

22 March 2024



Submission to Australian Communications and
Media Authority

ACMA Compliance Priorities 2024-25

General Manager
Content and Consumer Division
Australian Communications and Media Authority
PO Box 78
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Via email: haveyoursay@acma.gov.au

22 March 2024

Dear Sir/Madam

The Australian Mobile Telecommunications Association (AMTA) welcomes the opportunity to provide this submission in response to ACMA Compliance Priorities 2024-25.

If you have any queries or comments in relation to the content of our submission, please contact Chris Coughlan, Head of Spectrum and Network Infrastructure on 0401 988 322 or by email chris.coughlan@amta.org.au.

About AMTA

The AMTA is the peak industry body of Australia's mobile telecommunications industry. Our purpose is to be the trusted voice of industry, promoting the adoption, monetisation and sustainability of mobile telecommunications technology for the benefit of all Australians.

AMTA members include the mobile network service providers, handset manufacturers, network equipment suppliers, retail outlets and other suppliers to the industry.

EME Checker

AMTA welcomes the ACMA's continued support of the online EME Checker. The public values the Government's unbiased approach to checking the levels of electromagnetic energy (EME) being emitted from mobile base stations.

AMTA proposed that an area of focus for the ACMA's 2024-25 Compliance Priorities could be the transition from 3G to 5G in low-band spectrum frequencies. As 3G networks are being shut down in 2024, Mobile Network Operators are transitioning the spectrum used for 3G over to 5G networks. Auditing the transition from 3G to 5G to compare changes in EME levels between 3G and 5G networks will show consumers that upgrading the technology does not result in increases in EME. This will be of assistance to ease any residual public concerns about the introduction of 5G and the transition from 3G.

We noted that this year the ACMA focused on 5G mmWave testing and had commenced testing of in-building systems and populating EME Checker, and we support this ongoing work.

In summary, the mobile industry continues to value the ACMA involvement in auditing and reporting on the EME levels emitted at sites and how it compares to the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) RPS-S1 standard. This provides an independent assessment reassuring citizens concerned about the impact of EME from mobile base-stations that they can trust in the measures reported in the mobile industry's Radio Frequency National Site Archive (RFNSA) system.

AMTA would welcome, at year end, a public release summary of:

- The number and general location of mobile base stations that have been checked by ACMA in the year.
- An overall assessment of those mobile base-station sites compliance to ARPANSA RPS-S1 standard.
- A statement on the general EME compliance of all mobile base-stations in the EME Checker database compared to the RPS-S1 standard.
- A general statement that mobile technology deployed in Australia is magnitudes below the accepted safe limit and the public has no reason to be concerned about mobile infrastructure deployed in Australia.

Notifications of use of exempt devices

In 2022, the ACMA formally commenced the [Innovation and Industry Development Exemption Framework](#) (the Framework). The Framework utilises the [Radiocommunications \(Exemption\) Determination 2021](#) to permit Banned Devices to be operated by Exempt Persons under reasonably tightly constrained conditions. The Framework is in addition to the existing mechanism under section 27 of the Radiocommunications Act that allows the ACMA to [grant exemptions](#) to a narrow range of professions that have functions or duties relating to defence, national security, law enforcement or emergency services.

While neither the Framework nor section 27 of the Radiocommunications Act carry a mandatory notification obligation, the ACMA's guideline for the [Use of banned equipment under the Radiocommunications Act 1992 by law enforcement and related persons](#) makes it clear that the Exemption granted for the use of banned equipment may carry a requirement to notify the ACMA and/or stakeholders, including licensees of spectrum in which the banned device operators.

Notification obligations require the operator of the exempt device to keep records of the use of any exempt devices and to notify potentially affected parties (stakeholders) of use of exempt devices, noting that in some instances, notification will occur after the device has been used. Notification(s) of intended (future) or actual (past) use are important to AMTA member, Mobile Network Operators (MNO), as it helps them understand whether interference may occur, or has occurred to their networks.

AMTA MNO members detect interference to their networks as part of their normal operational processes. Interference incidents are routinely investigated to uncover the cause; however, this cost can be avoided where the cause of the interference is known to have occurred from the use of a device under exemption. Notification of the use of a banned device under exemption, in advance, or as soon as possible after its use is important for the efficient operation and use of MNO resources.

In last year's response to this consultation, AMTA advised that while AMTA MNO members are getting notifications from some law enforcement agencies, there are some agencies that have still yet to notify the MNOs of use of an exempt device. Twelve months on and this is still the case; we would like the ACMA to reiterate the responsibility of those agencies to notify stakeholders, the MNOs, that these devices are planned or have been used.

We consider compliance with the notification obligations in any exemptions granted under either the Framework or section 27 of the Radiocommunications Act to be an item worthy of inclusion in the 2024/25 Priority Compliance Areas. This would give both the ACMA and AMTA MNO members comfort that they are being informed in a timely manner of possible forthcoming, or past interference, events.

Mobile telecommunications industry & action on scams

During the October to December 2023 quarter, the telecommunications industry blocked over 246.7 million scam calls and over 106.7 million scam SMS.

The mobile telecommunications industry has introduced many anti-scam measures to help protect their customers from fraudulent calls and SMS. Some of these measures include firewalls to block SMS scams and machine-learning processes that try to distinguish between humans and scam organisations.

However, AMTA recognises that there is no silver bullet to stop scams. As such, AMTA welcomes the ACMA's continued vigilance on scams.

Mobile devices and Regulatory Compliance Mark (RCM)

With closure of 3G networks in Australia scheduled to be completed in September 2024, it is vital that mobile devices entering Australia comply with the Mobile Equipment Air Interface Technical Standard, to ensure users of mobile devices can make emergency calls, among other things. The industry has concerns that some online retail importers may potentially be selling phones into Australia that do not meet the requirements of the Mobile Equipment Air Interface Technical Standard. As a result, there may be devices entering Australia that do not support essential capabilities such as VoLTE Emergency Calling, which is required to make an emergency call to Triple Zero once 3G networks are closed later this year. These devices are also unlikely to be labelled with the RCM.

In Australia, consumers are freely able to acquire mobile phones and other devices such as personal security alarms independently of a Carrier, Carriage Service Provider, Mobile Network Operator, or Mobile Virtual Network Operator. Online retailers, including second-hand and refurbished device dealers, are able to sell devices to consumers without being licensed telecommunications industry providers. However, they are required to comply with the Mobile Equipment Air Interface Technical Standard.

To provide consumers with confidence that mobile phones and other devices they purchase will be capable of placing an emergency call to Triple Zero once 3G networks are closed later this year, we propose the ACMA should review compliance with the Mobile Equipment Air Interface Technical Standard, and compliance with the Labelling Requirements for Customer Equipment, including correct display of the RCM.

