EXPLANATORY STATEMENT

Issued by the authority of the Australian Communications and Media Authority

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

Background
The Telecommunications (Emergency Call Service) Amendment Determination 2008 (No. 1) Amendment Determination 2008 (‘Amendment Determination 2’) amends the Telecommunications (Emergency Call Service) Amendment Determination 2008 (No. 1) (‘Amendment Determination 1’) to change the date on which the latter determination commences.

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) to 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 Telecom 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).

In January 2008, the ACMA made the Amendment Determination 1 to remove the obligation on carriage service providers (‘CSPs’) to provide an emergency call service to USIN-less calls. Amendment Determination 1 was registered on 19 February 2008. The effect of the commencement provision in Amendment Determination 1 was that it would commence 3 months after registration. That is, it was due to commence on 19 May 2008.

In late April 2008, mobile phone carriers advised ACMA that their testing had identified a scenario where a genuine emergency call from a phone with a working SIM could be blocked. For this reason, ACMA felt it necessary to delay the removal of the obligation to carry USIN-less calls to the ECS for an additional period. To achieve this, ACMA decided to extend the commencement date of Amendment Determination 1 by an additional 4 months.

Consultation

In May 2008, ACMA consulted stakeholders about the possibility of delaying the proposed blocking of calls without a USIN to the ECS by four months to 19 September 2008.

To meet its obligations for amending the ECS Determination under the TCPSS Act, the Authority released a statement of information for stakeholders to comment on. There was overall support for the implementation of the block, key issues raised in these responses included:

- Uniformly stakeholders agreed that public safety required a delay in the blocking of SIMless calls.
- Stakeholders were concerned about the need for a delay and what effect it might have on the possibility of realising a block on SIMless calls.
**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) Amendment Determination 2008* (‘Amendment Determination 2’).

**Commencement**

Section 2 of Amendment Determination 2 is a commencement provision. It provides that the instrument commences the day after registration.

**Amendment of Telecommunications (Emergency Call Service) Determination 2008 (No.1)**

Section 3 of Amendment Determination 2 operates to make it clear that Schedule 1 amends the *Telecommunications (Emergency Call Service) Amendment Determination 2008 (No. 1)* (‘Amendment Determination 1’).

**Schedule 1 – Amendment (section 3)**

Clause 1 of Schedule 1 to the Amendment Determination 2 contains the substantive provision that extends the date on which Amendment Determination 1 will commence. It does this by varying the time period in the commencement provision of Amendment Determination 1 as follows -

- **omit**
  - 3 months
- **insert**
  - 7 months.

This variation will allow carriers, CSPs and mobile handset manufacturers additional time to try and develop appropriate technical solutions to ensure no genuine emergency call will be blocked when CSPs are given a discretion not to carry USIN-less calls to the ECS.