to increased oversight.
10. Ensure the Bill's objectives section anchors all decisions regarding the UOMO.

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ACCAN is the peak national consumer organisation advocating trusted, accessible, inclusive, affordable and available communications and digital services.

## 1. Introduction

ACCAN supports the Government's efforts to modernise the universal services framework through the UOMO Bill and ensure equitable access to outdoor mobile services across Australia. However, ACCAN has significant concerns about the framework's potential to pose affordability barriers to many Australians, a lack of oversight and scrutiny on the extensive powers vested in delegated legislation, and a potentially fragmented approach to setting minimum service standards.

Reliable mobile coverage is fundamental for full participation in Australian life, enabling everything from economic opportunity to social connection and access to essential services. Despite this, many Australians, particularly in RRR areas, face persistent gaps and inequities in mobile network access.

The introduction of the Bill represents a significant step toward bridging this digital divide. With amendments to the legislation to address the concerns outlined in this submission, the proposed UOMO framework has the potential to deliver lasting benefits for individuals and communities throughout Australia.

## 2. The UOMO must be affordable and accessible to all Australians

Amid a global cost-of-living crisis marked by inflation concerns, higher connectivity costs, slow wage growth and a turbulent international landscape, it is crucial to address consumers' affordability challenges – particularly for services that are increasingly essential to daily life, such as telecommunications. ACCAN is concerned that many consumers may be excluded from accessing the benefits of UOMO, primarily due to the high costs associated with some LEOSat-compatible devices and lack of affordable plans.

ACCAN defines 'affordability' as a consumer's ability to pay for communication services without sacrificing other essential needs.<sup>1</sup> Ideally, households should not spend more than 2% of their income on connectivity.<sup>2</sup> The Australian Digital Inclusion Index describes affordability stress as the point at which the costs of online connection and digital devices become major barriers to work, education, online services, and further entrench existing inequalities.<sup>3</sup> Households that must spend more than 5% of their income on internet access are considered to be under affordability stress, limiting their ability to afford other essential household items.<sup>4</sup>

The direct-to-device (**D2D**) voice and Short Message Service (**SMS**) ability delivered using LEOSat technology under the UOMO will primarily service consumers in RRR Australia, where the median

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<sup>1</sup> ACCAN, *Better delivery of universal services* (Submission, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 8 March 2024) 22.

<sup>2</sup> Julian Thomas, Anthony McCosker, Sharon Parkinson, Kieran Hegarty, Daniel Featherstone, Jenny Kennedy, Indigo Holcombe-James, Lyndon Ormond-Parker and Lauren Ganley, *Measuring Australia's digital divide: Australian digital inclusion index: 2023* (Report, ARC Centre of Excellence for Automated Decision-Making and Society, RMIT University, Swinburne University of Technology, and Telstra, 2023) 18.

<sup>3</sup> *Ibid* 19.

<sup>4</sup> *Ibid*.

annual household incomes range from \$33,800 to \$51,999.<sup>5</sup> In 2025, Thomas *et al.* found that most households on the lowest incomes (below \$41,000 per year) would need to spend more than 10% of their income to afford a quality internet connection.<sup>6</sup> In very remote areas, incomes are typically lower, around \$459 per week, with some surveyed First Nations communities reporting median personal incomes between \$161 and \$387.<sup>7</sup> The Mapping the Digital Gap Project found that ‘affordability is the most significant gap among the three dimensions’ of digital inclusion.<sup>8</sup> In remote First Nations communities, ‘69% of survey respondents reported they had made sacrifices or cut back on essential costs in order to afford connectivity’.<sup>9</sup>

The devices required to access LEOSat services, combined with D2D capabilities often being limited to post-paid plans, may create significant financial barriers for consumers, especially those who require regular access to D2D capabilities. For consumers in RRR areas, the cost of post-paid plans can be prohibitive, especially in the absence of clear options from MVNOs or carrier sub-brands. Furthermore, there is considerable uncertainty due to the emerging nature of D2D technology and its pricing structures. As the market and technology continue to develop, it remains unclear how costs, device requirements, and plans will evolve.

People living in and travelling through RRR Australia rely heavily on mobile connectivity for their personal safety and employment, and accessing LEOSat-capable devices and plans should not force anyone to sacrifice paying for other essential goods and services.<sup>10</sup> For the UOMO to be effective and fit-for-purpose, its policy settings must reflect the lived experiences of those who will depend on it for economic and social participation, as well as personal safety. However, based on the current costs associated with upgrading to LEOSat-compatible devices and plans, there is a very real risk that further development of this service will undermine household budgets for other essentials, without the option of viable alternative connectivity.

## 2.1. Amendments should guarantee pre-paid mobile plans

ACCAN recommends the Bill be amended to require PUOMPs to offer LEOSat-compatibility on all pre-paid plans, alongside post-paid LEOSat-compatible plans. Furthermore, LEOSat-functionality for pre-paid plans should not be restricted to high-cost pre-paid plans and/or temporary paid add-ons. Many mobile users make use of pre-paid services and in remote First Nations communities up to ‘99% of

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<sup>5</sup> Regional Australia Institute, *Beyond city limits: Unveiling income premiums in regional Australia* (Report, 2024) 15.

<sup>6</sup> Julian Thomas, Anthony McCosker, Sharon Parkinson, Kieran Hegarty, Daniel Featherstone, Jenny Kennedy, Lyndon Ormond-Parker, Katy Morrison, Heather Rea and Lauren Ganley, *Measuring Australia’s digital divide: 2025 Australian digital inclusion index* (Report, ARC Centre of Excellence for Automated Decision-Making and Society, RMIT University, Swinburne University of Technology, and Telstra, 2023) 15.

<sup>7</sup> Daniel Featherstone, Lyndon Ormond-Parker, Julian Thomas, Sharon Parkinson, Kieran Hegarty, Yee Man Louie, Yasmin Johnson, Alison Barton, Leah Hawkins, Jenny Kennedy and Lauren Ganley, *Mapping the Digital Gap: 2025 Outcomes Report* (Report, ARC Centre of Excellence for Automated Decision-Making and Society, 3 December 2025).

<sup>8</sup> *Ibid* 53.

<sup>9</sup> *Ibid*.

<sup>10</sup> ACCAN, *Universal Outdoor Mobile Obligation (UOMO) draft legislation* (Submission, Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, 14 October 2025).

those with mobile phones use pre-paid data'.<sup>11</sup> In this context, consumers should not be forced to purchase post-paid services to access the benefits of the UOMO, but rather should have the guaranteed option to use D2D capabilities through pre-paid service plans.

Although pre-paid services often come with higher per-gigabyte data costs, they enable consumers to manage their mobile expenses better and maintain financial control.<sup>12</sup> Moreover, past issues with post-paid purchasing methods, such as unconscionable sales practices by major telecommunications carriers, highlight the importance of ensuring consumers have access to fit-for-purpose and diverse pre-paid market offerings.<sup>13</sup>

Currently, consumers utilising LEOSat messaging services can only do so through post-paid plans.<sup>14</sup> If pre-paid alternatives are unavailable going forward for D2D capabilities, many consumers would be forced either to forego accessing the UOMO or to increase their household spending on mobile connectivity and lose the financial control and flexibility associated with a pre-paid plan. This may lead to households continuing to sacrifice spending on other essentials to attain the benefits of D2D connectivity facilitated through the UOMO. To avoid this, it is critical that mobile services provided through the UOMO facilitate a range of competitive pre-paid market offerings.

## **2.2. Amendments should guarantee an entry-level affordable mobile service**

PUOMPs offering services to consumers through the UOMO should also be required to offer entry-level, affordable mobile services. Amendments to the Bill to mandate this requirement would ensure that all consumers could access UOMO capabilities at a reasonable price.

This amendment would also align with clear consumer preferences on price, and reflect the concerns of consumers about affordability of mobile services. Over the past year, ACCAN's Consumer

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<sup>11</sup> Daniel Featherstone, Lyndon Ormond-Parker, Julian Thomas, Sharon Parkinson, Kieran Hegarty, Yee Man Louie, Yasmin Johnson, Alison Barton, Leah Hawkins, Jenny Kennedy and Lauren Ganley, *Mapping the Digital Gap: 2025 Outcomes Report* (Report, ARC Centre of Excellence for Automated Decision-Making and Society, 3 December 2025) 15.

<sup>12</sup> Julian Thomas, Anthony McCosker, Sharon Parkinson, Kieran Hegarty, Daniel Featherstone, Jenny Kennedy, Indigo Holcombe-James, Lyndon Ormond-Parker and Lauren Ganley, *Measuring Australia's digital divide: Australian digital inclusion index: 2023* (Report, ARC Centre of Excellence for Automated Decision-Making and Society, RMIT University, Swinburne University of Technology, and Telstra, 2023) 15.

<sup>13</sup> Australian Competition and Consumer Commission, *Telstra to Pay \$50m Penalty for Unconscionable Sales to Indigenous Consumers* (Media Release No 67/21, Australian Competition and Consumer Commission, 13 May 2021) <<https://www.accc.gov.au/media-release/telstra-to-pay-50m-penalty-for-unconscionable-sales-to-indigenous-consumers>>. Australian Competition and Consumer Commission, *Optus Agrees to \$100m Penalty, Subject to Court Approval, for Unconscionable Conduct* (Media Release No 63/25, Australian Competition and Consumer Commission, 18 June 2025) <<https://www.accc.gov.au/media-release/optus-agrees-to-100m-penalty-subject-to-court-approval-for-unconscionable-conduct>>.

<sup>14</sup> Telstra's website notes that 'to use Telstra Satellite Messaging you need a compatible phone with the latest software and a Telstra Upfront Mobile Plan'. See, Telstra, *Introducing Telstra Satellite Messaging* (Web Page, n.d) <<https://www.telstra.com.au/coverage-networks/mobile-technology/satellite-to-mobile>>.

Sentiment Tracker has found that price is the most important factor to respondents when choosing a mobile plan (47%).<sup>15</sup>

Amending the Bill to require PUOMPs to establish a minimum affordability baseline for satellite-capable mobile plans through an entry-level affordable mobile plan would reduce cost-of-living pressures on low-income households and ensure that the UOMO meets its objective of making mobile coverage reasonably available outdoors on an equitable basis. This baseline should be price-capped and only allowed to increase in line with consumer price index.

### **2.3. Measures to ensure access to affordable LEOSat-compatible devices**

ACCAN recommends amendments to the framework to ensure that consumers are supported to access affordable LEOSat-compatible devices, as many consumers may be unable to afford the types of devices required to access the full range of LEOSat capabilities (text, voice, and data) upon its implementation – risking UOMO not serving the very cohorts it was designed to support.

Across Australia, '56% of households with incomes of \$10,000–\$49,999 have less than \$1,000 in savings'.<sup>16</sup> This financial constraint may limit their ability to upgrade to the premium devices needed for the full range of D2D capabilities facilitated by the UOMO, or place consumers in the position of having to consider a potentially significant credit or financing arrangement. While some affordable mobile devices do support D2D capabilities, most D2D-capable devices are currently premium models. If current trends continue, advancement in D2D technology may remain limited largely to premium, newer devices, making it inaccessible without significant upfront or ongoing expenditure.

In addition, ACCAN is not aware of any clear information about which devices will ultimately support D2D voice capabilities. This creates a risk that many consumers may need – or believe they need to – upgrade their devices to access the full range of UOMO features. At the time of writing, LEOSat capabilities in Australia are limited to satellite messaging, and it remains unclear which devices will eventually support broader mobile and data functions. Early LEOSat messaging features were limited to premium mobile devices, raising concerns that future advancements, such as voice and data, may also be available only on high-end devices. This would exclude consumers who cannot afford these devices from accessing new technological capabilities.

In addition to amendments ensuring affordable plans are accessible under the UOMO, ACCAN urges the Environment and Communications Legislation Committee to consider recommending amendments to the framework to support affordable and equitable access to LEOSat-compatible mobile devices.

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<sup>15</sup> ACCAN CST data Waves 1-3.

<sup>16</sup> Taylor Blackburn, 'Breaking Point: 9.2 Million Aussies Have Less than \$1,000 in Savings' (Web Page, 18 June 2025) <<https://www.finder.com.au/news/breaking-point-2025>>.

Such amendments to the framework could include:

- Measures to incentivise the introduction of low-cost LEOSat-compatible mobile devices into the Australian market before the default commencement date of the UOMO; and
- The establishment of a Government-led device distribution program to support low-income consumers accessing suitable mobile devices that support LEOSat connectivity.

In addition, ACCAN notes that the mobile device ecosystem should be monitored to ensure that information about the phones they offer, and in particular compatibility with D2D technology, is clear and readily available to prospective phone purchasers - to ensure consumers are well-informed about which devices can or cannot access the full benefits of the UOMO.

Ensuring consumers have access to affordable LEOSat-compatible devices would support equitable access and facilitate the objectives of the UOMO as safeguarding outdoor mobile coverage for all Australians.

### **3. Guaranteeing reliable mobile services and safeguard access to Triple Zero**

ACCAN strongly supports the Bill's provisions that empower the Minister for Communications to set standards, benchmarks, and rules for essential mobile services. These measures are critical to ensuring consumers can rely on mobile services, safeguarding public safety, and holding providers accountable. There is a clear need for such standards, with reliability of mobile services being a significant issue – particularly for people living in RRR areas – as well as a major source of concern for many Australians, as reflected in ACCAN's latest Consumer Sentiment data.<sup>17</sup> However, there are opportunities in the Bill to further align and strengthen the Minister's powers, to minimise the potential for a patchwork regulatory approach, and enable service standards to be set in a more aligned and consistent way.

The Bill's core purpose is to guarantee Australians reliable access to outdoor mobile coverage across Australia, improve connectivity during disasters and power outages, and expand access to Triple Zero.<sup>18</sup> It is clear that when access to emergency services is unreliable, the consequences for public safety and welfare are immediate and severe. People living in areas with unreliable, poor, or even no mobile coverage, and where coverage does not have sufficient redundancy and back-up measures in place, face real risks if they cannot reach emergency services in a crisis. This challenge goes beyond service quality or commercial preferences; it is a fundamental issue of public safety. The recent

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<sup>17</sup> ACCAN, 'Consumer sentiment tracker: reliability: Wave 3' (Report, March 2026) <[https://3b246038-936d-4dd1-9c80-4202b28d8fef.usrfiles.com/ugd/3d843c\\_862df5bead964987837305610cfec4df.pdf](https://3b246038-936d-4dd1-9c80-4202b28d8fef.usrfiles.com/ugd/3d843c_862df5bead964987837305610cfec4df.pdf)>.

<sup>18</sup> Michelle Rowland, 'Albanese Labor Government building Australia's mobile future' (Media Release, 25 February 2025) <<https://minister.infrastructure.gov.au/rowland/media-release/albanese-labor-government-building-australias-mobile-future>>.

catastrophic failure of the Optus network demonstrated that mobile network outages can have life-or-death consequences.<sup>19</sup>

Concerningly, data from ACCAN's Consumer Sentiment Tracker shows 1 in 10 survey respondents (10%) have reported that they or a member of their family were not able to contact Triple Zero from a mobile phone due to a mobile outage in the last 12 months.<sup>20</sup> Additionally, 23% of consumers indicated that they or someone in their household has a medical condition that would place their life at risk if access to Triple Zero services via a mobile phone was lost,<sup>21</sup> and 76% of respondents noted that their mobile phone is the only way they can contact Triple Zero.<sup>22</sup>

Consumers in RRR areas face heightened risks from network outages, are more exposed to natural disasters, have limited access to backup or alternative telecommunications infrastructure, and are often further away from essential services.<sup>23</sup> Parliamentary evidence from Telstra revealed 5,221 network outages occurred between 1 January and 9 December 2025 in regions where Telstra was the sole provider. Each outage left consumers without any means to contact Triple Zero.<sup>24</sup>

In addition to outages, poor mobile service quality, including frequent dropouts, materially impacts consumers' connectivity. Consecutive annual reports from the Telecommunications Industry Ombudsman (**TIO**) reveal that poor service reliability is a key concern.<sup>25</sup> TIO data from February 2026 also showed a 41.6% spike in service reliability complaints and a 21.6% increase in complaints regarding intermittent service or dropouts.<sup>26</sup>

The provisions in the Bill that empower the Minister to set standards, benchmarks and rules for mobile services are therefore a significant step in improving the critical issue of reliability across telecommunications networks in Australia. However, ACCAN calls for amendments to expand, clarify and align the Minister's powers across the Bill. ACCAN's proposed amendments would expand the service standards requirements by empowering the Minister to set standards that address the accessibility, availability, and resilience of telecommunications service – all of which are critical

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<sup>19</sup> Lewis Wiseman and David Taylor, 'Three People Died after Optus Network Failure Impacted Triple-0 Calls', *ABC News* (online, 19 September 2025) <<https://www.abc.net.au/news/2025-09-19/optus-network-failure-three-people-dead-triple-zero/105796226>>.

<sup>20</sup> ACCAN, 'Consumer sentiment tracker: reliability: Wave 3' (Report, March 2026) 3 <[https://3b246038-936d-4dd1-9c80-4202b28d8fef.usrfiles.com/ugd/3d843c\\_862df5bead964987837305610cfec4df.pdf](https://3b246038-936d-4dd1-9c80-4202b28d8fef.usrfiles.com/ugd/3d843c_862df5bead964987837305610cfec4df.pdf)>.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> Regional Telecommunications Independent Review Committee (RTIRC), *2024 Regional Telecommunications Review: Connecting communities, reaching every region* (Final report, 2024).

<sup>24</sup> Telstra, *Telstra Response: Questions on Notice* (22 December 2025) 34 <[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/TripleZero48P/Additional\\_Documents?docType=Answer%20to%20Question%20on%20Notice](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/TripleZero48P/Additional_Documents?docType=Answer%20to%20Question%20on%20Notice)>.

<sup>25</sup> Telecommunications Industry Ombudsman, *Annual Report 2024-25* (15 October 2025) <<https://www.tio.com.au/reports/annual-report-2024-25>>; Telecommunications Industry Ombudsman, *Annual Report 2023-24* (Report, 2 October 2024) <<https://www.tio.com.au/reports/annual-report-2023-24>>.

<sup>26</sup> Telecommunications Industry Ombudsman, *Mobile and Internet Reliability Complaints Spike in Quarter 2* (Media Release, 18 February 2026) <<https://www.tio.com.au/news/mobile-and-internet-reliability-complaints-spike-quarter-2>>.

factors in addressing the concerns Australians are experiencing and articulating regarding the reliability of their telecommunications services.

The amendments proposed below would also prevent unnecessary restrictions that limit quality and performance standards solely to voice calls or SMS services, allowing for broader application across all relevant mobile telecommunications services. Further, these changes would enable the Minister to establish maximum periods for fault rectification when providers are, or should reasonably be, aware of faults or service difficulties, and allows for standards relating to the frequency, duration, or restoration of network outages, ensuring that these are not limited only to faults or service difficulties.

These amendments are fundamental to ensuring mobile services deliver for consumers and reflect consumers' real-world needs and expectations. By empowering the Minister to develop minimum mobile service standards across a range of matters and regardless of service function (i.e. voice, SMS, data), the framework would embed significantly more comprehensive consumer protections.

### **3.1. Amendments to align and strengthen standards, benchmarks, and rules**

ACCAN considers that there is scope to align and strengthen Part 1 Subdivision C and Part 2 Division 2 of the Bill to ensure standards, benchmarks, and rules are flexible to emerging technologies and evolving consumer needs. Alignment between the sections will simplify the arrangements, promote complementary and integrated standards, benchmarks and rules across different mobile network technologies, and minimise the risk of regulatory fragmentation.

To align and strengthen the requirements under section 12Q and section 125B of the Bill, ACCAN recommends that the Minister be empowered to make standards, benchmarks, and rules for designated mobile telecommunications services and mobile telecommunications on the following matters:

- (a) the terms and conditions (whether or not relating to price or a method of ascertaining price) of the supply of a designated mobile telecommunications service or mobile telecommunications service;*
- (b) the reliability of a designated mobile telecommunications service or mobile telecommunications service;*
- (c) the quality of a designated mobile telecommunications service or mobile telecommunications service;*
- (d) the performance of a designated mobile telecommunications service or mobile telecommunications service;*
- (e) the accessibility of a designated mobile telecommunications service or mobile telecommunications service;*
- (f) the availability of a designated mobile telecommunications service or mobile telecommunications service;*
- (g) the resiliency of a designated mobile telecommunications service or mobile telecommunications service;*

- (h) the maximum period within which a carrier or carriage service provider must rectify a fault or service difficulty relating to a designated mobile telecommunications service or mobile telecommunications service after it is aware, or ought reasonably to be aware, of a fault or service difficulty;*
- (i) the frequency, duration, or restoration of a network outage that affects the supply of a designated mobile telecommunications service or mobile telecommunications service;*
- (j) action which a carrier or carriage service provider must take to address congestion affecting a telecommunications network the provider uses to supply a designated mobile telecommunications service or mobile telecommunications service;*
- (k) information a carrier or carriage service provider must give to a customer of a designated mobile telecommunications service or mobile telecommunications service; and*
- (l) any other matter concerning supply or proposed supply of a designated mobile telecommunications service or mobile telecommunications service.*

To ensure compliance and deliver real benefits to consumers, service standards should be enforceable as civil penalty provisions by the Australian Communications and Media Authority (**ACMA**). This aligns with consumer expectations highlighted in ACCAN's Consumer Sentiment Tracker, which revealed 74% of consumers support financial penalties for mobile network companies that fail to meet service standards.<sup>27</sup>

ACCAN additionally calls for standards, benchmarks, and rules in the Bill to be accompanied by a compensation scheme for breaches. This would provide robust consumer protections and reflect the significant cost to consumers associated with poor mobile services. ACCAN's Consumer Sentiment Tracker showed clear support for this, with 76% of respondents supporting a mobile phone network provider having to provide compensation if it did not meet minimum service standards.<sup>28</sup> Aligning a compensation scheme with the standards, benchmarks, and rules for designated mobile telecommunications services and mobile telecommunications would also bring the Bill in line with similar requirements under the Statutory Infrastructure Provider regime and Customer Service Guarantee.

ACCAN urges the Environment and Communications Legislation Committee to consider the merits of aligning and strengthening the requirements under Part 1 Subdivision C and Part 2 Division 2 of the Bill, to ensure future flexibility and ongoing fit for purpose consumer protection. ACCAN also urges the Government to swiftly implement the standards, benchmarks, and rules, should the Bill be passed, so that providers meet community expectations for reliability and performance. These measures would represent significant advances in creating a more reliable, inclusive, and responsive

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<sup>27</sup> ACCAN, 'Consumer sentiment tracker: reliability: Wave 3' (Report, March 2026) 18 <[https://3b246038-936d-4dd1-9c80-4202b28d8fef.usrfiles.com/ugd/3d843c\\_862df5bead964987837305610cfec4df.pdf](https://3b246038-936d-4dd1-9c80-4202b28d8fef.usrfiles.com/ugd/3d843c_862df5bead964987837305610cfec4df.pdf)>.

<sup>28</sup> Ibid 19.

telecommunications environment, directly benefiting consumers by promoting higher-quality, more equitable access to these essential services.

#### **4. Need for justification and constraints on expansive delegated powers**

The Bill, as currently drafted, permits delegated legislation to divide the UOMO, extend its obligations, and vary its commencement and functions - matters that carry significant policy consequences yet as delegated legislation would attract materially less parliamentary oversight than primary legislation would require. In a rapidly evolving technological and policy landscape, this concentration of power in delegated instruments carries particular risks. As market conditions, technologies, and consumer needs shift, successive ministerial determinations could result in a framework that becomes fragmented over time, potentially diverging from the original policy intent of the reform. The absence of robust oversight mechanisms also increases the risk of regulatory responses that are reactive and piecemeal rather than coherent and strategically aligned, undermining the certainty and consistency that industry participants and consumers alike require from a universal service framework.

The Senate Standing Committee for the Scrutiny of Bills (**Scrutiny of Bills Committee**) has noted that proposed sections 12G and 12M would enable the Minister to modify the operation of primary legislation through delegated legislation, making them akin to Henry VIII clauses. The Scrutiny of Bills Committee has expressed significant concerns about such clauses, given that they impact the level of parliamentary scrutiny and may subvert the appropriate relationship between the Parliament and the Executive.

ACCAN shares the Scrutiny of Bills Committee's concerns. While we recognise the legitimate need for flexibility in administering a broad technical obligation that must operate across diverse commercial arrangements, timeframes, and rapidly evolving markets and technologies, we are concerned by the extent that the Bill permits delegated legislation to divide the UOMO, extend its obligations, or vary its commencement with materially less parliamentary oversight than primary legislation would require. Of particular concern is the capacity to defer commencement of the UOMO by up to three years through successive notifiable instruments. Such expansive powers to materially alter the operation of primary legislation would, ordinarily, not be contained in delegated legislation.

In this context, ACCAN agrees with the Scrutiny of Bills Committee that the explanatory memorandum does not clearly demonstrate that these delegated powers are either adequately justified or sufficiently constrained. ACCAN recommends that the Bill and explanatory memorandum be amended to ensure that any delegated powers to divide, expand, or delay the UOMO are subject to robust justification and clearly defined constraints, and are accompanied by explicit public consultation and notice requirements. These amendments would go some way to ensure increased oversight and scrutiny of any significant changes to the law.

ACCAN further suggests that, in the interests of increasing oversight of the extensive powers vested in delegated legislation, the Minister should be required to publish an impact assessment that details

why the change is necessary, what alternatives were considered, and the expected impacts on consumers. These requirements would establish clear boundaries both before and after the use of such powers.

#### **4.1. Insert a statutory objectives section to guide ministerial discretion**

ACCAN supports the need for ministerial flexibility in administering the UOMO. However, as currently drafted, the Bill grants the Minister broad delegated powers to divide, defer, and reshape the UOMO without a clear statutory objective to guide the exercise of those powers.

Including an objectives section in the Bill and explanatory memorandum would fulfil two key purposes: it would maintain the necessary administrative flexibility identified by the Government, while ensuring this flexibility is exercised to advance the consumer outcomes the UOMO seeks to deliver. Clearly stated objectives would direct ministerial action, providing a proportionate legislative safeguard on delegated powers in line with best practice and Australian Law Reform Commission.<sup>29</sup> Importantly, such a provision would not constrain the Minister's ability to respond to changing market or technological conditions. Instead, it would ensure consumer interests remain consistently at the forefront of any use of delegated power over time, a safeguard that is both proportionate and essential for public safety.

The UOMO should be grounded in a capabilities-based approach that aims to meet consumers' evolving needs and requirements. Articulating this intent, via a statutory objectives section, will ensure the UOMO can adapt flexibly to changing community expectations and technological advancements.

ACCAN also strongly recommends that the objectives be anchored in key consumer outcomes: the reliability and quality of mobile services (particularly access to Triple Zero), and the affordability of compatible devices and service plans. Embedding these principles in the objectives section will ensure the Minister's discretionary powers are exercised with a clear focus on equity and universal service.

ACCAN recommends the insertion of the following objectives section into the Bill at Schedule 1, item 16, page 8 (after line 24), after section 12F.

##### *12FA Objects*

*(1) In exercising the Minister's Powers under this Part, the Minister must give regard to:*

- (a) the supply of a designated mobile telecommunications service meets the reasonable needs, requirements, expectations, and objectives of the community;*
  - (b) the reliability and quality of a designated mobile telecommunications service;*
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<sup>29</sup> Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest 2 of 2026* (Parliament of Australia, 2026) 2.

- (c) *the affordability of a designated mobile telecommunications service, including the affordability of compatible devices and plans, with regard to the impact on vulnerable consumer cohorts;*
- (d) *ensuring, and where practicable, enhancing community access to emergency services;*
- (e) *promoting widespread public awareness of the capabilities of designated mobile telecommunications services through the provision of appropriate information and education to users; and*
- (f) *promoting the principles of equity, social inclusion, economic livelihoods, safety and security in the delivery of designated mobile telecommunications services to enhance welfare.*

(2) *In exercising the Minister's powers under this Part, the Minister must do so in accordance with the objects of this Part.*

In the absence of specific criteria, this broad obligation may not clearly require the Minister to give consideration to each of the objectives under the Part. Therefore, ACCAN calls for these objectives to be reflected in Part 2 of the Bill to ensure that mobile telecommunications service standards, benchmarks, and rules prioritise consumer interests and public safety.

## 5. The role of MVNOs

It is unclear from the current drafting of the legislation whether the UOMO obligations apply only to MNOs or will be extended to carrier sub-brands and MVNOs. Certainty on this issue is essential, given that the benefits that carrier sub-brands and MVNOs provide to consumers are critical. ACCAN holds concerns about the competitive impact of limiting UOMO to MNOs alone. The 2024 Regional Telecommunications Review observed that competition for mobile services in much of RRR Australia remains poor to non-existent.<sup>30</sup>

If MVNOs are not required to provide UOMO services, and PUOMPs are not obligated to resell services to the MVNOs, it could pose affordability challenges and further hinder competition in RRR Australia. A distinction of this materiality between services offered by MNOs and MVNOs could also cause significant and widespread consumer confusion and concern. Without UOMO capabilities, consumers may have little incentive to choose MVNO services, further entrenching the dominance of major MNOs in the market.<sup>31</sup>

## 6. Conclusion

The UOMO Bill represents a significant step toward ensuring that all Australians can access reliable outdoor mobile coverage. ACCAN supports the policy intent of the Bill and welcomes its overarching

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<sup>30</sup> Regional Telecommunications Independent Review Committee (RTIRC), *2024 Regional Telecommunications Review: Connecting communities, reaching every region* (Final report, 2024).

<sup>31</sup> ACCAN, *Universal Outdoor Mobile Obligation (UOMO) draft legislation* (Submission, Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, 14 October 2025) 9.

purpose and effect, which represents a significant opportunity to bridge the digital divide and ensure that all Australians, regardless of location, benefit from reliable and equitable mobile coverage. However, without key amendments, there is a risk of enshrining in legislation a framework that may not be affordable for significant cohorts of Australians. ACCAN's recommendations seek to address these affordability concerns, and – if adopted – would put in place critical guardrails to ensure that the majority of Australian consumers can reap the benefits of the UOMO.

Additionally, the conferral of broad delegated powers on the Minister, in the absence of a statutory objectives clause, is of concern. As drafted, the Bill creates a framework in which the exercise of delegated powers is insufficiently anchored to the consumer outcomes the UOMO is designed to deliver. Clear constraints on the use of delegated legislation to significantly change the operation of the legislation, as well as explicit objectives, would put in place safeguards to ensure the UOMO will remain flexible over time, whilst prioritising critical consumer protections.

Finally, ACCAN welcomes the introduction of ministerial powers, enshrined in the Bill, to set minimum service standards on the sector. However, with targeted amendments to the legislation, there is an opportunity to significantly align and strengthen these powers across the framework, and to uplift and expand the consumer benefits of having standards in place.

By prioritising strong consumer protections, clear statutory objectives, and effective parliamentary oversight, the Bill can deliver lasting, positive outcomes for individuals and communities across Australia. We thank the Environment and Communications Legislation Committee for the opportunity to comment on the Bill. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact Dr Amelia Radke, Principal Policy Officer, at

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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.



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