EXPLANATORY STATEMENT
Issued by the authority of the Australian Communications and Media Authority

Telecommunications (Emergency Call Service) Revocation Determination 2008

Background
The Telecommunications (Emergency Call Service) Revocation Determination 2008 (Revocation Determination) revokes:

1. the Telecommunications (Emergency Call Service) Amendment Determination 2008 (No. 1) (Amendment Determination 1); and
2. the Telecommunications (Emergency Call Service) Amendment Determination 2008 (No. 1) Amendment Determination 2008 (Amendment Determination 2).

The Telecommunications (Emergency Call Service) Determination 2002 was made under subsection 147 (1) of the Telecommunications (Consumer Protection and Service Standards) Act 1999 (‘the TCPSS Act’) which requires 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 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). An example of a USIN is the information contain in a subscriber identity module (SIM). Without a SIM, the caller is in effect anonymous.

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 by four months by making Amendment Determination 2.

Further carrier testing confirmed that there is not currently a solution that would allow USIN-less calls to be blocked without the risk of a genuine call to the ECS being blocked.

ACMA and all four mobile network carriers are of the view that it would be an unacceptable risk to proceed with this approach and therefore the Revocation Determination has been made.

**Consultation**

In August 2008, ACMA consulted with industry, 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. All comments received were supportive of the Revocation Determination.

**Regulation Impact Statement**

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

**NOTES ON SECTIONS**

**Section 1 – Name of Determination**

Section 1 provides for the citation of the Determination as the *Telecommunications (Emergency Call Service) Revocation Determination 2008*.

**Section 2 – Commencement**

Section 2 provides that the Determination commences on 18 September 2008.
Section 3 – Revocation of the Telecommunications (Performance Standards) Determination 2002

Section 3 revokes the Telecommunications (Emergency Call Service) Amendment Determination 2008 (No.1) and the Telecommunications (Emergency Call Service) Amendment Determination 2008 (No.1) Amendment Determination 2008.