

8 October 2024

Dear ACMA,

I hope this submission finds you well.

After reading about other people having the same issue as me (see links below) and the ABC's reporting on Telstra, I was inspired to make this submission to protect both public safety and the interests of consumers. We are in a cost of living crisis, and we are all trying to be more ecofriendly - yet we're told to "upgrade" from perfectly compatible devices?

I have been battling with Telstra (directly and indirectly via MVNOs who use Telstra's network) for approximately 8 months.

Unfortunately, Telstra has marked my device incompatible with their network and marked it for deactivation come 28 October 2024. The absurd thing is, it is compatible - and I've shown them that this is the case time and time again. Their response: you need to "upgrade" your device. My device is 5G and voice over LTE/4G (VoLTE) compatible. It is the Sony Xperia 1 II XQ-AT52 (a previous flagship model that has better features than some brand new phones). I refuse to "upgrade" even though I stare down the barrel of not being able to make/receive calls, including emergency calls, come later this year. Please see the following link which will show that my handset is more than capable of operating fully (including utilising VoLTE and bands 28 and 3, as per Telstra's own device approval specifications found here:

<https://www.telstra.com.au/support/mobiles-devices/enable-volte-mobile-phone#what-is-Volte> on the Telstra network: <https://www.devicespecifications.com/en/model/acea5301>

Telstra's responses to me have been disgusting at best, robbery at worst. I have read about numerous other users suffering the same fate online. The Telstra employee I spoke with yesterday, Michelle, also spoke about other customers who have experienced their phones being blocked from Telstra - including ones that were purchased last month. I have supplied Telstra customer service officers with technical information that I believe will solve my problem. They did nothing with it and repeated that there must be a problem with the handset (which there is not). Later, they changed their tact and said the device was listed as incompatible (even though it meets the compatibility requirements mentioned above) and so they could not help me further. Yesterday, during our phone conversation, Michelle from the complaints team said that due to Telstra no longer having a business relationship with Sony in Australia, Telstra cannot approve new Sony devices. Astoundingly, there are Sony products on the approved device list that were released around the time that my handset was released. The only difference is that my handset model was never sold by Telstra. This shows that it is a new Telstra business decision, rather than a technical reason, that is preventing fully functioning devices from working on their network. To fortify this point, Michelle said: "It is a Telstra business decision". A recording of the call should be available from Telstra.

I have chat logs and emails to support my interactions.

I raised a complaint with Telstra and the TIO. Telstra's suggested resolution was unsatisfactory. Telstra actually closed my complaint case earlier than they said they would and before anything was resolved. This behaviour is appalling and predatory. It also highlights the power imbalance that exists between Telstra and its customers - the very people who brought it to its prominence.

To elaborate, I spoke with Michelle (Employee number: h100947) on 7 October 2024 who said she was from the Telstra complaints team. At the end of the 35 minute call, which was preceded by multiple contacts with other Telstra staff, Michelle said she would call me on Wednesday 9 October 2024 to follow up with me, and that she would leave the case as "unresolved" until then.

I received an email today 8 October 2024 from Michelle saying that:

"You have told me that this doesn't meet your expectations because you believe Telstra can remove the block on your handset to be compatible on the Telstra network.

While it's disappointing that we were unable to resolve your complaint, we are confident that our investigation and proposed resolution are appropriate. As a result, I've recorded these details and closed the case."

Michelle also wrote:

"The 3G network is shutting down on October 28, 2024. Please refer to this link:

<https://www.telstra.com.au/support/mobiles-devices/3g-closure>. If you're using a device that was set up for another country (i.e., you bought it overseas, it was imported, or it's a second-hand and you're not sure where it's from), it may have patchy coverage when 3G closes. That's because Telstra's main 4G frequency is band 28 (B28)/700 MHz. But in many countries, this frequency isn't used for 4G, so phones aren't configured to use it. You can find out if your phone is in this category by texting '3G' to 3498. If it is, you'll need to upgrade to avoid losing coverage in places where B28 is the only available frequency (usually outside major cities/regional hubs).

You may refer to this link

<https://www.telstra.com.au/support/mobiles-devices/enable-volte-mobile-phone#what-is-Volte> to learn more about Telstra's requirements and devices compatible with which it was purchased after 2019.

Your Sony XQ-AT52 device is not a Telstra-approved handset, and it will not work after the 3G closure.

There is no option to allow the not-approved devices on the Telstra network.

You have told me that this doesn't meet your expectations because you believe Telstra can remove the block on your handset to be compatible on the Telstra network."

My question to Michelle yesterday on our phone call was: "Will people from overseas, who are roaming within Australia, be able to use devices other than the 'Telstra approved' devices?" Michelle did not answer no. I asked: "If someone had the same device as mine (Sony XQ-AT52, a very popular phone around the world), and they arrived in Australia and roamed on to the Telstra network, would their device work?" Michelle did not answer my question. I said to Michelle that her lack of answer almost confirms that Telstra are artificially blocking certain handsets from their network, which means that they can also unblock them (contrary to what Michelle said earlier in our call when I asked her to please remove my device's network block, or 'flag' as one technician told me it is called in a previous email I received from technical support team).

I have also previously suggested that technical support team members "provision my handset for VoLTE" and/or enable IMS Registration for VoLTE on their network, pursuant with this petition <https://www.change.org/RemoveTelstraRestrictions> and this technical web page <https://commsbrief.com/what-is-the-difference-between-ims-and-volte/>. This would effectively remove the block that has been placed on my handset. Their replies were that there is no block and that it must be a problem with my handset (which is definitely not the case, as per previous emails I received from technical support investigations earlier this year). Telstra appears to have placed IMS Registration restrictions for VoLTE on their network so that only phone models that Telstra sell or have sold will function.

Michelle also said, "Sony left the Australian market and so our ability to engage with the manufacturer is relatively difficult" and "this is why the Sony devices are no longer an approved device". This is the only reason. Personally, in this day and age, I find it appalling that a telecommunications company cannot use their own communications resources to "engage with" another large company that makes telecommunications products. Secondly, Michelle said tourists can still use their overseas device, if they are roaming from a partner network. The above two points show that the reason devices are being blocked are profit and business related, rather than incompatibility of devices themselves to function fully on their network.

When I asked if Telstra could please unflag my device / remove it from their blacklist, Michelle said:

"We can't unflag as it has already been announced the devices that are approved. There is no web form for this. The complaints team has been educated on the 3G closure. Nobody from Telstra can change this decision even if I escalated it. We are very strict with this."

I asked if Michelle could escalate my complaint. Michelle replied, "There is nobody higher. Maybe the ombudsman can recommend another option for you." I mentioned contacting the ACCC. Michelle said that "the ACCC is aware of the situation".

Please assist myself and the unknown number of other people who find themselves in this situation, or may find themselves in this situation, come 28th October 2024. This includes Australians who may not be very technically minded, and people travelling to Australia who roam for longer than 60 days, or who purchase a local SIM card whilst in Australia, a very common practice amongst travellers. Australia will be the laughing stock of the world when citizens and international guests alike cannot use their mobile devices - nor make life-saving emergency calls.

I also implore you to assist us, the Australian people, to stand up for what is right against large corporations. We have seen the supermarkets in Australia dupe consumers, and the government stepped up and assisted us with what is right. Why are telecommunications companies any different? People should rightfully be able to use compatible devices with their network(s) (in turn, increasing their market share and generating them more revenue, a win-win situation).

The absolutely dire impacts on more vulnerable people should also be considered - people who may not be as tech savvy and therefore have been told to "upgrade" even though they

did not really need to. We are in a cost of living crisis, and we are all trying to be more eco-friendly - yet we're told to "upgrade"?

Please let me know if I can assist in the investigation at all.

Thank you and warm regards,

Scott Smith.

Please see these links mentioned above:

<https://www.change.org/p/stop-telco-4g-5g-device-blocking-volte-restrictions-australia-s-3g-s-hutdown>

<https://medium.com/@jamesdwho/australias-3g-shutdown-telcos-to-block-working-4g-5g-phones-2bf41e95de8a>

<https://www.youtube.com/watch?v=RPITz-3estM>

<https://www.change.org/RemoveTelstraRestrictions>