

# Emergency Call Service Determination

## Proposed amendments to ensure mobile phones can access the Triple Zero (000) emergency call service

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**Canberra**

Level 3  
40 Cameron Avenue  
Belconnen ACT

PO Box 78  
Belconnen ACT 2616

T +61 2 6219 5555  
F +61 2 6219 5353

**Melbourne**

Level 32  
Melbourne Central Tower  
360 Elizabeth Street  
Melbourne VIC

PO Box 13112  
Law Courts  
Melbourne VIC 8010

T +61 3 9963 6800  
F +61 3 9963 6899

**Sydney**

Level 5  
The Bay Centre  
65 Pirrama Road  
Pyrmont NSW

PO Box Q500  
Queen Victoria Building  
NSW 1230

T +61 2 9334 7700  
F +61 2 9334 7799

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# Executive summary

We are seeking comment on proposed amendments to the [Telecommunications \(Emergency Call Service\) Determination 2019](#) (ECS Determination). The determination is made under subsection 147(1) of the [Telecommunications \(Consumer Protection and Service Standards\) Act 1999](#).

Feedback from stakeholders will be used to inform the final amendments to the ECS Determination, and in the preparation of a regulatory impact analysis, which is required for these amendments.

The emergency call service (ECS) is a critical service that plays a fundamental role in the safety of the Australian community. It gives people access – free-of-charge – to police, fire and ambulance services in life-threatening or other time-critical situations from fixed or mobile phone services (where there is coverage) and most satellite phones in Australia.

In March 2024, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) published the [Review into the Optus outage of 8 November 2023 – Final Report](#), also known as the Bean Report. The review concluded that there were gaps in the emergency call service regulatory framework.

In addition, closure of the TPG Telecom (Vodafone) mobile network in January 2024 and the anticipated shutdown of the Telstra and Optus 3G mobile networks in late October 2024 will result in some mobile phones being unable to access the emergency call service, despite being able to make non-emergency calls.

On 21 August 2024, the Minister for Communications directed<sup>1</sup> us to amend the ECS Determination to improve reliability of access to the Triple Zero ECS in response to the recommendations from the Bean Report and the shutdown of the 3G mobile network.

The ACMA (Emergency Call Service Determination) Direction 2024 requires us to make amendments to the ECS Determination in 2 stages. This consultation relates to the first stage of the amendments, which are set out in subsection 6(2) of the direction. The remaining amendments to the ECS Determination will be considered separately.

Under subsection 6(2) of the direction, we must include requirements for providers to:

- identify mobile phones unable to access the emergency call service
- notify customers about the limitations with mobile devices unable to access the emergency call service
- not supply carriage services to mobile devices unable to access the emergency call service.

These amendments are to be determined and commence in full by 1 November 2024.

We invite submissions on the proposed amendments to the ECS Determination. The closing date for submissions is **COB, Tuesday 8 October 2024**.

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<sup>1</sup> [Australian Communications and Media Authority \(Emergency Call Service Determination\) Direction 2024](#).

# Issues for comment

We invite comments on the draft amendments to the ECS Determination, including:

## 1. Objectives and requirements of the direction

The direction sets out the objectives and content requirements of the amendments. It requires carriage service providers to ensure all customers with a functioning service and mobile phone are able to access the emergency call service.

**Question 1:** Do the proposed amendments to the ECS Determination fulfil the objectives and content requirements of the direction? If not, please explain why, and describe any alternative or additional approaches that could be used to meet the objectives and requirements of the direction.

## 2. Mobile phone definition

The direction applies to mobile phones that are unable to access the emergency call service. Consistent with the direction, we have not defined mobile phone which means that the ordinary meaning of this term applies.

**Question 2:** Is the ordinary meaning of mobile phone sufficient noting that the direction does not intend to inadvertently capture other communication devices such as internet of things devices or medical alert devices? If not, please explain what the definition of mobile phone should be and provide reasons.

## 3. Section 62: Identification of mobile devices that cannot access the emergency call service – new customers

The direction sets out the requirement for carriage service providers to identify if the mobile phone of an end-user who is requesting the supply of service from the provider is able to access the emergency call service on the provider's network and the networks of other carriage service providers. This means that before supplying a mobile service to an end-user, a carriage service provider must identify whether the mobile phone is configured to be able to access the emergency call service on its own network and the networks of the other providers.

The explanatory statement for the direction states that 'this will ensure end-users can access the emergency call service on their own provider's network, and when utilising emergency call camp on functionality across other networks.' Emergency camp-on is a device-initiated arrangement where a mobile phone that cannot access the emergency call service on its 'home' network (because it is out of range, or its home network is unavailable for some other reason) will 'camp-on' to another mobile network that is available and within range to connect the emergency call. Camp-on only works if another mobile network is available to the end-user.

**Question 3:** Can a carriage service provider currently identify whether the mobile phone that a customer proposes to use to access its network is configured to be able to access the emergency call service before service is supplied to that mobile phone?

**No. Unless we receive these details from the MNO, there is no way for us to identify whether the mobile phone used by the customer is configured to be able to access the emergency call service.**

**Question 4:** Can providers currently identify whether a mobile phone that a customer proposes to use is configured to be able to access the emergency call service on the mobile networks of other providers before service is supplied to that mobile phone?

No. Unless we receive these details from the MNO, there is no way for us to identify whether the mobile phone used by the customer is configured to be able to access the emergency call service.

**Question 5:** If the answer to either of Questions 3 and 4 is no, what additional information would be needed to give effect to such a requirement? Is that information currently available?

We would require a real-time check to see what device the customer is currently using (assuming this will be the device they will use to access the network), as well as perform a compatibility check. We have not been able to investigate the technical requirements, but estimate there will be significant work required, unless a tool can be made available to us.

**Question 6:** If a mobile phone is configured to be able to access the emergency call service using both the network of the carriage service provider supplying carriage service to it, and the networks of other providers supplying carriage services to the public, can a carriage service provider that is supplying service to the mobile phone identify whether that mobile phone will 'camp-on' to another network if required? If not, please explain why and indicate what additional information would be required to enable a carriage service provider to identify the 'camp-on' capability of a mobile phone.

No. Unless we receive these details from the MNO.

**Question 7:** What information do (or can) providers know about a mobile phone when it has connected to a provider's network?

Unless we receive details about the mobile phone from the MNO, we would have to ask the customer what device they are using.

**Question 8:** Can providers:

- (a) identify the make/model number of a mobile phone once it has connected to its network?
- (b) share information with each other to identify mobile phones that cannot access the emergency call service on mobile networks?

Unless we receive details about the mobile phone from the MNO, we would have to ask the customer what device they are using.

**Question 9:** Based on information that is available or will be available to providers on 1 November 2024, indicate the number or proportion of mobile phones to which providers currently supply service, that providers may no longer be able to supply service to because of the requirements in the draft amendments to the ECS Determination. Please explain your response indicating which provision/s is relevant to your answer.

We have currently identified 41 customers who are impacted under – there could be more after November 1 2024 who are impacted

**Question 10:** What are the minimum reasonable steps that a carriage service provider should take to identify whether a customer's mobile phone can access the emergency call service on their network and the networks of other carriage service providers?

Be able to refer a customer to the AMTA Check My Device (or something similar) so that they can check the eligibility of their device.

**4. Section 63: Notification requirements and restriction on supply – new customers**

The direction sets out the requirement for carriage service providers to notify end-users that the mobile phone they intend to use is not able to access the emergency call service and the requirement that the carriage service provider is not able to supply carriage services in connection with that phone. This means that neither voice nor data services should be supplied to a mobile phone that cannot access the emergency call service.

The direction also requires carriage service providers to provide end-users with information about alternative mobile phones, including low-cost or no-cost phones that can access the emergency call service.

**Question 11:** Should any groups of carriage service providers be exempt from the obligations? Or should there be different obligations on certain sub-sets of carriage service providers? If so, please explain.

MVNO's will need to rely on data provided by the MNO's – we would need to check accuracy of this information

**5. Section 64: Identification of mobile devices that can no longer access the emergency call service – existing customers**

The direction sets out the requirement on carriage service providers to use best endeavours to promptly identify if an end-user's mobile phone to which it is providing carriage services is no longer able to access the emergency call service. This would address the situation where a person puts a SIM into an 'older' style mobile phone (for example as an interim measure because their usual mobile phone has stopped working) that is not configured to be able to access the emergency call service. The draft amendments require carriage service providers to identify such phones, notify end-users and ultimately stop supply of carriage services to those mobile phones.

The direction does not provide a timeframe for how often a carriage service provider should be identifying mobile phones that are not able to access the emergency call service. We propose to specify that a carriage service provider must use best endeavours to identify these mobile phones.

**Question 12:** Can a carriage service provider identify whether a mobile phone that it is supplying carriage services to can no longer access the emergency call service? If not, what, if any, additional information would providers need to identify such phones?

No. Unless we receive these details from the MNO, there is no way for us to identify whether the mobile phone used by the customer is configured to be able to access the emergency call service.

We will require details about the mobile phone the customer is using as a minimum, as well as guidance on what mobile phones can no longer access the emergency call service.

**6. Section 65: Notification requirements and restrictions on supply when a mobile device can no longer access the emergency call service – existing customers**



The direction requires carriage service providers to notify end-users when their mobile phone is not able to access the emergency call service and to stop supply of carriage services within a specified period.

The draft amendments require a rolling set of notifications at 7-day intervals to advise customers that their mobile phone is no longer configured to be able to access the emergency call service and that all carriage services supplied by the provider to the mobile phone will be disabled. This would result in both voice and data services being supplied to that mobile phone being disabled.

**Question 13:** Does this raise any issues for end-users that should be considered?

- We would prefer to see a longer period ( eg 14 as customers do not always act with a sense of urgency and customer could also be overseas etc)
- Cost of a new device
- Potential for a device to still work on a different network

**Question 14:** Is the rolling set of notifications to ensure that end-users have sufficient time to change mobile phones before their services are disabled appropriate? If not, why not?

We would prefer 14 days – would there be any exceptions for people who may have been out of the country ( as an example)

**Question 15:** Should any other information be included in notifications to help the end-user to prepare for the disabling of their carriage services and prompt them to action?

We would need a help line that customers can use so that they are fully aware of who can assist them, We would need to be provide with that information so that we assist customers

**Question 16:** Noting that the disabling of service to an end-user's mobile phone will require the end-user to obtain another mobile phone, do providers have any data available or information relevant to the assessment of the likely cost of this requirement to end-users of mobile services?

Yes, we are uniquely placed to offer customers a cost-effective refurbished mobile phone.

**Question 17:** Should the Determination specify the acceptable forms of notification, or leave this undefined to provide flexibility to carriage service providers to determine appropriate methods of notification?

SMS would be the most acceptable form of notification – so that customers do have an active reminder getting their attention

## **7. Section 66: Requirement to update payment assistance policy**

The direction requires carriage service providers to include in their payment assistance policy at least one method by which customers in financial hardship can receive assistance to obtain a low-cost or no-cost mobile device that can access the emergency call service.

**Question 18:** Should any groups of carriage service providers be exempt from the obligations? Or should there be different obligations on certain sub-sets of carriage service providers? If yes, please explain.

We are uniquely placed to offer customers a cost-effective refurbished mobile phone.

#### 8. Section 67: Exception – foreign travellers in Australia

The direction provides an exception to requirements on carriage service providers under sections 63 and 65 to send rolling notifications to customers that their mobile phone is unable to make emergency calls and not supply carriage services to foreign travellers who intend to remain in Australia for no more than a specified period. The draft amendments set this period at 60 days.

The carriage service provider must have already sent a notification to the mobile device to the effect that the device is not able to access the emergency call service.

**Question 19:** Are carriage service providers able to confirm that a person requesting the supply of a mobile service is a foreign traveller to Australia and the period of time that such a person may intend to stay in Australia?

**Question 20:** Where a foreign traveller roams on more than one network in Australia, the proposed amendment would require all carriage service providers that handle roaming to comply with the notification requirement. Is this appropriate? If not, why not?

**Question 21:** Should the exception involving foreign travellers in Australia be limited to situations where the carriage service provider is being approached in Australia to supply services? This would exclude the requirements from applying to international roamers. If not, why not?

**Question 22:** Is the 60-day period for foreign travellers to use carriage services on mobile phones that are not able to access the emergency call service appropriate? If not, why not, and what alternative timeframe would be appropriate?

#### 9. Feasibility and cost

We welcome detailed information about issues, costs and benefits from an economic and social standpoint against the proposed amendments to the ECS Determination.

**Question 23:** For carriers and carriage service providers, what are the likely costs and benefits of implementation for your organisation? (Please provide specific cost estimates in your response.) Are there alternative ways to achieve the objective of the direction that would be consistent with its terms and provide for lesser costs and/or greater benefits?

#### 10. Additional/preferable requirements

**Question 24:** The ACMA is seeking feedback on whether there are:

- Additional matters aligned to the objectives that should be included in the proposed amendments to the ECS Determination?
- Matters included in the proposed amendments to the ECS Determination for which alternative arrangements that should be considered?

Unless we get support support the MNO we will be unable to comply with proposed changes. We would require significant devlopment on both our MNO and MVNO to make this work.

# Invitation to comment

## Making a submission

We invite comments on the issues set out in this consultation paper.

- [Online submissions](#) can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.
- Submissions by post can be sent to:
- The Manager  
National Interests Section  
Australian Communications and Media Authority  
PO 13112 Law Courts  
Melbourne Victoria 8010

The closing date for submissions is **COB, Tuesday 8 October 2024**.

You can email consultation enquiries to [national.interests@acma.gov.au](mailto:national.interests@acma.gov.au).

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