

EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Telecommunications (Consumer Protection and Service Standards) Act 1999

Telecommunications (Emergency Call Service) Amendment Determination 2025 (No. 2)

Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Telecommunications (Emergency Call Service) Amendment Determination 2025 (No. 2)* (the **instrument**) under subsection 147(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (the **Act**) and subsection 33(3) of the *Acts Interpretation Act 1901* (the **AIA**).

Subsection 147(1) of the Act relevantly provides that the ACMA must make a written determination imposing requirements on carriers, carriage service providers (**CSPs**) and/or emergency call persons, in relation to emergency call services.

Subsection 33(3) of the AIA relevantly provides that where an Act confers a power to make a legislative instrument, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Purpose and operation of the instrument

The instrument amends the *Telecommunications (Emergency Call Service) Determination 2019* (the **Determination**) to make two consequential changes relating to the repeal of section 27 of the Determination by the *Telecommunications (Emergency Call Service) Amendment Determination 2025 (No. 1)* (the **previous amendment determination**). Those changes were intended to be made by the previous amendment determination but were inadvertently omitted.

The purpose of the instrument is to fix those drafting omissions.

The previous amendment determination amends the Determination to fulfil the requirements of the *Australian Communications and Media Authority (Emergency Call Service Determination) Direction 2024* (the **Direction**). Details of the requirements of the Direction and the previous amendment determination are set out in the explanatory statement to the previous amendment determination. The previous amendment determination commences on 1 November 2025.

The instrument amends paragraph 28(1)(b) of the Determination to update a reference to “paragraph 27(2)(b)” to refer to “section 8 of the *Telecommunications (Customer Communications for Outages) Industry Standard 2024*” (the **industry standard**), and adds a note at the end of subsection 28(1) about the availability of the industry standard.

A provision-by-provision description of the instrument is set out in the notes at **Attachment A**.

The instrument is a disallowable legislative instrument for the purposes of the *Legislation Act 2003* (the **LA**).

Documents incorporated by reference

The instrument does not incorporate any documents by reference. However, the instrument refers to the Act, and amends the Determination which results in the Determination incorporating the industry standard. The industry standard is a legislative instrument that is incorporated as in force from time to time, in accordance with subsection 14(1) of the LA and subsection 589(2) of the *Telecommunications*

Act 1997, and is accessible, free of charge, on the Federal Register of Legislation (www.legislation.gov.au).

Consultation

Before the previous amendment determination was made, the ACMA was satisfied that consultation was undertaken to the extent appropriate and reasonably practicable, in accordance with section 17 of the LA, and in accordance with the requirements in subsections 147(9) and (9A) of the Act. A summary of that consultation is below. Further details of that consultation are set out in the explanatory statement to the previous amendment determination.

Between 13 December 2024 and 13 January 2025, the ACMA conducted a targeted consultation with industry in relation to proposed changes to the Determination.

Between 12 February 2025 and 14 March 2025, the ACMA publicly consulted on a draft of the proposed amendment determination. Additional targeted consultation also took place following the public consultation process on further proposed amendments.

The consultation included consideration of the proposal to repeal section 27 of the Determination in light of other proposed amendments to the Determination, and the requirements in the industry standard.

Given the consequential nature of the amendments made by the instrument, no separate consultation has been undertaken in relation to the instrument.

Statement of compatibility with human rights

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule-maker in relation to a legislative instrument to which section 42 (disallowance) of the LA applies to cause a statement of compatibility with human rights to be prepared in respect of that legislative instrument.

The statement of compatibility with human rights set out below has been prepared to meet that requirement.

Overview of the instrument

The instrument amends the Determination, which imposes obligations on carriers, CSPs and emergency call persons in relation to emergency call services. As noted above:

- the instrument makes two consequential changes relating to the repeal of section 27 of the Determination by the previous amendment determination; and
- those changes were intended to be made by the previous amendment determination but were inadvertently omitted.

Human rights implications

The ACMA has assessed whether the instrument is compatible with human rights, being the rights and freedoms recognised or declared by the international instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* as they apply to Australia.

Having considered the likely impact of the instrument and the nature of the applicable rights and freedoms, the ACMA has formed the view that the instrument does not engage any of those rights or freedoms.

Conclusion

The instrument is compatible with human rights as it does not raise any human rights issues.

Notes to the *Telecommunications (Emergency Call Service) Amendment Determination 2025 (No. 2)*

Section 1 Name

This section provides for the instrument to be cited as the *Telecommunications (Emergency Call Service) Amendment Determination 2025 (No. 2)*.

Section 2 Commencement

This section provides for the instrument to commence immediately after the commencement of the *Telecommunications (Emergency Call Service) Amendment Determination 2025 (No. 1)*, which commences on 1 November 2025.

Section 3 Authority

This section identifies the provision that authorises the making of the instrument, namely subsection 147(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

Section 4 Amendments

This section provides that the Determination is amended as set out in the Schedule.

Schedule - Amendments

Item 1

Item 1 amends paragraph 28(1)(b) of the Determination to update the reference to “paragraph 27(2)(b)” to refer to “section 8 of the *Telecommunications (Customer Communications for Outages) Industry Standard 2024*”. This is a consequential amendment relating to the repeal of section 27 of the Determination.

Section 8 of the industry standard contains requirements to ensure, among other things, that relevant CSPs are notified of major outages and obviates the need for the notification requirements in paragraph 27(2)(b) of the Determination. A consequential change was intended to be made to paragraph 28(1)(b) of the Determination to update the reference to the source of the relevant notification requirements but was inadvertently omitted.

The amended paragraph 28(1)(b) provides that a CSP must, as soon as practicable after being notified of a major outage under section 8 of the industry standard, undertake, or arrange to be undertaken, a welfare check on an end-user who made an unsuccessful emergency call during the outage using an emergency telephone service supplied by the CSP. This obligation is subject to certain exceptions in subsection 28(2).

Item 2

Item 2 adds a note at the end of subsection 28(1) that indicates that the *Telecommunications (Customer Communications for Outages) Industry Standard 2024* may be accessed free of charge from the Federal Register of Legislation.