

To whom it may concern,

I have recently been impacted by the government's regulation requiring mobile phone operators to ban from mobile networks any 4G and 5G phones that the operators are "not sure" can call triple zero now that 3G has been switched off. The operators have, for understandable reasons of greed and laziness, included in this ban many brand-new 5G phones that actually can call triple zero, but which were bought from overseas suppliers and thus did not result in any profit for the mobile operator. It seems that this lack of profit encourages the operators to be "not sure" about the phones.

In my case, my working 3G phone stopped working when the 3G service was shut off, then I briefly used an old repaired 4G phone, until it was banned by the operators, and so then I more recently bought a brand-new 5G "Fairphone 5". This is designed for an unusually long lifetime, with long-term software support and manufactured under good working conditions using replaceable parts and without conflict minerals such as the cobalt produced by child labour that is said to be contained in the batteries of most other phones. As such ethically produced phones are not retailed in Australia, I had to import it from the UK, and then pay Australian import duties and GST on it. Vodafone then informed me that my new phone would soon be banned from all Australian networks, as a precaution just in case it can't call 000, (however they obviously believed that it actually can call 000, because they went to great lengths to warn me not to try calling 000 as a test).

Aside from the \$1500 or so that I spent on my phone, I hope that you would appreciate that there is a very significant environmental cost to unnecessarily replacing hundreds of thousands of phones whilst they are still in perfect working order, and in many cases perfectly capable of phoning 000.

I bought yet another phone, but now I know they are likely to ban it so I bought a less good one - I am not made of money. After I had bought the new phone and unwrapped it and had a look at it, I put it in a cupboard to wait for my much better Fairphone 5 to be banned, but then Vodafone sent me another text to tell me the Fairphone 5 would not be banned after all.

I had been meaning to switch from Vodafone to a different operator that offers better value for money, but now I am not sure whether I can do that, because whilst Vodafone no longer seems likely to ban the Fairphone 5, customers of other networks say that those networks have banned it. Of course it is important that phones can make emergency calls on any network in case only one network is available in the location of an emergency, so in any case it makes no sense for phones to be banned on some networks but not others.

I have also seen posts on social media from very frustrated tourists, who are quite upset when they arrive in Australia and find that their nice 5G phone is immediately banned because it was bought overseas and not from an Australian telco. The best advice from social media was for these tourists to buy a "burner phone" to use just while they are in Australia. I hope you would appreciate the environmental problems that this causes. Australia is the only country doing this.

I would like the ACMA to compel the mobile operators to implement a test facility, such that users can test whether their phone can in fact call 000, and if it can get through, use the call records to compel the mobile operators to unban the phone (and all other phones of the identical model) promptly, even if the original purchase of the phone did not result in any profit for that operator. Ideally, the test facility would use another number than 000 but set up so that it tests the same features of the phone that are required to call 000, but, if that is not technically feasible, then perhaps the real 000 number could be used, but only during a 20 second window once a month, at a time chosen such that the expected call volume would be at its lowest and with plenty of operators available and very low risk of delaying any actual emergency response by the 20 seconds. This test facility would quite likely also allow the identification of phones that the operators believe can call

000 but in fact cannot, as such situations have been discovered in the past, unfortunately during actual emergencies. Thus, having a means to test this functionality would quite likely save lives.

Incidentally, there are situations where old mobile phones are used exclusively as a hotspot for providing internet to laptops, security cameras, or other appliances. I had a phone with a broken microphone (so incapable of calling any number, let alone triple zero), and it was useful as an internet connection. It was inconvenient that this phone was also banned, and similarly, it is wasteful to ban phones that are only used as a tablet, or actual tablets, or cellular modems. I can understand the intention that when something looks like a phone, it would be best if it could call triple zero, but I assure you that all of my banned phones still look like phones, and I will keep using them on Wifi until they wear out, so banning them didn't achieve much.

If you would like some more background information about this ban, these websites are helpful:

<https://www.change.org/p/stop-telco-4g-5g-device-blocking-volte-restrictions-australia-s-3g-shutdown/u/34498210>

<https://www.youtube.com/watch?v=RPITz-3estM>

<https://www.youtube.com/watch?v=zIJavqEzEIw>

Kind regards,  
Chris Jones