

Proposal to amend the Emergency Call Service (ECS) Determination

8 October 2024

Recommendations

ACCAN recommends the ACMA revises the ECS determination to ensure:

- > Consumers experiencing financial hardship are provided a no cost mobile phone capable of accessing emergency services.
- > No cost mobiles provided under financial hardship arrangements are suitable, relating to specific accessibility requirements.
- > As Carriage Service Providers cease to supply services to mobile phones unable to access emergency call services, they allow consumers reasonable time to request financial hardship and other supports.

About this submission

The Australian Communications Consumer Action Network (**ACCAN**) thanks the Australian Communications and Media Authority (**ACMA**) for the opportunity to comment on the *Consultation paper: Proposed changes to the ECS Determination (Consultation paper)* and the Draft Telecommunications (Emergency Call Service) Amendment Determination 2024 (No.1) (**the draft**).

The ECS Determination imposes requirements on communications providers and emergency call operators to ensure the emergency call service is as functional, effective and seamless as possible for end users. In this submission, ACCAN provides the ACMA with recommendations to ensure the proposed amendments to the ECS Determination mitigate the risks posed to consumers, including being left without the ability to make emergency calls due to financial hardship during the transition period from 3G to newer technologies.

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**Australian Communications
Consumer Action Network**

Australian Communications Consumer Action Network

ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband, and emerging new services.

ACCAN provides a strong unified voice to industry and government as we work towards communications services that are trusted, inclusive and available for all.

Introduction

ACCAN recognises the critical importance of ensuring consumers have seamless access to emergency services calls post-3G shutdown. The proposed amendments to the ECS determination will support public safety and help prevent consumers from mistakenly using mobile phones that no longer operate properly on Australia's evolving telecommunications infrastructure.

ACCAN acknowledges that after the 3G shutdown, there may be mobile phones in use that are unable to access the emergency call service but still able to make standard calls and/or use data. ACCAN recommends amendments to the ECS determination to promote public safety and ensure consumers are adequately informed and supported to ensure they are able to secure a mobile phone which is able to access the emergency call service.

Key Issues

Objectives and Requirements of the Determination

ACCAN recommends the ACMA revise the determination to ensure that the outcomes from the ECS determination do not place consumers in a worse position – such as having a phone that is completely unable to make calls, or inaccessible to their needs without appropriate guardrails to support consumers to make the transition.

While strongly supportive of the necessity for all communications devices to be able to access emergency call services, ACCAN is also aware that these devices are vital lifelines, particularly for consumers in vulnerable circumstances. ACCAN therefore considers reasonable provisions are required to ensure consumers do not suffer from a lack of connectivity while their devices are being replaced or upgraded.

ACCAN recommends amendments to the draft determination in Sections 65 and 66 to ensure customers are not disadvantaged by the shutdown due to their financial circumstances, including being left without a mobile phone capable of being used to contact emergency services. ACCAN also suggests stronger accessibility provisions, including information in accessible formats as well as requiring accessible no cost devices for consumers with disability experiencing financial hardship.

Section 65: Notification requirements and restrictions on supply where a mobile can no longer access the emergency call service

Section 65 of the draft sets out directions for notifying customers that their mobile phone can no longer access the emergency call service and provides a timeline for providers to cease the provision of service to the customer.

Financial hardship

While ACCAN supports ensuring everybody in Australia can call emergency services and has a mobile that can do so, consumers in circumstances of financial hardship should not be required to invest in a new mobile phone due to the shutdown. Subsequently, ACCAN supports specific amendments to the draft to ensure consumers experiencing financial hardship are not further disadvantaged.

ACCAN recommends amending section 65 (3) as follows (changes in **bold**):

*In addition to the information included in a notification sent under subsection (2), a carriage service provider must also include in each notification information about alternative mobile phones that are available, including information about alternative low cost **mobile phones, including no cost mobile phones for people experiencing financial hardship**, that can access the emergency call service.*

This change seeks to ensure that amendments to payment assistance policies in section 66 of the draft can require carriage service providers to provide customers experiencing financial hardship with a no cost mobile, as opposed to a merely optional provision to do so.

Timelines

ACCAN supports the general timeline proposed in Section 65, except in circumstances where a consumer is needing to engage in a request process for a replacement mobile phone under financial hardship arrangements, or has other specific considerations (for example, a consumer may require support to engage with the process or to find, buy and set up a new mobile phone).

ACCAN recommends the insertion of a ‘stop the clock’ provision to support consumers in the process of replacing their current mobile phone, allowing for administrative factors, personal factors, postage and activation.

Accessibility

Notifications must be accessible for consumers with disability. This means making information publicly available in a variety of accessible formats, including Auslan and Easy English, and providing information that is compliant with the latest version of the Web Content Accessibility Guidelines (**WCAG**) to a minimum of ‘AA’, with the addition of Auslan and Easy English.

ACCAN recommends revising section 65 to require:

- All notifications to be supplied in plain language, to ensure they are as broadly understood as possible.¹
- Information provided through media channels like social media to include information in accessible formats.
- Information on web pages relating to notifications to satisfy the success criteria of the latest version of WCAG at the ‘AA’ level, with instruction to include Auslan and Easy English and to be available in multiple languages.

¹ Australian Government Style Manual, *Plain language and word choice* (Web Page, 2024) <https://www.stylemanual.gov.au/writing-and-designing-content/clear-language-and-writing-style/plain-language-and-word-choice>.

Section 66: requirement to update payment assistance policy

Section 66 sets out directions for carriage service providers to update their payment assistance policies, providing at least one method for consumers experiencing financial hardship to receive assistance to obtain a low cost or no cost mobile phone that can access the emergency call service.

As noted, ACCAN expects that consumers in situations of financial hardship should be consistently provided with a no cost mobile phone that can be used to access emergency services.

For consumers with disability, ACCAN is aware that some of the current low cost or no cost offerings from telecommunications providers during the lead up to the 3G shutdown have resulted in phones being offered that are not suitable to the accessibility requirements of the consumer. This includes, but is not limited to, consumers who may use their mobile phone in a way other than dialling 000 to contact emergency services, for example, via the National Relay Service (**NRS**).²

To address these concerns, ACCAN recommends amending section 66 as follows (changes in **bold**):

*A carriage service provider must ensure that its payment assistance policy sets out at least one method by which **customers experiencing financial hardship** can receive assistance to obtain **a 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.*

Note: No cost devices must be accessible for customers with disability, relating to their individual accessibility requirements.

This revision provides clarity between who should be offered low cost information and options (all customers) and who should be offered a no cost option (customers experiencing financial hardship) and sets expectations about the type of device on offer for customers with disability so that it is usable for the reason it is supplied.

² See, for example users who may use Skype or the NRS application to contact emergency services. Australian Government, *How to make an emergency call using the NRS* (Web Page, 2024) <https://www.accesshub.gov.au/about-the-nrs/how-to-make-an-emergency-call-using-the-nrs>.

ACMA public awareness campaign

ACCAN recommends the ACMA immediately begin preparations for a public awareness campaign about the impact of this determination on consumers if it enters effect. This could include highlighting the risks of imported mobile phones being refused service and engagement with the Department of Foreign Affairs and Trade to highlight the requirements for access to our 000 networks for travellers, which should include communications in languages other than English.

A campaign should also engage with the National Disability Insurance Agency, the Department of Health and Aged Care, the National Relay Service, as well as other authorities and programs to highlight implications for vulnerable groups of people and ensure information provided is accessible. This communication should include consumer education to explain why this information is important, what will happen if it is not acted upon, and to ensure that these crucial messages are not disregarded by consumers as scam/spam.

Conclusion

ACCAN supports the proposed amendments to the ECS determination to promote public safety post-3G shutdown. However, to prevent vulnerable consumers from being disadvantaged, ACCAN urges the adoption of amendments that guarantee no cost mobile phones for those facing financial hardship and accessibility requirements, along with clear and accessible notifications and communications about the changes and their potential impacts on consumers.

Ensuring that all consumers, particularly those in vulnerable circumstances, retain uninterrupted access to emergency services is paramount. ACCAN also highlights the need for an immediate public awareness campaign led by ACMA to educate consumers on these changes and ensure that information reaches those most affected through accessible formats and communication channels.

We thank the ACMA for the opportunity to comment on the proposal. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact David Swayn, Disability Policy Officer, at david.swayn@accan.org.au.

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers. ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP.](#)
