

ACMA Submission - Emergency Call Service Determination

Mark Needham

8 October 2024

Please find below some brief comments on the questions outlined in your request for comment on the proposed amendments to the Telecommunications (Emergency Call Service) Determination 2019.

The majority of questions would seem to relate to only carrier and carriage service provider stakeholders, with little or no scope for end-user feedback, this is a disappointing omission, therefore my end-user comment is limited.

I have no comment on the questions not listed below.

Question 1: ***"Do the proposed amendments to the ECS Determination fulfil the objectives and content requirements of the direction..."***

Only partially; specifics are outlined in my response to questions 3, 4 and 5.

Questions 3, 4 and 5: ***"Section 62: Identification of mobile devices..."***

Currently identifying whether a handset an end-user proposes to use to access their providers network is proving difficult for some carriers and carriage service providers.

First hand experience, ongoing correspondence with my handset manufacturer, my service provider, the TIO and the ACMA have identified, what I consider to be, a poorly managed process with timely and accurate information a scarcity.

This, among other matters, is partially recognised by the ACMA in recent correspondence, (some extracts are included below) that *"Our understanding is that if a mobile device works on the Telstra network, it should work on that network regardless of the carriage service provider that you are contracted with."*, based on my understanding of my handset manufacturer and provider advice this would seem not to be the case.

The proposed amendment item 62 (b), would seem to lack any reference to the need for, and compliance of, relevant updated standards such as AS/CA S042.1.2022 and C536:2020 etc in a specific timeframe. For example C536:2020 has an objective, *"to ensure all End Users of an ETS have access to the ECS in case of emergencies or where a response is required from an ESO"*, given recent events and current handset compatibility issues, it would seem this code is lacking or lacks enforcement.

Separately, I could not see any reference here or elsewhere that existing standards/enforceable codes need to be reinforced to ensure that all compliant handsets should work on all networks and to be included in a robust testing regime. There should be no inhibitor to the use of Mobile Number Portability between providers or enforced new handset purchases to change providers. This would seem obvious, to an end-user, that Emergency Service contact should be facilitated on all networks, an objective of these Amendments.

The suggestion that handsets provided by a particular provider may not be approved to work on another network needs to be eliminated and not facilitate anti-competitive behaviour. There are numerous retailers that sell "unlocked" handsets, but there does not seem to be any obvious warnings that the handset may or may not work with all providers especially for Emergency contact. If a compliant handset works on a particular network then the necessary changes need to be incorporated in the relevant standards, compelling carriers, their entities and CSPs to ensure they work on all networks.

Without reference to revised relevant standards in these Amendments or elsewhere and their appropriate enforcement it would seem unlikely the goal to *"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"* will be achieved in a timely manner.

The introduction of these Amendments and carrier/CSP behaviour should not penalise consumers who have made "in good faith" purchases of handsets that work on some networks but not others.

Purely as an example of the Industry and other parties lack of ability to manage the current 3G closure (a matter not applicable to these amendments) and therefore to re-enforce the need for robust standards and codes, as well as strict monitoring of compliance, to be part of these Amendments, previous selective correspondence with the ACMA has included:

To my query, whether there has been a potential contravention of the current regulatory settings

The design of the regulatory arrangements under the Act and the TLN includes obligations on manufacturers and importers to test customer equipment to be supplied in Australia, keep compliance records and apply a label to the customer equipment indicating its compliance with mandated technical standards before it can be supplied in Australia", if this is the case and compliance has been adequate policed, why is this issue current being experienced?

You will have noted that my handsets do work (displaying the appropriate VoLTE and 4G symbols) and are supported by the TPG/Vodafone network, and also that the manufacturer has recommended a change to Belong, but there is an issue with ALDImobile, my preferred provider. I am unaware if this matter is isolated to just ALDImobile."

Also in relation to handset matters:

You include advice that *"..In practice, this means that all mobile devices imported into Australia for the first time or modified after April 2020 are required to have VoLTE emergency calling capability. Those devices will therefore be able to provide service, including to Triple Zero, over 4G networks.."* as my handsets are June 2021 vintage and purchased in the January 2022 timeframe, I assume this should apply, but *"in practice"* is does not.

Does this contravene the regulatory arrangements? Are there any penalties or customer compensation involved for this potential breach?

You also include advise "*..ways for customers to check if their device will be impacted. Further information and advice will be made available as efforts to address this issue continue, via the following websites:..*" The method suggested is to "*Text the number '3' to '3498'.. OR ..Enter your mobile phone's 15 digit IMEI..*" on the AMTA site. I did this in June 2024

For my handsets the AMTA site has always said "*..you don't need to do anything. Your device will work normally after the 3G closure..*", but the handsets still receive messages that they require "*a software update to continue making calls..*".

To me, this contradictory information lead to my initial query to ALDImobile on 30 June 2024, subsequent TIO ongoing complaint and my initial email to the ACMA on 14 August 2024 with an additional supplement and prompts the response on 3 October 2024.

Also you mention, "*The design of the regulatory arrangements under the Act and the TLN includes obligations on manufacturers and importers to test customer equipment to be supplied in Australia, keep compliance records and apply a label to the customer equipment indicating its compliance with mandated technical standards before it can be supplied in Australia*", if this is the case and compliance has been adequate policed, why is this issue current being experienced?

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These matters and the lengthy delay in clarifying the issue suggest, to me, there are some underlying systemic issues in managing the planned switchover and I wonder if the representatives on the "working group" consider they are actually facilitating a positive outcome for consumers.

Question 11: Section 63.(2) (b) "not supply carriage services to the customer in connection with the mobile phone"

Identification of the number of "mobile phone" end-users, that utilise a compliant handset for non-voice (data and internet) purposes should be urgently established.

This will allow a more accurate impact and cost to end-users of this proposed amendment.

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