

To: Federal Minister for Communications, The Hon Michelle Rowland MP  
To: ACMA Proposal to amend the ECS Determination - Consultation submission

From: Nicholas Barrington, [REDACTED]

Re: Arbitrary mobile device disconnection from 4G networks on November 1 2024

I am writing in opposition to the proposed arbitrary disconnection of mobile devices from the 4G network on November 1 2024 under the recent changes to legislation and accompanying proposal to amend the ECS Determination.

I am submitting this request for this poorly conceived legislation and implementation decision to be revisited and a better approach taken which:

- Removes arbitrary forcible disconnection of devices: Allow consumers to make their own choice and find their own solutions for devices if they find them to be actually incompatible with the changed network, as we have all managed to do so ever since the first mobile network was established in Australia.
- Provides extensive national coverage of this topic making people aware that not only is the 3G network shutting down, but that the government intends to forcibly disconnect many 4G devices at the same time.
- Provides a government subsidy for consumers who in good faith made purchasing choices with Australian retailers on the basis of their device being fully 4G compatible, who the government now intends to forcibly disconnect based on an arbitrary, murky, and technically indefensible compatibility list.
- Provides retraining support for pensioners and other disadvantaged citizens who have learnt how to use an existing 4G smartphone model and intended it to last their lifetime, who now find themselves out of their depth if forced into adopting a new model.

I have a Xiaomi Mi 9T smartphone, which is a flagship level, 4G fully Australian-market device bought from an Australian big box retailer (Good Guys).

I purchased this device not long ago at significant cost. It was marketed and advertised as an Australian 4G compatible phone, and has proven to be exactly that. At the time the 3G network was sufficient for my needs but I spent well above what I needed in order to get a 4G VoLTE compatible smartphone with the intent to not need to replace it for many years.

I have been using this device for 4G VoLTE calling **and** Emergency 000 calls since I purchased it. I have used it on the Optus 4G and 4G+ network and the Vodafone 4G network, both without issue. The phone does not drop back to 3G for emergency calls, it remains fully compatible with Australia's current 4G network even without the SIM installed.

For some reason this device is not on the government's or telco's arbitrary list of "compatible" devices for the upcoming network changes. It's not even clear **which devices are on that list** and seemingly no way to look it up as a reference, nor what the criteria are. **This is not a transparent process, nor does it provide any 'certification' method for getting devices added to the list.**

**I have received no communication from either my SIM provider (Moose Mobile) or the network provider (Optus) that devices will be forcibly disconnected.** The only communication I received from either of them was a notification to check if my phone was able to use 4G VoLTE calling and 4G

Emergency 000 calling – which I have known since I bought it that it does, and has been doing so ever since I got it. Nothing was mentioned at all about disconnecting devices arbitrarily, and I’ve seen no government advertising campaign about it. The only way I found out about it was randomly stumbling across a YouTube video from the media outlet Medium.com.

When I’ve talked to friends and relatives about this, they were like me in thinking that the 3G network shutdown was just that – turning off the 3G network. None of them were aware there was anything like forcible disconnection of 4G devices happening at the same time.

On November 1<sup>st</sup> there is going to be a huge amount of people that suddenly find their phone doesn’t work, and won’t know why, who will be pushed into making desperate, costly purchases of new devices. I can only assume the telco’s and phone retail outlets consider that a benefit to their business.

At the time I purchased the device I also arranged for my elderly father (80 years old) to purchase exactly the same model so I could help him more easily with tech support if he needed it. He has learnt how to use this specific device very well over the past couple of years but still runs into occasional issues with software updates that I am able to help him with. **For him to learn a new phone will be a major problem and also be cost prohibitive.** These are flagship-level phones, to replace them at current prices with something similar would be between \$1200-1500 each.

In addition, my mother is 77 years old and has Parkinson’s induced dementia. She has learnt by rote how to make emergency calls on this device model. This is literally the only way she knows how to make emergency calls, and has occasion to do so several times over the past few years. Switching to a different device **will make it impossible for her to make calls**, she will never be able to learn reliably how to use another device given they all have different interfaces and actions you have to take.

Note that since the removal of the PSTN network, during power outages mobile services are the only hope for making emergency calls of any kind. Even with an NBN VOIP service, if the power is out at your house, NBN does not work and therefore neither does the VOIP service (which is flaky at the best of times anyway). This means my elderly parents rely on their ability to use this device for making emergency calls, and it has never let them down. They will not be able to afford the horrendous cost of \$1200-1500 to replace their smartphone with an equivalent, nor due to their age **be able to learn how to use a new device properly** in the same way they can proficiently use their existing phone.

Given the stated purpose of forcibly disconnecting devices from the network is to ensure every device can access Emergency 000 calling, it appears that goal is not how the program is being implemented. Case in point – my device works perfectly for 4G VoLTE calling and 4G VoLTE emergency calling (even without a SIM installed), but is not on the “compatible” list. That list appears to be arbitrary and based on telco company recommendations, presumably from a shortlist of devices they themselves sell directly to consumers.

Regardless, I disagree with the principle of forcibly disconnecting devices based on a murky “compatibility list” rather than simply allowing consumers to access the network if their device can do so. This is not only anti-competitive but also creates undue financial and operational hardship on people, for nothing but ideological reasons or government-mandated benefit to telcos who want to sell a bunch of new devices to desperate consumers.

In my case, I am staring down the potential of my expensive, flagship-level phone suddenly being disconnected for no other reason than not being on a telco’s arbitrary compatibility list. The technology of the network and the phone are fully compatible and the phone has no reason to be made obsolete. Many other consumers will be in exactly the same position.

I trust this submission will be given serious consideration before making a decision, and as the primary representative bodies on this issue (Minister for Communications and ACMA) you will take the above into account.

**Nicholas Barrington**

[REDACTED]

*Voter and owner of a fully compatible 4G VoLTE and 4G Emergency 000 device which may be about to be forcibly disconnected on November 1<sup>st</sup>.*