

MOBILE PHONE HANDSET REGULATION

TALKING POINTS

- We are aware of some issues with a subset of Samsung phones being able to make Triple Zero calls and we are using our statutory powers to gather information about the issues.
- The supply of mobile phones is regulated to ensure that they can initiate a call to Triple Zero, in addition to the regulatory requirements on mobile network operators about carrying calls to Triple Zero.
- Suppliers are required to have devices independently tested by appropriately accredited or certified test laboratories in relation to Triple Zero.
- Suppliers are also required to register on a supplier database, label devices and keep records of compliance.
- The Australian Telecommunications Alliance has developed the relevant industry standard which makes specific reference to testing for so-called camp-on of phones, which means that mobile phones will attempt to make a call when any mobile network is available, whichever operator is providing a service, or even if the phone has no SIM.
- We mandate compliance with the industry standard for mobile phones which are labelled with the Regulatory Compliance Mark – the RCM.
- For smartphones, the compliance mark is generally available through the phone's screen under 'settings'.
- There are offences with significant penalties for a failure to comply with the regulation, by not testing, not labelling according to whether the phone complies with the standard, not keeping compliance records, connecting an unlabelled or non-complaint device to a network, or supplying a device which doesn't meet the regulatory requirements.

BACKGROUND

Overview of device regulation

- The ACMA regulates telecommunications customer equipment, which includes mobile phone handsets, under the *Telecommunications Act 1997*, the Telecommunications Labelling Notice and a number of technical standards¹. There are also requirements in relation to mobile handsets under the ACMA's Radiocommunications Equipment (General) Rules 2021, but these do not go to Triple Zero access.
- Our telecommunications device supply regulation includes obligations on manufacturers and importers to test their product, complete a declaration of conformity, keep compliance records and apply a label to their product indicating its compliance or otherwise with our technical standards before the device can be supplied in Australia.
- If labelled with the RCM, the device is required to comply with the version of the technical standard that is applicable when it is originally supplied to the market, or when it is materially modified before being supplied (that is, modified in a way that would or could reasonably be expected to affect whether the modified item complies with any applicable technical standard).
- Both the importer and the manufacturer of the device potentially have obligations in relation to a material modification of the device. The manufacturer will only have obligations if the material modification was made by them or on their behalf and occurred in Australia, but the importer will have obligations for any material modification before supply.
- Mobile phones are devices subject to a high-risk standard for the purposes of the Telecommunications Labelling Notice. Before the device is first supplied, and again in the event of a material modification before supply, a supplier will be required to:
 - Have the phone tested for compliance with the applicable standard by an appropriately recognised body
 - Complete a declaration of conformity
 - In the event of a modification, prepare a statement about the modification
 - Keep compliance records.
- Updates to the firmware of phones which alter the operation of its hardware in a characteristic described in an applicable standard (e.g. its transmission characteristics) constitute a material modification for the purposes of the Telecommunication Labelling Notice.

Standards applicable to mobile handsets

- The ACMA's telecommunications technical standards for mobile phone handsets are the [Telecommunications \(Mobile Equipment Air Interface\) Technical Standard](#)

¹ Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2025

[2022](#) (Air Interface Standard) and the [Telecommunications \(Customer Equipment Safety\) Technical Standard 2018](#) (Customer Equipment Safety Standard).

- The Air Interface Standard adopts and mandates the Australian Telecommunications Alliance (ATA) industry standard [AS/CA S042.1:2025 Requirements for connection to an air interface of a Telecommunications Network - Part 1: General](#) (**AS/CA S042.1**) which specifies requirements for emergency call service access. It is designed to apply the international standards for mobile communications for the frequency bands used in Australia.
- AS/CA S042.1 applies to customer equipment that is designed or intended to connect to a public mobile telecommunications service (PMTS) and/or satellite service and is an addressable device.

Emergency call and testing requirements – AS/CA S042.1

- AS/CA S042.1 specifies a requirement that customer equipment designed for voice communications and is operating in emergency call access mode shall allow the initiation of an emergency call to emergency service numbers 000 and 112.
- This requirement is specifically in reference to the capability of the phone to initiate an emergency call to the air interface. It does not place requirements on the network side of the air interface (i.e. on the Carrier) **or** for successful call completion. Our power to make technical standards under section 376 of the Telecommunications Act is limited in scope to standards about customer equipment and customer cabling and doesn't give us the power to make technical standards about the carrier's side of the network boundary.
- The phone is required to have the emergency service numbers 000 and 112 stored in its firmware and be able to initiate an emergency call regardless of whether there is an identity module (SIM) present in the device, and regardless of any lock state (e.g. keypad lock, blocked SIM) it may be in.
- AS/CA S042.1 **requires testing** of the phone to verify its compliance with the emergency call service access requirements.
- Testing should be conducted to confirm the phone's ability to initiate an emergency call (with and without a SIM) to each of the mobile carriers.
- Testing should be conducted to confirm emergency calls (with and without a SIM) are supported via camp-on to each of the mobile carriers.
- Testing should be conducted to confirm emergency calls are supported by each of the technologies supported by the phone (e.g. 4G, 5G).
- Confirmation of a successful initiation of an emergency call will be indicated by connection to a recorded voice announcement or an ECP operator.
- The Telecommunications Labelling Notice provides that AS/CA S042.1 is a high-risk standard, and a manufacturer or importer can only be reasonably satisfied that a device complies with a high-risk standard if there is one of the following documents, and they have regard to it:
 - an endorsed test report

- a statement prepared by a certification body
- an IECEE CB test report that is accompanied by an IECEE CB Test Certificate
- a certificate issued under a law of a state or territory that deals with the safety of electrical equipment.

Camp-on requirements

- AS/CA S042.1 references two ETSI standards for camping on: ETSI TS 136 304 (for 4G devices) and ETSI TS 138 304 (for 5G devices)
- The ETSI standards cover the following key aspects of camp-on:
 - Cell selection – the criteria the handset should use when looking for a suitable cell to camp-on such as the signal strength of the cell and its network capabilities (e.g. what technology is supported and is it compatible with the handset, and can it handle voice).
 - Acceptable cell criteria – the cell selected must satisfy the acceptable cell criteria, which is the minimum conditions for an emergency call
 - Cell reselection – once a handset is camped on to a network, it should continuously monitor surrounding cells to see if there are more suitable cells with better signal strength or quality. This ensures that the handset is connected to the best available cell.
 - Idle mode operation – once a handset is camped on to a network but is not actively transmitting data or engaged in a call, the handset must be able to continuously receive and process data so it can determine if there is another more suitable cell and then connect to it.
 - Monitoring – once a handset is camped on, it must continually monitor for network messages and information such as signal changes so that it can initiate a search for a new cell if necessary.
- The ETSI standards **do not** specify timing requirements for a handset to complete a camp-on.

Firmware update to Samsung handsets

- We understand some models of Samsung mobile phones were subject to a firmware update at the request of Vodafone (TPG) in November 2021.
- The intent of the firmware update was that if the phones attempted to make a Triple Zero call over the Vodafone network, they would use the 3G network.
- It appears that the firmware update may have affected the capacity of those phones to reach the air interface of TPG's 4G networks during an emergency call.
- We are only aware of updates to a specified list of Samsung model mobile phones.

- We expect that **Samsung Electronics Australia P/L (ABN/NZBN 63002915648)** is the importer and supplier but cannot preclude the potential supply of these phones by other entities, including Optus, Telstra, and TPG.

Potential offences and compliance activity

- The ACMA has a range of powers to make general inquiries in relation to potential compliance matters, including investigations. Generally, the Act sets out compliance and enforcement pathways based on the part of the Act that is contravened.
- After becoming aware of the issues with a subset of Samsung phones being able to make Triple Zero calls, we made contact with representatives of Samsung, Optus Telstra and TPG on 30 October 2025. On 31 October 2025, we exercised our powers to issue Samsung with a Notice under subsection 522(2) of the Act. We may compel evidence under statutory notices, and we expect timely and comprehensive responses. Compliance with statutory notices is mandatory; failure to comply can have serious criminal or civil consequences.
- Section 525 of the Act provides that a person must not under section 522 of that Act give information or evidence that is false or misleading. The penalty for this offence is imprisonment for up to 12 months and/or a fine of up to 60 penalty units per offence (AUS \$19,800.00) for an individual or 300 penalty units (AUS \$99,000.00) for a corporation.
- We also have statutory powers to conduct investigations to establish facts, determine whether there have been breaches of regulatory obligations and, if so, decide on further actions to be taken.
- Should an investigation identify potential contraventions sections 414, 415 and 416 of the Act are likely to be the offence provisions most relevant to the conduct. These provisions require a person (manufacturer or importer) to have conducted appropriate testing, created compliance records, and maintained compliance records in accordance with the TLN.
- Section 414 of the Act provides that a person must not apply a label to equipment before satisfying requirements under subsection 408(5) which requires equipment to be tested for compliance with the relevant technical standards. A person who contravenes this section commits an offence punishable on conviction by a fine not exceeding 100 penalty units (AUS \$33,000 per offence).
- Section 415 of the Act provides that a person must retain records after a label has been applied to equipment. A person who contravenes this section commits an offence punishable by a fine not exceeding 100 penalty units (AUS \$33,000 per offence).
- Section 416 of the Act provides that a person must not apply a label to customer equipment if the label includes a statement to the effect that the device complies with a technical standard which is false or misleading. A person who contravenes

this section commits an offence punishable on conviction by a fine not exceeding 120 penalty units (AUS \$39,600 per offence).

Submissions from James Parker

- In 2023 Mr James Parker made a submission to the Senate Inquiry on the 3G shutdown.
- Mr Parker suggested that 4G handsets are not natively enabled to make voice calls over the 4G network and must be enabled via a firmware upgrade to facilitate voice calling using VoLTE (Voice over LTE) technology. He also suggested that where handsets have been enabled to make VoLTE calls over the 4G network, the handset can only make the call via the network of the provider that supplied the handset.
- This is distinct from the current issue of the Samsung handsets which have been modified to revert to TPG's 3G network when making an emergency call. Telstra indicates that these affected handsets can make ordinary calls on the 4G TPG network and can camp onto the Optus and Telstra network if available.
- The issue is where there is only the TPG network and no Telstra or Optus network, the affected Samsung handset is unable to make an emergency call on TPG's 4G network because it reverts to TPG's 3G network that no longer exists.
- The current issue is different to the one Mr Parker raised in 2023 where a handset is unable to make a voice call **at all** over a 4G network because it doesn't have VoLTE enabled.
- In 2024, Mr Parker wrote to the Minister with the concern that the perceived changes to the ECS Determination meant that if a device was not on a network provider's 'official list' of supported devices capable of calls to 000, it would be blocked.
- The ECS Determination doesn't however require a service provider to block devices not on a list but requires services providers to cease carriage services to handsets that cannot connect to an emergency call service via the service provider's own network or the network of another service provider.
- Mr Parker's concern relates to the potential unnecessary blocking of handsets that can function normally (make ordinary and emergency calls) but are blocked because they are not on a service provider's official list. His concern is that end-users may be forced to replace handsets that are otherwise fully functional but not on an official list.