To the Australian Communications and Media Authority (ACMA),

Before commencing, I would like to genuinely provide my upmost appreciation for having this open consultation and lending an arm and an ear to those who felt unheard. I write this letter/report/document in a matter I feel is fair had it reached those who have advocated for where we stand now, so to those who read this and find themselves in the middle I wish to express that firm tones, and emotive language are not to be taken personally but instead wish to convey the urgency and significance of this situation. Please take this in good heart and I hope it can be used to ensure fair access to all Australians.

Subject: Urgent Concerns Regarding the Upcoming 3G Shutdown and Its Impact on Consumers and Critical Devices

I am writing to express my urgent and serious concerns about the upcoming 3G network shutdown and the recent changes to the Emergency Call Service Determination (ECSD), set to take effect on 1 November 2024.

While the amendments aim to ensure access to emergency services, they will have severe consequences for consumers, competition, and the overall accessibility of mobile services. Importantly, they do not address the core issues with Voice over LTE (VoLTE) calling and emergency calling.

Under the new rules, telecommunications providers will be required to block 4G and 5G devices that are not on their official support lists as capable of calling emergency services (000), even if those devices can make emergency calls and access other 4G services like voice calls, data, and SMS. This policy essentially penalizes customers for using devices that were not purchased directly from the telcos or their partners, despite these devices being fully functional.

This approach would concentrate profits and market control among the telcos and major handset brands, severely limiting competition and consumer choice in the market. It is particularly concerning because many consumers, including myself, own fully functional devices that can make VoLTE calls and emergency calls yet are deemed "incompatible" by the telcos. These devices have the same hardware and software capabilities as "officially supported" devices; the only difference is that the telcos did not sell them.

The SMS checks implemented to determine device compatibility are unreliable and do not accurately report the status of calling on all devices. We need a universal standard that ensures any phone, regardless of where it was purchased, can work on any network without artificial blocks or restrictions—just as we have had with 2G and 3G networks for the past 20–30 years.

Additionally, Telstra and other providers should be required to support as many devices as possible by adopting widely used open VoLTE standards or by providing VoIP calling apps that serve as dialer replacements. The current practice of locking VoLTE services is anti-consumer and monopolistic, and there is a legitimate concern that other network providers may adopt similar models. This would force consumers to constantly purchase new phones, contributing to electronic waste and exacerbating the cost-of-living pressures faced by all Australians.

Importantly, this issue extends beyond personal mobile devices. Agricultural machinery and equipment, as well as passenger vehicles that rely on mobile data networks for navigation, telemetry, and emergency services, will also be adversely affected by the 3G shutdown and the blocking of certain devices. Disruptions to these services could have significant impacts on critical operations in agriculture, transportation, and public safety, underscoring the need for a more comprehensive and thoughtful approach.

Beyond just phones, other equipment and devices that rely on open access to mobile networks would also be impacted, making this policy a significant threat to technological innovation and people's safety. Telcos could opt not to include devices such as Raspberry Pis or other hobbyist and DIY devices, effectively stifling

startup innovation and harming individuals who depend on these devices for communication and safety. For instance, at-home emergency calling devices for the elderly, or wearable devices that seniors use to call family members or emergency services in case of a fall, could be rendered non-functional. This would not only impede technological progress but also pose significant risks to vulnerable populations who rely on these devices for their well-being.

It is crucial that we wait until the global markets address the compatibility issues with 4G and emergency calling. This is a worldwide issue requiring coordinated efforts to resolve. Blocking devices merely sweeps the problem under the rug and shifts the burden of the industry's failure to address these issues onto consumers.

I strongly urge that the current amendments to the ECSD be reconsidered. The ACMA should draft a solution that respects the rights of consumers, ensures accessibility to telecommunications services, and requires the industry to actually fix the problem.

Specifically, I request:

1. **Assurances that no device will have its connection to telecommunication services halted** due to the 3G shutdown. If a phone or device is capable of using data, making calls, and sending SMS, it should continue to function without interruption.

2. **Implementation of a reliable method for consumers to test emergency call capabilities** without the need to dial 000. This could involve a dedicated test number or service that allows users to verify their device's compatibility with emergency services.

3. **Mandatory unlocking of VoLTE services by Telstra and other providers**, to prevent anti-consumer and monopolistic practices. This will ensure that consumers are not forced into purchasing new devices unnecessarily, reducing electronic waste and financial strain.

4. **Development of universal standards and technical fixes** that allow all consumers to access networks, regardless of where they purchased their device. This includes supporting open VoLTE standards and providing necessary software updates or applications.

5. **Transparent and accurate communication from the industry**, correcting any misleading messages that suggest consumers need to upgrade perfectly working phones.

Subject: Response to the Proposed Amendments to the Emergency Call Service Determination

The following is feedback on the draft amendments to the Emergency Call Service (ECS) Determination. As a concerned consumer, I wish to address several issues and questions raised in the consultation paper, particularly regarding the impact of these amendments on consumers and the accessibility of mobile services.

This response is written from the perspective that the 3G network shutdown should not occur. However, many of the questions are framed as if the shutdown is inevitable. To be constructive, I have provided both **genuine solutions** and **reasoning** as to why the **shutdown** should be **reconsidered** or halted.

Objectives and Requirements of the Direction

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.

Response:

The proposed amendments aim to ensure that all customers with a functioning service and mobile phone can access the emergency call service. However, they may inadvertently lead to service denial for devices that are technically capable of accessing emergency services but are not on the providers' approved lists. This could exclude many consumers who use fully functional devices purchased from alternative sources.

An alternative approach would be to require carriage service providers to support open standards for Voice over LTE (VoLTE) and emergency calling. This would enhance device compatibility across networks and prevent unnecessary service disruptions. Providers should be obligated to assist customers in configuring their devices to access emergency services rather than denying service.

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.

Response:

The ordinary meaning of "mobile phone" may not be sufficient for the purposes of this legislation. This ambiguity could unintentionally include devices like medical alert systems or IoT devices, or conversely, exclude certain smartphones not traditionally classified under the conventional definition of a mobile phone.

Furthermore, the focus on mobile phones raises a critical question: why are these devices being singled out when, functionally and hardware-wise, they share similarities with IoT and medical devices? There is no inherent technical distinction that justifies treating mobile phones differently from other network-connected devices. This lack of device neutrality opens the door to potential loopholes—for instance, new mobile phones could be marketed as medical devices to circumvent the proposed amendments.

This approach mirrors the concerns associated with the repeal of Net Neutrality in the United States, where certain websites or content could be treated preferentially or discriminated against by service providers. The global community largely criticised this move, recognising the importance of maintaining an open and unbiased internet. Similarly, Australia's proposed legislation risks creating a "Device Neutrality" controversy by imposing restrictions that prevent functioning and compliant devices from accessing essential services solely based on their classification.

To avoid these pitfalls, it is crucial that the legislation adopts a more precise and inclusive definition of "mobile phone" or, better yet, shifts the focus to the functional capabilities of devices rather than their labels. This

would ensure that all devices capable of accessing the emergency call service are treated equally, preserving consumer choice and fostering a fair and competitive market.

Section 62: Identification of Mobile Devices That Cannot Access the Emergency Call Service – New Customers

Questions 3-6:

- Can carriage service providers currently identify whether a mobile phone can access the emergency call service before supplying service?

- What additional information would be needed to give effect to such a requirement?

- Can providers identify whether a mobile phone will 'camp-on' to another network if required?

Response:

It appears that providers may not have reliable methods to identify a device's ability to access emergency services prior to supplying service. This lack of reliable identification could lead to unnecessary denial of service for devices that are, in fact, capable. Providers should collaborate to develop accurate databases and consider consumer input on device capabilities. They should also adopt open standards and avoid proprietary systems that limit device compatibility, such as Telstra's VoLTE implementation.

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

Response:

When a mobile phone connects to a provider's network, the provider can typically access several pieces of information about the device. This includes the International Mobile Equipment Identity (IMEI) number, which is a unique identifier assigned to each mobile device, as well as the make and model of the phone. This data helps providers manage their networks, ensure device compatibility, and offer appropriate services to customers.

As a consumer, I am concerned about how this information is utilised, particularly regarding privacy and the potential implications for service accessibility. It's essential that providers handle this data responsibly and transparently, using it solely to enhance network functionality and service compatibility without infringing on consumer privacy.

Additionally, there are significant challenges associated with relying on device identifiers like IMEI numbers for regulatory compliance and service provisioning. IMEI numbers can, unfortunately, be altered or cloned by malicious actors. While such activities are illegal and unethical, they are technically feasible for individuals with the necessary expertise. This means that someone could modify a non-compliant or blacklisted device to adopt the IMEI of a compliant and whitelisted phone. This issue would not arise if all phones could connect to the network based on their hardware, firmware, and software capabilities rather than being restricted by whitelists.

Furthermore, device fingerprints can also be modified, as seen in the Android custom operating system community, where such tasks are undertaken to bypass certain checks.

This practice poses several serious issues:

1. **Regulatory Circumvention:** Bad actors can bypass restrictions intended to block non-compliant devices from accessing the network. By mimicking a legitimate device's IMEI, they can use services they shouldn't have access to, undermining the effectiveness of regulations designed to ensure all devices can access emergency services.

2. **Network Integrity and Security Risks:** If multiple devices operate on the network using the same cloned IMEI, it can cause confusion within the network infrastructure. The network may register the

same device identifier in multiple locations simultaneously, leading to potential errors in service delivery and network management.

3. **Impact on Emergency Services:** Accurate device identification is crucial for emergency services that rely on location data provided by mobile networks. Cloned or duplicated IMEIs can impede the ability to accurately track and locate devices during emergencies, potentially delaying critical response times and endangering lives.

4. **Compromised Consumer Trust:** The possibility of IMEI cloning raises concerns about data integrity and the security of personal devices. Consumers may lose trust in the network's ability to protect their information and provide reliable services.

Given these challenges, relying solely on device identifiers like IMEI numbers for implementing the proposed regulations may not be effective and could have unintended negative consequences. It highlights the need for a more robust and multifaceted approach to device identification and compliance, one that cannot be easily circumvented by technical manipulation.

Alternative solutions could include:

- **Enhanced Authentication Mechanisms:** Implementing additional layers of authentication that are harder to replicate or spoof, such as network-based device certification or cryptographic techniques.

- **Focus on Device Capabilities:** Assessing devices based on their functional capabilities to access emergency services rather than relying solely on identifiers that can be manipulated.

- **Consumer Education and Support:** Providing resources to help consumers ensure their devices are properly configured and secure, reducing reliance on technical identifiers.

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?

Response:

(a) Yes, providers can often identify the make and model of a connected device through network data. However, the accuracy of this identification can vary, and reliance on this information could result in misclassification, as discussed above.

(b) While sharing information could enhance device identification, it raises privacy concerns. Any data sharing between providers should be conducted with strict adherence to privacy laws and consumer consent, ensuring that personal information is protected, as previously mentioned.

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.

Response:

As a consumer, I am concerned that a significant number of users may lose access to services due to these requirements, particularly those using imported or older devices that remain functional. This could disproportionately affect individuals who cannot afford to upgrade their devices, increasing the digital divide.

For example, I am personally among those who could be affected, despite being in my early twenties—a demographic that often upgrades phones frequently. Many of my peers also use older phones or devices purchased from overseas. While this group may seem small in isolation, when extrapolated across the population, it could represent hundreds of thousands of devices that are currently working and connected but may be shut off under the proposed amendments.

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?

Response:

Providers should:

- **Use Compatibility Lists as Blacklists Rather Than Whitelists:** Instead of only allowing approved devices, providers should only restrict devices known to be non-compliant, minimising unnecessary exclusions.

- **Provide Technical Support:** Assist customers in configuring their devices to access emergency services.

- **Use Non-Invasive Assessment Methods:** Evaluate device compatibility without infringing on privacy.

- **Implement Consumer Testing Mechanisms:** Allow consumers to manually test their devices by calling a designated number that simulates an emergency service (without connecting to actual emergency services). Those who cannot connect can then voluntarily contact the provider for assistance.

The focus should be on enabling access rather than restricting it.

Section 63: Notification Requirements and Restriction on Supply – New Customers

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

Response:

All providers should be held to the same obligations to ensure consistent service quality and consumer protection. Exemptions could create inconsistencies and confusion, ultimately disadvantaging consumers.

Section 64: Identification of Mobile Devices That Can No Longer Access the Emergency Call Service – Existing Customers

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?

Response:

Providers may have some capability to detect if a device has lost emergency call access, but this process must be accurate to prevent wrongful service termination. Providers should invest in reliable detection methods and offer assistance to affected consumers rather than immediately discontinuing service.

A method discussed earlier includes allowing customers to manually contact a designated number that acts like an emergency service during a temporary testing period to determine if their device can connect.

Section 65: Notification Requirements and Restrictions on Supply When a Mobile Device Can No Longer Access the Emergency Call Service – Existing Customers

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

Response:

Yes, it raises significant concerns. Disabling all services could leave consumers without essential communication means, exacerbating emergencies rather than preventing them. Vulnerable individuals who rely on their mobile phones for daily activities, including health and safety communications, would be disproportionately affected. Providers should prioritise assisting customers in restoring emergency call capabilities without cutting off their entire service.

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?

Response:

While notifications are important, they may not be sufficient. Not all consumers can afford to replace their devices within the specified timeframe. The emphasis should be on providing solutions to restore emergency call access, such as technical support or software updates, rather than imposing deadlines that could lead to service loss.

Additionally, some consumers may have notifications disabled or may only accept communications from whitelisted numbers. The industry should consider widespread public campaigns to convey the message effectively rather than relying solely on direct notifications.

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?

Response:

Yes, notifications should include:

- **Clear Instructions:** Guidance on how to enable emergency call settings.
- **Technical Information:** Details on software updates or network settings adjustments that could resolve the issue.
- **Support Contacts:** Contact details for technical support.
- **Financial Assistance Options:** Information on access to low-cost or subsidised replacement devices if necessary.

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?

Response:

From a consumer perspective, purchasing a new mobile phone can be a significant financial burden, especially for those on limited incomes or experiencing financial hardship. This requirement could exacerbate economic inequality and should be carefully considered. Providers should offer affordable or subsidised devices to mitigate this impact.

Providers have not made such data readily available in a way that the average consumer can plan for this expense. Moreover, it has been observed that even some 4G and 5G enabled devices could be affected, so purchasing a single new phone may not guarantee continued access to services after the shutdown.

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?

Response:

The Determination should specify acceptable forms of notification to ensure all consumers receive clear and consistent communication. Acceptable methods could include:

- SMS messages.
- Emails.
- Postal mail.
- In-app notifications.
- News coverage.
- Physical advertising.

This ensures that providers cannot choose less effective methods that might not adequately inform consumers.

It should be noted that service providers and their shareholders stand to gain from this shutdown, so greater emphasis should be placed on providers investing in consumer awareness and support. If consumers are expected to bear the cost of new devices, it is reasonable to expect providers to reinvest profits from device sales into alerting and assisting other consumers, rather than increasing shareholder returns.

Section 66: Requirement to Update Payment Assistance Policy

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

Response:

All providers should be required to update their payment assistance policies to support consumers facing financial hardship. Exemptions could lead to unequal treatment and leave vulnerable consumers without necessary support.

Section 67: Exception – Foreign Travellers in Australia

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?

Response:

It may be challenging for providers to accurately verify a traveller's status and intended length of stay without infringing on privacy. Relying on such distinctions could lead to inconsistencies and potential unfairness. Let us not forget that unfortunate or unexpected events can occur. Such event could prolong the stay of an individual and such individual would most likely a) not have the time or funds to seek a new mobile phone b) not understand the reason behind the cessation of service.

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?

Response:

This could create confusion for travellers and additional complexity for providers. A consistent policy that applies equally to all users, regardless of their origin, would be more appropriate and easier to implement. I.e. make it such that the first time any device connects to the Australian network it opens a webpage or similar to explaining in detail how the network works and provides contact to support.

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?

Response:

Excluding international roamers might simplify the policy but could leave gaps in ensuring all devices can access emergency services. The priority should be on network capability to support all devices rather than differentiating based on user status.

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?

Response:

Allowing any user to operate without access to emergency services for 60 days seems counterintuitive to the goal of ensuring public safety. All users, regardless of their duration of stay, should have devices configured to access emergency services. If exceptions are made, they should be minimal and accompanied by proactive efforts to assist users in gaining emergency access.

Furthermore, if the industry accepts that a device held by a tourist—without connection to emergency services—can be used to make other calls, send SMS messages, or access mobile data, then it raises the question: why isn't the industry allowing any device held by individuals in Australia, including local residents, to continue being used under the same conditions? The proposed amendments suggest that the industry could continue providing limited services (which is preferable to no services at all). However, instead of maintaining this level of service, there appears to be a focus on disabling devices and promoting the sale of new products, rather than allocating resources toward providing support and logical methods to inform consumers about the capabilities of their devices after the shutdown.

Implementing a timeframe-based approach is problematic because it implies that some level of service can indeed be provided without immediate compliance. If the network can technically support these devices for 60 days, then it is reasonable to question why a strict timeframe is necessary at all. A more effective strategy would be to alert users to the fact that their devices may lack certain features, such as emergency call capabilities, and offer assistance to rectify this, rather than discontinuing service after an arbitrary period.

The approach of determining the reason and length of stay of an individual to assess their eligibility to access the Australian mobile network is convoluted and impractical. It raises concerns about feasibility, privacy, and administrative burden. Expecting travelers to provide detailed personal and device information, such as IMEI numbers, phone models, and other identifiers, and then verifying this information before granting network access, is an onerous process that could lead to confusion and hinder communication. Such measures could deter visitors and create unnecessary barriers.

A more straightforward and equitable solution would be to ensure that all users—whether residents or visitors—have continued access to mobile services while providing clear information and support to help them configure their devices to access emergency services. This approach aligns with the overarching goal of public safety and avoids creating inconsistencies or unfair treatment between different groups of users. It also emphasizes the industry's responsibility to support consumers rather than imposing burdens that may lead to service disruption or exclusion.

Feasibility and Cost

Question 23: For carriers and carriage service providers, what are the likely costs and benefits of implementation for your organisation? 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?

Response:

While I cannot provide specific cost estimates, I believe that investing in open standards and compatibility solutions may have upfront costs but will lead to greater consumer satisfaction and inclusivity. This approach could reduce long-term support costs and foster a more competitive and fair market.

The discussion should not focus solely on the costs incurred by providers. They are initiating the shutdown of their own services, and if this move is detrimental to consumers, it is ultimately detrimental to their business. This is not merely about short-term financial metrics; it's about ensuring that vulnerable individuals, such as elderly persons who may need to contact emergency services, are not left without critical means of communication.

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?

Response:

I propose the following additional matters:

1. **Mandate Open Standards:** Require providers to support open VoLTE and emergency call standards to enhance device compatibility across all networks.

2. **Consumer Assistance:** Obligate providers to offer technical support to help consumers configure their devices for emergency access, rather than focusing on service termination.

3. **Avoid Service Disruption:** Amend provisions to prevent the discontinuation of service due to emergency call access issues, focusing instead on resolving compatibility problems while maintaining essential services.

4. **Transparency and bringing awareness:** Ensure providers communicate clearly and accurately about device compatibility issues, avoiding misleading messages that suggest consumers need to upgrade perfectly working phones.

5. **Impact on Critical Devices:** Recognise that many essential services and devices beyond mobile phones rely on mobile networks. Providers should ensure continuity for devices used in agriculture, healthcare, automotive, and emergency systems.

Proposed Revisions to the Telecommunications (Emergency Call Service) Amendment Determination 2024 (No. 1)

In response to the proposed amendments to the Telecommunications (Emergency Call Service) Determination 2019, I would like to offer the following input to address significant concerns regarding consumer rights, device accessibility, and equitable treatment of all users.

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1. Amend Section 63: Notification Requirements and Restriction on Supply

Current Wording:

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.

Proposed Revision:

- **Amend Subsection (2)(b) to read:**

(b) **Ensure that all reasonable steps are taken to configure the mobile phone to access the emergency call service, including providing necessary technical support and enabling compatibility settings on the network.**

Rationale:

- This change shifts the responsibility onto the carriage service provider to assist the customer in configuring their device to access emergency services, rather than outright denying service.

- It acknowledges that many devices are technically capable of accessing emergency services if properly configured or if network settings are adjusted.

- It prevents unnecessary service denial that could leave consumers without essential communication services.

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2. Remove or Amend Section 65: Notification Requirements and Restrictions on Supply for Existing Customers

Current Wording:

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

(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;

...

(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.

Proposed Revision:

- **Delete Subsection (4) or amend it to allow continued service provision:**

(4) **The carriage service provider must continue to supply carriage services to the end-user while providing ongoing support to enable emergency call access on the mobile phone, unless the end-user opts to discontinue the service.**

Rationale:

- Cutting off services penalizes consumers who may be unaware of technical issues or lack the means to replace their device promptly.

- Providers should focus on assisting customers to restore emergency call capabilities rather than disabling their entire service, which could leave them more vulnerable.

- This approach ensures continuous access to essential services while addressing safety concerns.

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3. Amend Section 67: Exception – Foreign Travellers in Australia

Current Wording:

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.

Proposed Revision:

- **Extend the exception to all users and remove the 60-day limitation:**

67 Exception – Users with Devices Temporarily Unable to Access Emergency Call Service

(a) If a carriage service provider is aware that a mobile phone is being used by an end-user whose device is temporarily unable to access the emergency call service, the provider must:

- o Continue to supply carriage services to the end-user;

- o Provide assistance to restore emergency call access;

- o Send notifications advising of the issue and offering support.

(b) **No service discontinuation should occur solely based on the device's current inability to access emergency services, provided efforts are being made to resolve the issue.**

Rationale:

- The original exception for foreign travellers demonstrates that providers can technically support devices not configured for emergency call access.

- Extending this flexibility to all users ensures equitable treatment and avoids unfairly penalizing local consumers.

- It acknowledges that device compatibility issues can often be resolved and should not result in loss of service.

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4. Introduce a New Section: Requirement for Open Standards Compliance

Proposed Addition:

68 Requirement for Support of Open Standards and Device Compatibility

(1) Carriage service providers must ensure their networks support open standards for Voice over LTE (VoLTE) and emergency call services to maximize compatibility with a wide range of devices.

(2) Providers must not implement network configurations or policies that unnecessarily restrict device compatibility or access to emergency call services.

(3) Providers are required to offer technical solutions, such as VoIP calling applications or compatibility settings, to enable devices to access emergency services where feasible.

Rationale:

- Mandating support for open standards promotes interoperability and device compatibility.

- It prevents anti-competitive practices where providers favor devices they sell or approve, limiting consumer choice.

- Encourages providers to work towards solutions that benefit consumers and ensure access to critical services.

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5. Modify Notification Requirements to Include Technical Support

Proposed Revision to Sections 63 and 65 Notifications:

- **Include in Subsections (2)(a) and (3):**

  - o **Offer assistance to the customer in configuring their mobile phone to access the emergency call service, including guidance on enabling necessary settings or software updates.**

Rationale:

- Providing technical support can help many consumers resolve issues without needing to replace their devices.

- It is a proactive approach that emphasizes customer service and safety over punitive measures.

- Enhances consumer trust and ensures more users have access to emergency services.

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6. Address Impact on Critical Devices Beyond Mobile Phones

Proposed Addition:

69 Inclusion of Non-Mobile Phone Devices in Compatibility Considerations

(1) Carriage service providers must consider the impact of network changes on devices other than mobile phones that rely on mobile networks for critical functions, such as agricultural equipment, medical alert devices, and vehicle emergency systems.

(2) Providers must ensure continuity of service for these devices or offer viable alternatives that do not impose undue burden on consumers or critical industries.

Rationale:

- Recognizes that many essential services depend on mobile networks beyond personal mobile phones.

- Ensures that industries and vulnerable populations are not adversely affected by network changes.

- Encourages providers to take a holistic approach to network compatibility and service provision.

Conclusion

The proposed amendments, while well-intentioned, risk unintended negative consequences for consumers, including loss of essential communication services and increased financial burdens. By focusing on solutions that enhance device compatibility, mandate open standards, and provide consumer support, we can achieve the objective of ensuring access to emergency services without unfairly penalising users or restricting market competition.

I urge the ACMA to consider these concerns and adopt alternative approaches that prioritise consumer access, safety, and fair treatment across all user groups.

Thank you for considering my feedback on this critical matter.

Kind regards,

Aleksa Stojanovic