



# Telecommunications (Emergency Call Service) Amendment Determination 2024 (No. 1)

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The Australian Communications and Media Authority makes the following determination under subsection 147(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

Dated: 23 October 2024

Samantha Yorke  
[signed]  
Member

Cathy Rainsford  
[signed]  
General Manager

Australian Communications and Media Authority

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## **1 Name**

This is the *Telecommunications (Emergency Call Service) Amendment Determination 2024 (No. 1)*.

## **2 Commencement**

This instrument commences on 28 October 2024.

## **3 Authority**

This instrument is made under subsection 147(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

## **4 Amendments**

The instrument that is specified in Schedule 1 is amended as set out in the applicable items in that Schedule.

## Schedule 1—Amendments

(section 4)

### ***Telecommunications (Emergency Call Service) Determination 2019 (F2019L01509)***

#### **1 Subsection 5(2) (Note)**

Repeal the note, substitute:

Note: To achieve these objects, this Determination includes provisions which require:

- (a) carriers, carriage service providers and emergency call persons to detect and prevent high volumes of non-genuine calls to the emergency call service (see Divisions 2.5 and 3.3);
- (b) carriers, carriage service providers and emergency call persons to supply the most precise location information available for emergency calls to the emergency call service (see Divisions 2.3 and 3.4);
- (c) carriers, carriage service providers and emergency call persons to coordinate communications where there is a disruption to the emergency call service (see Divisions 2.4 and 3.5); and
- (d) carriage service providers to take measures to identify and cease supply of services to mobile phones that are unable to access the emergency call service (see Part 4).

#### **2 Section 6**

Insert:

***financial hardship customer*** has the same meaning as in the *Telecommunications (Financial Hardship) Industry Standard 2024*.

***mobile network*** means a telecommunications network that is used principally to supply public mobile telecommunications services.

***payment assistance policy*** means a policy established by a carriage service provider under section 7 of the *Telecommunications (Financial Hardship) Industry Standard 2024*.

#### **3 At the end of Part 3**

Insert:

## **Part 4—Other requirements for carriers and carriage service providers in relation to emergency calls made on a mobile phone**

### **61 Application of Part**

This Part applies to:

- (a) a carriage service provider that supplies, or will supply, a service that enables end-users to access the emergency call service on a mobile phone; and
- (b) a carrier whose mobile network is used by a carriage service provider that supplies, or will supply, a service that enables end-users to access the emergency call service on a mobile phone.

## 62 Interpretation

In this Part:

**commencement day** means the day that this Part 4 commences.

**current customer** means a person who is:

- (a) a customer of a carriage service provider; and
- (b) obtaining carriage services from the carriage service provider via a mobile phone.

**fixed broadband gateway** means a device that connects an in-premises broadband modem using a SIM as a backup to fixed broadband supply or a fixed wireless access point.

**Internet of Things devices** means devices and objects with sensors, processing ability, software or other technologies that connect and exchange data with other devices and systems over the Internet or other communication networks.

**medical alert devices** means wearable devices that can be activated to communicate wirelessly with an alarm monitoring company or other programmed phone numbers to summon help in the event of an emergency.

**mobile network of other carriage service providers** includes the mobile network of a carrier.

**mobile phone** includes a handheld mobile device that is capable of voice communications when connected to, or intended for use in connection with, a mobile network but does not include a device which is capable of using a mobile network that is not ordinarily considered to be a mobile phone such as:

- (a) fixed broadband gateways;
- (b) Internet of Things devices;
- (c) medical alert devices;
- (d) smartwatches; or
- (e) tablets.

**non-current customer** means a person who is not a current customer of a carriage service provider.

Note: A non-current customer includes a prospective customer of a carriage service provider.

**provider's own mobile network**, in relation to a carriage service provider, means:

- (a) a mobile network owned by the carriage service provider; or
- (b) a mobile network that the carriage service provider uses to supply a service that enables end-users to access the emergency call service on a mobile phone.

**requests supply of** includes an attempt by an end-user's mobile phone to connect to a provider's own mobile network.

## 63 Requirement to enable a carriage service provider to comply with its obligations under Part 4 - carriers

A carrier must do everything reasonably necessary to ensure that a carriage service provider using the carrier's mobile network is able to comply with the carriage service provider's obligations under this Part.

Note: For example, if a carrier becomes aware that a mobile phone attempting to access the carrier's mobile network is not configured to be able to access the emergency call service on either that carrier's mobile network, or, if the carrier's own mobile network is unavailable, another mobile network, it must notify any carriage service providers who are using the carrier's mobile network, of that fact.

**64 Requirement to identify whether a non-current customer’s mobile phone can access the emergency call service – carriage service providers**

- (1) This section applies if an end user:
  - (a) requests supply of carriage services from a carriage service provider using a mobile phone; and
  - (b) is a non-current customer of the carriage service provider.
- (2) The carriage service provider must identify whether the mobile phone of the end-user is configured to be able to access the emergency call service using both:
  - (a) the provider’s own mobile network; and
  - (b) if the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.

**65 Notification requirements and restriction on supply where a non-current customer’s mobile phone is unable to access the emergency call service – carriage service providers**

- (1) This section applies if a carriage service provider has identified, under subsection 64(2), that a mobile phone used by an end-user who requests supply of carriage services from the carriage service provider to access the provider’s service is not configured to be able to access the emergency call service using both:
  - (a) the provider’s own mobile network; and
  - (b) in circumstances where the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.
- (2) The carriage service provider must:
  - (a) notify the end-user that the mobile phone is not configured to be able to access the emergency call service;
  - (b) not supply carriage services to the mobile phone; and
  - (c) provide the end-user with information about alternative mobile phones that are available, including information about alternative low cost or no cost mobile phones that can access the emergency call service.

**66 Requirement to identify whether a current customer’s mobile phone can access the emergency call service – carriage service providers**

- (1) This section applies if, between the commencement day and 1 November 2024, an end user:
  - (a) requests supply of carriage services from a carriage service provider using a mobile phone; and
  - (b) is a current customer of the carriage service provider.
- (2) The carriage service provider must identify whether the mobile phone of the end-user is configured to be able to access the emergency call service using both:
  - (a) the provider’s own mobile network; and
  - (b) if the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.

**67 Notification requirements and restriction on supply where a current customer’s mobile phone is unable to access the emergency call service – carriage service providers**

- (1) This section applies if a carriage service provider has identified, under subsection 66(2), that a mobile phone used by an end-user to access the provider’s service is not configured to be able to access the emergency call service using both:
  - (a) the provider’s own mobile network; and
  - (b) in circumstances where the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.
- (2) The carriage service provider must:
  - (a) unless it has already done so prior to the commencement day, notify the end-user that the mobile phone is not configured to be able to access the emergency call service;
  - (b) not supply carriage services to the mobile phone; and
  - (c) unless it has already done so prior to the commencement day, provide the end-user with information about alternative mobile phones that are available, including information about alternative low cost or no cost mobile phones that can access the emergency call service.

**68 Requirement to identify whether a current customer’s mobile phone can no longer access the emergency call service – carriage service providers**

A carriage service provider must use its best endeavours to promptly identify if a mobile phone that is accessing, or attempting to access, the provider’s own mobile network is, on or after 2 November 2024, no longer configured to access the emergency call service using both:

- (a) the provider’s own mobile network; and
- (b) if the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.

**69 Notification requirements and restrictions on supply where a current customer’s mobile phone can no longer access the emergency call service – carriage service providers**

- (1) This section applies if a carriage service provider has identified, on or after 2 November 2024, that a mobile phone of an end-user that is accessing, or attempting to access, the provider’s own mobile network is no longer configured to be able to access the emergency call service using both:
  - (a) the provider’s own mobile network; and
  - (b) if the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.
- (2) The carriage service provider must, within 5 business days, notify the end-user that the mobile phone is no longer configured to be able to access the emergency call service and that the carriage service provider will cease supply of carriage services to the mobile phone on a date that is between 28 and 35 days from the date of the notification.
- (3) The carriage service provider must, before ceasing supply of carriage services to the mobile phone, send a further two separate notifications to the end-user that the mobile phone is no longer configured to be able to access the emergency call service and the carriage service provider will cease supply of carriage services to the mobile phone.

- (4) The carriage service provider must cease supply of carriage services to the mobile phone:
  - (a) no earlier than 28 days after the notification sent under subsection (2); and
  - (b) no later than 35 days after the notification sent under subsection (2).
- (5) In addition to the information included in a notification under subsection (2) and prior to the ceasing of supply of carriage services to the mobile phone, a carriage service provider must also provide information to the end-user about alternative mobile phones that are available, including information about alternative low cost or no cost mobile phones that can access the emergency call service.

## **70 Requirement to update payment assistance policy – carriage service providers**

A carriage service provider must ensure that its payment assistance policy sets out at least one method by which financial hardship customers can receive assistance to obtain a low cost or no cost mobile phone that can access the emergency call service using both:

- (a) the provider’s own mobile network; and
- (b) if the provider’s own mobile network is unavailable, the mobile network of other carriage service providers who provide carriage services to the public.

## **71 Exception – foreign travellers in Australia**

Sections 65, 67 and 69 do not apply if a carriage service provider:

- (a) is aware, or becomes aware, that the mobile phone is being used by an end-user who is a foreign traveller in Australia who intends to remain in Australia for a period of no longer than 90 consecutive days; and
- (b) has sent a notification to the mobile phone to the effect that the mobile phone is not configured to be able to access the emergency call service.