EXPLANATORY STATEMENT

Issued by the authority of the Australian Communications and Media Authority

TELECOMMUNICATIONS (EMERGENCY CALL SERVICE) AMENDMENT DETERMINATION 2008 (No.1)

Background
The Telecommunications (Emergency Call Service) Amendment Determination 2008 (No. 1) (‘the Amendment Determination’) amends the Telecommunications (Emergency Call Service) Determination 2002, (‘the ECS Determination’).

The ECS Determination was made under subsection 147 (1) of the Telecommunications (Consumer Protection and Service Standards) Act 1999 (‘the TCPSS Act’) which requires that the Australian Communications and Media Authority (ACMA) must make a written determination imposing requirements on any or all of the following:
- Carriers,
- Carriage Service Providers (CSPs) and
- Emergency Call Persons
in relation to the emergency call service.

Section 147(9) of the TCPSS Act requires that, before making a determination, ACMA must consult representatives of each of the following groups:
- Carriers;
- Carriage Service Providers;
- Recognised persons who operate an emergency call service;
- Emergency Service Organisations; and
- Consumers of standard telephone services.

The ECS Determination is to be read in conjunction with the Telecommunications (Emergency Call Persons) Determination 1999, which specifies both Telstra and the National Relay Service (NRS) provider as national providers of emergency call services (that is, emergency call persons). The NRS provider is currently Australian Communication Exchange Limited.

The emergency call service numbers 000, 112 and 106 are specified in the Telecommunications Numbering Plan 1997 (the Plan) as the numbers to be used for access to emergency services. Telstra has the responsibility of providing the service.
which answers calls to the emergency call service numbers 000 and 112, and transfers them, with relevant associated information, to the requested emergency service organisation.

The NRS provider has the same responsibility with regard to the emergency call service number 106, specified in the Plan for use as a secondary emergency service number, and which connects to the text-based relay service for people who are Deaf or who have a hearing or speech impairment.

The ‘emergency call service’ (ECS) is defined in section 7 of the Telecommunications Act 1997, and ‘emergency service organisation’ is defined in subsection 147(11) of the TCPSS Act. In summary, the emergency call person (‘the ECP’) can only connect callers to a police, fire or ambulance service, or a service for dispatching a police, fire or ambulance service.

GSM mobile phone and satellite phone handsets are designed to provide access to ECS numbers regardless of the presence of a unique service identifying number (USIN).

Prior to this Amendment Determination, the practice was to carry calls without a USIN to the ECS. However given that these calls cannot be traced, the ECS was experiencing a high volume of hoax, nuisance, malicious and obscene calls without information about the subscriber being available.

The emergency call sector has campaigned strongly over several years to block calls without a USIN made from mobile or satellite phones. This is because the high volume of such calls diverts resources from genuine emergencies and thereby presents a severe risk to the ECP and to ECS operational efficiency and effectiveness.

The Amendment Determination provides regulatory certainty to industry participants by inserting a new provision into section 10 of the ECS Determination that has the effect of exempting providers from the obligation to provide access to the ECS to an end-user if the customer equipment used to make an emergency call does not provide a USIN to the provider. An example of a USIN is an IMSI\(^1\) in the case of a public mobile telecommunications service (PMTS) handset that uses either GSM (Global System for Mobile) or Universal Mobile Telecommunications System (UMTS) technologies.

**Consultation**

In August 2007, ACMA decided to consult stakeholders about the possibility of blocking of calls without a USIN to the ECS and amending the ECS Determination to give certainty to carriers and Carriage Service Providers (CSPs).

- Through consultation ACMA has been able to determine that the risks associated with the high volume of unidentifiable calls to the ECS and the adverse impact they have on the emergency services sector outweigh the very low potential risk of blocking a genuine call. The Authority decided in August 2007 to commence a process proposing amendment to the ECS Determination to allow the blocking of calls from mobile phones without a USIN to the ECS.

\(^1\) IMSI - International Mobile Subscriber Identity - a unique number that identifies a subscriber of a public mobile telecommunications service that uses GSM or Universal Mobile Telecommunications System (UMTS) technologies.
To meet its obligations for amending the ECS Determination under the TCPSS Act, the Authority released a public consultation paper on 23 October 2007. Twenty-three written submissions were received in response to this paper. While there was overall support for the implementation of the block, key issues raised in these responses included:

- the originally proposed term ‘Subscriber Identity Module (SIM)-less’ did not encompass emerging technologies and was therefore inappropriate;
- there is concern that the blocking of calls without a USIN to the ECS would be inconsistent with Customer Equipment Standard (AS/ACIF S042.1:2006 Requirements for connection to an air interface of a Telecommunications Network Part 1: General) (the Standard). The Standard requires handset manufacturers to ensure that handsets display a message to the effect that emergency calls can be made when subscriber identity is not present; and
- the need for a public awareness campaign.

The proposed Amendment Determination changed as a consequence of the comments received. It will now simply amend Section 10 of the ECS Determination so that the requirement on providers to give the end-user access to 000, 112 and 106 do not apply if the customer equipment used to make the call does not provide a USIN to the provider. This condition applies for both calls from public mobile telecommunications services (PMTS) and satellite services. The inconsistency between the block and the Customer Equipment Standard is being addressed separately.

**Regulation Impact Statement**

A Regulation Impact Statement is not required for the Determination as the costs to industry and restrictions on competition are not significant.

**NOTES ON SECTIONS**

**Section 1 - Name of Determination**

This Determination is the *Telecommunications (Emergency Call Service) Amendment Determination 2008 (No.1)*.

**Commencement**

Section 2 provides that the Amendment Determination commences at the end of the period of 3 months starting on which it is registered on the Federal Register of Legislative Instruments. The 3 month gap between registration and commencement is to allow Carriers the time needed to implement the block on their networks.

**Amendment of Telecommunications (Emergency Call Service) Determination 2002**

Schedule 1 contains amendments to the *Telecommunications (Emergency Call Service) Determination 2002*. 
Schedule 1 - Amendments

Item 1

Item 1 adds a new subsection 10(8) to provide that providers are not required to give the end-user access to 000, 112 and 106 from a public mobile telecommunications service (PMTS) or a satellite service in certain circumstances. This is where the customer equipment used to make the call does not provide a unique service identifying number (USIN) to the provider. PMTS retains the meaning given to it in section 32 of the Telecommunications Act 1997.

Furthermore, the new subsection 10(8) provides an example of a USIN in case of a PMTS for further guidance. Similarly the example further expands on technological terms used for clarity and reference by referring to “IMSI” (International Mobile Subscriber Identity) and “UMTS” (Universal Mobile Telecommunications System).