

Proposal for Amendments

Telecommunications (Emergency Call Service Determination) Direction 2024

Accrued by Joe Perich



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This document references subsection 6 (2) of the

[Telecommunications \(Emergency Call Service Determination\) Direction 2024](#)

For the purposes of this submission, I refer to the above document as the “ECS Determination”

Introduction

Subsection 6 (2) of the ECS Determination requires that Carriage Services Providers not supply Carriage Services to end-users in connection with mobile phones that are not able to contact the emergency call service.

I would like to point out some flaws in the methodology of identifying devices that fit this description, as well as make some points about secondary devices in use today which require cellular services but are not required or expected to be able to contact emergency services.

My proposal is that the ECS Determination specifies that end-users are able to apply for exemptions to receive Carriage Services for their devices in specific case scenarios, which I will explain in detail below.

Further, it is fair to point out that Carriage Service Providers stand to directly profit from the refusal of carriage services to suspect devices, as the end-users are forced to purchase replacement devices. This has the potential to force hundreds of thousands of devices into landfill and put unnecessary financial burden on consumers in the midst of an economical and climate crisis.

A.) Definitions

Subsection 6 (2) (a) of the ECS Determination requires Carriage Service Providers to identify mobile phones that are able to access the emergency call service.

I note that the terms “**mobile phones**” and “**emergency call service**” in Subsection 6 (2) are ambiguous.

For the purposes of this submission I’m going to assume the following:

- “**emergency call service**” refers to a voice call made to 000 or 112 and;
- “**mobile phone**” refers to a mobile device capable of cellular based voice communications

I’m not aware of any Australian Telco published data which specifies exactly which devices are required/expected to be able to contact the emergency call service, and the ECS Determination as it stands doesn’t specify.

However, I believe one can make an educated guess that most (if not all) of the end-users who are currently receiving warnings in relation to their mobile devices can expect to be denied Carriage Services for those devices.

Types of devices which are currently receiving warnings:

It would appear that this includes any mobile device which is suspected of being unable carry a 4G/VoLTE emergency call, but is otherwise capable of cellular based voice communications and has an active SIM/eSIM and a current Carriage Service. This includes (but is not necessarily limited to):

- **Mobile Phones**
- **Phablets**
- **Tablets**
- **Wearables**
- Some **Cellular Modems** (eg 4G/5G WiFi Dongles)

Is it the ACMAs intention that **all** of these devices are denied Carriage Services? If not, it would be sensible to be more specific about exactly which devices are going to be subject to those particular terms.

B.) Methodology for testing devices for Emergency Calling Compliance.

Carriage Providers publish lists of their officially supported devices. These devices have been tested in-house and approved. As such the lists are very short and appear to be limited to a small selection of Australian Delivered devices.

As far as devices that have not been officially tested, my understanding is that Carriage Providers have used historic emergency calls logs to gauge whether or not a particular device is compliant with VoLTE emergency calling.

This means that if, for instance, a certain type of device has been shown to have made X number of successful VoLTE emergency calls both over the primary SIM and over Camp-on networks, and over certain frequencies or Bands, the particular model of device (or IMEI numbers of a certain range) may be whitelisted.

Limitations of this methodology are that there may not be sufficient data on rare and/or new devices to be able to confirm or deny compliance. Also, devices which for instance have VoLTE toggled off by default are not likely to be whitelisted, even though they may be otherwise perfectly capable.

One might speculate that any future devices will never have a chance to be confirmed compliant, because they'll be denied Carriage Services in the first place - unless the Carriage Providers agree to test them in-house.

Are we going to have a situation where Carriage Providers have a monopoly on choosing to approve ONLY their own supplied devices?

How does the ACMA think Australia's population would feel about that?

C.) Let's consider the reason to deny Carriage Services in the first place:

I think it's fair to predict that most handsets that are currently used for 3G voice calls and are not capable of VoLTE calls are likely to be retired naturally after the 3G shutdown.

I believe Subsection 6 (2) of the ECS Determination is targeting a specific type of device

A Primary Calling Device with specific limitations:

The device is, after the 3G shutdown:

- Capable of normal voice calls over 4G (VoLTE)
- Not capable of Emergency Calls on Primary SIM and/or
- Not capable of Camp-on to other networks (No SIM or home network out of range) and/or
- Not capable of accessing the 700MHz spectrum (Band 28)

The end-user may (despite the warnings), find themselves surprised to be unable to make an emergency call.

Perhaps they falsely believe that their device is capable, or perhaps they previously thought they'd never need to contact 000 - because they've never needed to before.

In the case of a Primary Calling device, this is obviously a significant risk factor and I understand the importance of discouraging such devices from being in circulation.

However, what about all the other devices?

For the purposes of this submission I am providing real-world examples, reported by users on an Australian technology forum that I frequent.

D) Devices which may deserve a chance to survive:

1.) Phones, Phablets, Tablets or Wearables that are not considered primary call devices.

Many households have a number of secondary devices that are put to use for a variety of purposes – they might be old Phones or Tablets used for games/videos for children, perhaps they are running home automation, perhaps they are used as media streamers or e-book readers. These devices may require cellular services but don't need to be able to contact emergency services.

Example a) – User has an imported Phablet which is used for home automation. It is attached to a wall, has battery backup and cellular service backup in case of power outages. It also sends the user SMS notifications for security purposes. It isn't used as a primary call device. The user is receiving warnings to update their device. The current ECS determination would have this device's cellular service suspended. Is this justified?

Example b) – User's elderly mother has a smart watch with fall detection which sends an SMS to two emergency contacts (her adult children) in the event that a fall is detected. The smart watch is not capable of VoLTE 000 calls.

She cannot afford \$500+ for a replacement Cellular Smart Watch.

Suspending carrier services to this device will not ensure the elderly women's safety. Quite the opposite.

Example c) – User has a 4G/5G modem with a cellular service that happens to be capable of Voip calls. The device is used solely as a WiFi hotspot for other devices.

The device is not capable of VoLTE 000 calls, and it doesn't need to be. The modem is receiving text warnings that it needs to update itself, but they go unread because it's a modem.

Example d) – User has a Tablet set up for her three year old Child to watch videos on car trips, play games and receive video calls from the grandparents. It requires a cellular service but is not required or expected to make emergency calls.

The three year old is receiving warnings to update their device.

2.) Phones that have been flagged as non-compliant with VoLTE emergency calling due to their default settings.

Some phones come with VoLTE disabled by default, but VoLTE can be user-enabled either in a service menu, or by USSD codes.

Some of these devices are flagged as non-compliant by service providers, even when they may be perfectly capable of VoLTE emergency calls and Camp-on with any available network.

Example – A OnePlus 8 is used as a Primary Calling device. The user has enabled VoLTE and LTE-ONLY via a service menu. The user has confirmed that the device is capable of ordinary VoLTE calls, Emergency VoLTE calls on the primary SIM, as well as SIMless VoLTE emergency calls (Camp-on). The user is receiving warnings to update their device.

3.) Phones that have been flagged as non-compliant with VoLTE emergency calling due to lack of telco Data.

Some phones are simply too new and/or too rare to have been confirmed as compliant with VoLTE emergency calling.

Example – User has a OnePlus 12R. The phone is brand new and would appear to be fully compliant out of the box. This user has thoroughly tested and demonstrated that their device is capable of VoLTE emergency calls including Camp-on to other networks. The user has provided detailed data to Telstra requesting that they update their systems.

This user is still receiving pre-amble warnings and text messages to update their device.

4.) Users who carry two devices.

The final category came about due to the influx Low Cost/No Cost replacement devices that are offered to some customers. If we use the example of cheap candy-bar style or Flip Phones, they may be sufficient for calling emergency services, but they are likely to be insufficient for many modern day tasks.

Example – User was offered a No-Cost Telstra Flip phone by her service provider. She says she is aging, has had a recent fall and absolutely needs to be able to contact emergency services.

She tried to use the Telstra Flip as her daily phone, but found difficulty performing ordinary tasks like internet banking, emails, reading forums etc. She reports the screen as being too small and low resolution, the interface as slow and clunky and generally found the device to be either unpleasant or impossible to use for most tasks.

Her current solution is to keep the Telstra Flip charged in her handbag for emergency use, and she uses her old Smart Phone for ordinary calls and everything else. She likes this system as she knows the Telstra Flip will be ready to make emergency calls if needed, particularly as her Smart Phone is often low on battery.

The current ECS determination would have her device's cellular service suspended. Is this justified?

Conclusion

Suspending Carriage Services to certain devices will create unnecessary expense for consumers and an enormous amount of e-waste.

The examples above clearly demonstrate that Carriage Service Providers information on device compatibility is not necessarily accurate or conclusive. Some devices are compliant but are regarded as non-compliant.

Some devices don't need to be compliant, because they are not used as Primary Calling devices, or the user has a second device specifically for emergency use.

In these cases, if the end-user is able to apply for an exemption to use their existing devices with a Carriage Service, the devices may be saved from becoming e-waste and the end-user isn't made to suffer unnecessary financial burden.

Refusing carriage services to an end-user will not necessarily ensure that person is able to contact emergency services. It may even cause a situation where that person is not able to contact anyone at all.