

Telecommunications (Emergency Call Service) Amendment Determination 2024 (No. 1)

The Australian Communications and Media Authority makes the following determination under subsection 147(1) of the *Telecommunications Act 1997*.

Dated:

Member

Member/General Manager

Australian Communications and Media Authority

DRAFT FOR CONSULTATION

1 Name

 This is the *Telecommunications (Emergency Call Service) Amendment Determination 2024 (No. 1)*.

2 Commencement

 This instrument commences on 1 November 2024.

3 Authority

 This instrument is made under subsection 147(1) of the *Telecommunications Act 1997*.

4 Amendments

 The instrument that is specified in Schedule 1 is amended as set out in the applicable item(s) in that Schedule.

Schedule 1—Amendments

 (section 4)

Telecommunications (Emergency Call Service) Determination 2019 (F2019L01509)

1 Subsection 5(2) (Note)

Repeal the note, substitute:

 Note: To achieve these objects, this Determination includes provisions which require:

1. carriers, carriage service providers and emergency call persons to detect and prevent high volumes of non-genuine calls to the emergency call service (see Divisions 2.5 and 3.3);
2. carriers, carriage service providers and emergency call persons to supply the most precise location information available for emergency calls to the emergency call service (see Divisions 2.3 and 3.4);
3. carriers, carriage service providers and emergency call persons to coordinate communications where there is a disruption to the emergency call service (see Divisions 2.4 and 3.5); and
4. carriage service providers to take measures to ensure mobile phones are able to access the emergency call service (see Part 4).

2 Section 6

Insert:

***financial hardship customer*** has the same meaning as in the *Telecommunications (Financial Hardship) Industry Standard 2024*.

***mobile network*** means a telecommunications network that is used principally to supply public mobile telecommunications services.

***payment assistance policy*** means a policy established by a carriage service provider under section 7 of the *Telecommunications (Financial Hardship) Industry Standard 2024*.

3 At the end of Part 3

Insert:

Part 4—Other requirements for carriage service providers in relation to emergency calls made on a mobile phone

61 Application of Part

 This Part applies to a carriage service provider that supplies, or will supply, a service that enables end-users to access the emergency call service on a mobile phone.

62 Requirement to identify whether a mobile phone can access the emergency call service before supplying a service

 Before supplying a service to a customer, a carriage service provider must identify whether the mobile phone to be used by the customer to access the provider’s service is configured to be able to access the emergency call service using both:

 (a) the provider’s own mobile network; and

 (b) if the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.

63 Notification requirements and restriction on supply where a mobile phone is unable to access the emergency call service

 (1) This section applies if a carriage service provider has identified that a mobile phone to be used by a customer to access the provider’s service is not configured to be able to access the emergency call service using both:

 (a) the provider’s own mobile network; and

 (b) in circumstances where the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.

 (2) The carriage service provider must:

 (a) notify the customer that the mobile phone is not configured to be able to access the emergency call service;

 (b) not supply carriage services to the customer in connection with the mobile phone; and

 (c) provide the customer with information about alternative mobile phones that are available, including information about alternative low cost or no cost mobile phones that can access the emergency call service.

64 Requirement to identify whether a mobile phone can no longer access the emergency call service

 A carriage service provider must use best endeavours to promptly identify if a mobile phone that is accessing the provider’s mobile network can no longer access the emergency call service using both:

 (a) the provider’s own mobile network; and

 (b) if the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.

65 Notification requirements and restrictions on supply where a mobile phone can no longer access the emergency call service

 (1) This section applies if a carriage service provider has identified that a mobile phone of an end-user or customer that is accessing the provider’s mobile network is no longer configured to be able to access the emergency call service using both:

 (a) the provider’s own mobile network; and

 (b) if the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.

 (2) The carriage service provider must:

 (a) promptly send a notification to the end-user or customer advising that the mobile phone is no longer configured to be able to access the emergency call service and all carriage services supplied by the provider in connection with the mobile phone will be disabled after 28 days;

 (b) 7 days after the notification sent under paragraph (a), send a second notification to the end-user or customer advising that the mobile phone is no longer configured to be able to access the emergency call service and all services supplied by the provider in connection with the mobile phone will be disabled in 21 days;

 (c) 7 days after the second notification sent under paragraph (b), send a third notification to the end-user or customer advising that the mobile phone is no longer configured to be able to access the emergency call service and all services supplied by the provider in connection with the mobile phone will be disabled in 14 days; and

 (d) 7 days after the third notification sent under paragraph (c), send a fourth notification to the end-user or customer advising that the mobile phone is no longer configured to be able to access the emergency call service and all services supplied by the provider in connection with the mobile phone will be disabled in 7 days.

 (3) In addition to the information included in a notification sent under subsection (2), a carriage service provider must also include in each notification information about alternative mobile phones that are available, including information about alternative low cost or no cost mobile phones that can access the emergency call service.

Note: The information in subsection (3) could be provided via a link in the notification.

 (4) Between 8 and 15 days after sending the fourth notification under paragraph (2)(d), the carriage service provider must cease to supply any carriage services to the end-user in connection with the mobile phone.

66 Requirement to update payment assistance policy

 A carriage service provider must ensure that its payment assistance policy sets out at least one method by which financial hardship customers can receive assistance to obtain a low cost or no cost mobile phone that can access the emergency call service using both:

 (a) the provider’s own mobile network; and

 (b) if the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.

67 Exception – foreign travellers in Australia

 Sections 63 and 65 do not apply if a carriage service provider:

 (a) is aware, or becomes aware, that a mobile phone is being used by an end-user who is a foreign traveller in Australia who intends to remain in Australia for a period of no longer than 60 days; and

 (b) has sent a notification to the mobile phone referred to in (a) to the effect that the mobile phone is not configured to be able to access the emergency call service and provide the foreign traveller with information about alternative mobile phones that are available, including low cost or no cost mobile phones, which are configured to be able to access the emergency call service.