

8 October 2024

The Manager
National Interests Section

Australian Communications and Media Authority
Level 32 Melbourne Central Tower
360 Elizabeth Street
Melbourne VIC 3000

Dear Manager,

Submission to Consultation Paper – Proposed Amendments to the *Telecommunications (Emergency Call Service) Determination 2019*

Thank you for the opportunity for Vocus Group Limited (**Vocus**) to submit our comments on the proposed amendments to the *Telecommunications (Emergency Call Service) Determination 2019* (**ECS Determination**), being the subject of the ACMA consultation paper, "Emergency Call Service Determination – Proposed amendments to ensure mobile phones can access the Triple Zero (000) emergency call service".

BACKGROUND

As a telecommunications business, Vocus does not supply its customers with mobile phone handsets. Rather, we supply SIM-only services. In addition, we are a Mobile Virtual Network Operator (**MVNO**) utilising Optus' mobile network to on-supply mobile network services to our customers.

As such, given Vocus is not a Mobile Network Operator (**MNO**) which owns and operates its own mobile network, there are many technical limitations upon our ability to comply with the proposed obligations, as they currently stand.

VOCUS' RESPONSE

We note the questions raised in the ACMA's consultation paper, and we respond with our general comments, requests for further clarity, as well as feedback to specific questions posed by the ACMA, as follows:

Level 10, 452 Flinders Street,
Melbourne, VIC 3000

1300 88 99 88
info@vocus.com.au

vocus.com.au

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

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?

(a) **MNO versus MVNO's compliance under proposed requirements**

Vocus, as a MVNO, has no means of identifying whether the mobile phone that a customer proposes to use to access the Optus mobile network is configured to be able to access the emergency call service before service is supplied to that mobile phone.

As the MNO, only Optus would have the technical visibility of its mobile network to identify:

- (a) Whether a mobile phone accessing a particular network service is compatible (i.e. able to access the emergency call service); and
- (b) Which mobile phones are traversing the mobile network service, noting in particular that each mobile service is made up of different spectrum requirements which are particular to different locations.

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?

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?

In response to questions 5 and 8(b), and in light of the above information, Vocus would have to rely upon our MNO to be able to comply with the proposed obligations, as they are currently drafted, to the extent that our MNO is able to share the following information with us:

- (a) Real-time (or near real-time) list of incompatible mobile phones accessing Optus' mobile network;
- (b) Real-time information of which of Vocus' customers are on the Optus mobile network using incompatible mobile phone handsets; and

- (c) A facility allowing Vocus' customers to input their mobile phone IMEI (International Mobile Equipment Identity) number to enable Vocus to confirm compatibility of such handsets accessing the MNO's mobile network (e.g. "Text XXXX to check").

In this regard, Vocus seeks further clarity from the ACMA on how the proposed obligations are intended to apply to a MVNO as opposed to a MNO.

(b) Supply of service

In addition, we note that section 62 imposes certain identification obligations upon a carriage service provider "before supplying a service to a customer". Section 62 states:

*Before **supplying** a service to a customer, a carriage service provider must identify whether the mobile phone to be used by the customer to access the provider's service is configured to be able to access the emergency call service...*

However, it is unclear what the "supply" of a service is intended to mean in the initial stages of a customer's network service lifecycle, which involves contractual sign-up, SIM activation and mobile network provisioning. For the purposes of our compliance obligations under section 62 and 63, would "supply" be taken to mean:

- (a) when a customer signs up to a contract with Vocus; or
- (b) when a customer activates their SIM card; or
- (c) when a customer's mobile phone has been provisioned onto a MNO's mobile network?

Given our technical limitations in being able to identify a mobile phone accessing a network service at any point in a mobile phone network service lifecycle; Vocus considers that the risk for our unintended non-compliance under the current drafting of section 62 would be high, particularly if we are unable to access real-time information on incompatible mobile phones accessing the MNO's mobile network.

As such, for the purposes of being able to meet our obligations under section 62, Vocus seeks further clarity from the ACMA in specifying when the identification obligation upon a MVNO is intended to commence in a MVNO's "supply" of service to a customer.

(c) **Barriers to MVNO's implementation by 1 November 2024**

There are also particular barriers to how Vocus, as a MVNO, would be able to successfully implement the proposed obligations by 1 November 2024 due to a lack of absolute clarity on the method, means, and timing of a MVNO's obligations.

For example, referring to the issue raised under point 1(b) above, it is unclear at which point in the customer's mobile phone network service lifecycle the identification requirement is to be imposed upon a MVNO for a new customer. The business and operational requirements and solutions would differ considerably, depending on when this requirement is imposed upon the MVNO.

If this requirement is to be imposed upon a MVNO:

- (i) At point of sale (i.e. contractual sign-up) – Then Vocus would need to have access to a list of compatible or incompatible devices from our MNO, and provide a way for our customers to self-validate their mobile phones before activation; or
- (ii) Post-SIM card activation – Then Vocus would need our MNO to send us a daily file of impacted customers with incompatible devices on the MNO's mobile network that we can use to send notifications / communications to, and suspend or disable services as required. On this point of suspension or disabling of services to incompatible mobile phones, it is also unclear what the restriction of supply obligation upon a MVNO entails.

However, the implementation efforts and requirements within the business in either scenario, given the absolute lack of clarity at this point in time, puts Vocus in a position where it is unlikely to meet its compliance obligations by 1 November 2024.

Similarly, as a MVNO, Vocus does not have clarity of the means of identification of mobile phones on our MNO's mobile network and are, therefore, reliant upon our MNO to do this on our behalf. The MNO's solution to identify impacted customers in their database (e.g. through a static daily CSV file of impacted customers or a dynamic API feed) would necessarily inform and dictate Vocus' implementation timeline and efforts; and our timeline and efforts would be substantially different depending on the MNO's solution provided to us. This is because how Vocus feeds a static file into our systems, and the actions taken in response, will require a different solution and set of controls as opposed to how we would do so if we were provided an API feed instead.

2. 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 sub-sets of carriage service providers? If yes, please explain.

Yes, there should be certain groups of carriage service providers which are exempt from the obligations under section 66. Vocus believes that it should be classified within such a group given it is a SIM-only MVNO which does not sell any mobile phone handsets as part of our service offerings.

In this regard, Vocus seeks further clarity from the ACMA on the drafting of section 66, specifically on what “assistance” might mean or require from a SIM-only, bring-your-own-handset carriage service provider like Vocus.

3. Section 67: Exception – Foreign travellers in Australia

It is unclear from the current drafting of section 67 how compliance, by a MVNO in particular, would be achieved in order to rely upon the exemption.

For example, under section 67(a):

- (a) What steps would a MVNO be required to take in order to verify that a customer is a foreign traveller intending to remain in Australia for no longer than 60 days?
- (b) What would it take to be (or become) aware?
- (c) How much evidence would suffice for compliance purposes?

Vocus, therefore, seeks further clarity from the ACMA on the above.

Should you have any questions or issues arising from this response, please do not hesitate to contact the author at [REDACTED].

Yours sincerely,

Crystal Joo
Legal Counsel

Level 10, 452 Flinders Street,
Melbourne, VIC 3000

1300 88 99 88
info@vocus.com.au

vocus.com.au