



Australian
Communications
and Media Authority

Chair and Agency Head

Mr Tas Larnach
Committee Secretary
Senate Standing Committee on Rural and Regional Affairs and Transport
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Dear Secretary

ACMA submission to the Inquiry into the shutdown of the 3G mobile network and telecommunications services accessibility

The Australian Communications and Media Authority (the ACMA) is Australia's regulator for telecommunications, broadcasting, some online content and radiocommunications. The ACMA welcomes the opportunity to provide input to the Rural and Regional Affairs and Transport References Committee inquiry into the shutdown of 3G mobile networks.

Network upgrades and shutdowns are not regulated by the ACMA. These are decisions made by the carriers. Similarly, carriers are not obliged to advise the ACMA of plans to close a mobile network under the terms of their radiocommunications licences or telecommunications carrier licence conditions.

The ACMA's primary concern with the upcoming 3G network shutdown is on consumers who have phone devices that will not work when there is no 3G network in operation, particularly those who have devices without VoLTE capability and therefore will not be able to connect to Triple Zero services.

The ACMA is working with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) to assist in the management of the impact on consumers from the 3G network closure.

The ACMA website has been updated to advise that the shutdown of 3G mobile networks may mean some customers cannot contact Triple Zero. The website directs consumers to contact their service provider to discuss their device, as service providers are best placed to advise their customer if their device will be able to make emergency calls after 3G network closure.

I have also written to Mobile Network Operator's to outline the ACMA's expectations that they are taking active steps to identify and assist customers who will be impacted by the 3G shutdown, particularly with regards to accessing Triple Zero services.

Separately, the ACMA has considered whether the 3G network shutdowns are raising any compliance issues, particularly under two pieces of regulation that it administers. Both relate to the operation of the Emergency Call service. An overview of each is provided below.

Technical Standards Framework for Emergency Calling

The ACMA regulates telecommunications customer equipment, which includes mobile devices through:

- technical standards made under the *Telecommunications Act 1997* (the Act); and

- the [Telecommunications \(Labelling Notice for Customer Equipment and Customer Cabling\) Instrument 2015](#) (the TLN).

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.

The equipment is required to comply with the version of the technical standard that is applicable when it is originally supplied to the market. If the equipment is subsequently modified after the original supply date, it is required to comply with the applicable technical standard at the time of modification.

The current applicable telecommunications technical standards for mobile devices are the [Telecommunications \(Mobile Equipment Air Interface\) Technical Standard 2022](#) (Air Interface Standard) and the [Telecommunications \(Customer Equipment Safety\) Technical Standard 2018](#) (Customer Equipment Safety Standard).

The Air Interface Standard requires mobile devices to be able to initiate an emergency call in specified scenarios including when there is no SIM card present. These requirements only apply to customer equipment (i.e. mobile devices), and do not place requirements on the carrier's side of the network for successful call completion. The requirements for the carrier side of the network are specified in the *Telecommunications (Emergency Call Service) Determination 2019* (the ECS Determination, see below).

VoLTE emergency calling requirements were introduced into our regulatory arrangements in the 2018 version of the Air Interface Standard. One of the objectives in making the 2018 version of the Air Interface Standard was to ensure there were requirements that addressed emerging wireless technologies that were being deployed in Australia at the time, which included VoLTE. The 2018 Air Interface Standard provided a transition period of up to two years, which enabled manufacturers or importers of mobile devices to continue to comply with the previous standard until April 2020. 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 and 5G networks.

The ACMA can request the compliance documentation of a manufacturer or importer to ensure the device has been tested and labelled in accordance with the regulatory requirements.

The ACMA has been auditing several manufacturers/importers where customer complaints have raised potential non-compliance issues. To date, all devices audited in relation to this issue have been compliant with the regulatory arrangements.

The Emergency Call Service Determination

The ACMA regulates delivery of the Triple Zero Emergency Call Service through the ECS Determination. The ECS Determination sets rules that apply to carriers, carriage service providers (CSPs) and Emergency Call Persons (Telstra for 000/112, and Concentrix for the 106 TTY service for the deaf, hearing and speech-impaired).

Broadly, the ECS Determination requires carriers and carriage service providers to maintain the proper and effective functioning of their networks and facilities in support of consumer access to the Triple Zero service. There are specific obligations to give users access to the network to make emergency calls and then to carry those calls on the network. There is, however, no requirement for a carrier to carry a call on a 3G network if that carrier no longer offers a 3G network service.

There is no indication that the MNO's decision to cease operation of their 3G networks would bring them into non-compliance with the current ECS Determination. The ACMA will continue to monitor this.

In addition, the Minister for Communications, the Hon Michelle Rowland MP, has requested the ACMA review the ECS Determination to ensure it has appropriate regulatory settings for network closures. That review will also implement a number of the Government's responses to the report into the Optus network outage that occurred on 8 November 2023. The ACMA has commenced this review and expects to undertake a public consultation phase in the near future.

I trust this information is of assistance to the Committee.

Yours sincerely

 Nerida O'Loughlin PSM
28 May 2024