



Telecommunications (Emergency Call Service) Determination 2009

as amended

made under subsection 147 (1) of the

Telecommunications (Consumer Protection and Service Standards) Act 1999

This compilation was prepared by the Australian Communications and Media Authority on 5 September 2014 taking into account amendments up to *Telecommunications (Emergency Call Service) Amendment Determination 2014 (No.1)*.

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Part 1 Introductory

1 **Name of Determination** [see Note 1]

This Determination is the *Telecommunications (Emergency Call Service) Determination 2009*.

2 **Commencement** [see Note 1]

Each provision of this Determination specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

| Column 1 | Column 2 |
|---|---|
| Provision(s) | Commencement |
| 1. Anything in this Determination not elsewhere covered by this table | The day after this Determination is registered |
| 2. Section 14 | The day two months after this Determination is registered |

3 **Revocation of *Telecommunications (Emergency Call Service) Determination 2002***

The *Telecommunications (Emergency Call Service) Determination 2002* is revoked.

4 **Definitions — the dictionary etc**

- (1) The dictionary at the end of this Determination defines certain words and expressions, and also includes references to certain words and expressions that are defined elsewhere in this Determination (*signpost definitions*).

Example of signpost definition

The signpost definition '*information agreement* see subsection 46 (1)' means that the expression *information agreement* is defined in subsection 46 (1).

Note The dictionary includes a signpost definition for a word or expression only if the word or expression is used in more than 1 section.

- (2) The dictionary is part of this Determination.
- (3) A definition in this Determination applies to each use of the word or expression in this Determination, unless the contrary intention appears.

Section 5

5 Purpose of Determination

For subsection 147 (1) of the Act, this Determination imposes requirements on:

- (a) carriers;
 - (b) carriage service providers;
 - (c) emergency call persons;
- in relation to emergency call services.

Part 2 General requirements for emergency call services

6 General requirements for carriers

A carrier must ensure that it has written arrangements in place for:

- (a) dealing with emergency calls that the carrier may be required to carry; and
- (b) doing everything reasonably necessary to ensure that carriage service providers using the carrier's controlled networks or controlled facilities are able to comply with their obligations under this Determination.

7 General requirements for carriage service providers

- (1) A carriage service provider who supplies an emergency telephone service must have written arrangements in place that enable the provider to comply with the requirements imposed by this Determination in relation to emergency calls made using the service.

Examples of arrangements

- 1 Procedures that enable calls made to an emergency service number to be delivered to an emergency call service in accordance with this Determination.
 - 2 Arrangements ensuring that calls with a text component using the emergency service number 106 are delivered to the relevant emergency call person.
 - 3 Agreements with any other carrier or carriage service provider whose carriage service, controlled network or controlled facility is required for the delivery of emergency calls in accordance with this Determination.
 - 4 Arrangements to ensure that calls made using a satellite service, other than an exempt satellite service, are delivered to the relevant emergency call person.
- (2) The provider must take reasonable steps to ensure that information about the customer of the service is available to emergency call persons.

8 General requirements for emergency call persons

- (1) This section applies to the emergency call person for 000 and 112 and the emergency call person for 106.
- (2) The emergency call persons must give each other any assistance reasonably necessary for the purpose of providing access to emergency call services, including assistance with the following:
 - (a) receiving and handling emergency calls made by end-users to a relevant emergency service number;
 - (b) subject to Subdivision 3.1.3 — transferring emergency calls to an appropriate emergency service organisation;
 - (c) subject to Division 4.3 — giving information in relation to emergency calls to an appropriate emergency service organisation.

Section 9

9 Notice requirements for emergency call persons

- (1) The emergency call person for 000 and 112, and the emergency call person for 106, must give the ACMA written notice of a decision to introduce a significant change to the way it operates its emergency call service, including a change in the physical location where the emergency call person receives and handles emergency calls.
- (2) The notice must be given:
 - (a) if it is practicable to give the notice before the change occurs — at the earliest practicable opportunity before the change occurs; or
 - (b) if it is not practicable to give the notice before the change occurs — at the earliest practicable opportunity after the change occurs.

10 Requirement to use common system

The emergency call person for 000 and 112, and the emergency call person for 106, must, as far as practicable, use the common system for transferring emergency calls to an emergency service organisation.

11 Change to common system

Before making any significant changes to the common system, the emergency call person for 000 and 112 and the emergency call person for 106 must:

- (a) agree to the proposed changes; and
- (b) agree on a change management process that requires any changes or proposed changes to the common system to be recorded in writing; and
- (c) consult the emergency service organisations to which their emergency calls are transferred about the proposed changes; and
- (d) make any changes to the common system in accordance with the change management process agreed to under paragraph (b); and
- (e) give the ACMA written notice of any changes made to the common system as soon as practicable.

Part 3 General requirements for emergency calls

Division 3.1 Structure of emergency call services

Subdivision 3.1.1 Giving end-users access to emergency call services

12 Application of Subdivision

This Subdivision does not apply to a carriage service provider if the provider is prohibited or prevented from giving an end-user access to an emergency call service because of something required by, or authorised under, a Commonwealth, State or Territory law.

Examples of things required by, or authorised under, a Commonwealth, State or Territory law

1 A carrier or carriage service provider has acted, in good faith, under subsection 313 (1) of the *Telecommunications Act 1997* to prevent its networks or facilities from being used in, or in relation to, the commission of offences against the laws of the Commonwealth or a State or Territory.

2 A carrier or carriage service provider that operates a telecommunications network or facility has disconnected customer equipment or customer cabling from that network or facility under subsection 447 (1) of the *Telecommunications Act 1997* because of its honest belief that the equipment or cabling was, or was likely to be, a threat to the integrity of the network or facility.

13 Giving end-user access to emergency call service operated by emergency call person for 000 and 112

- (1) This section applies if:
 - (a) a carriage service provider supplies an emergency telephone service; and
 - (b) an end-user makes a call on the service using the emergency service number 000.
- (2) The provider must give the end-user access to the emergency call service operated by the emergency call person for 000 and 112 unless:
 - (a) subject to section 14, the service used to make the call is a location independent communications service that is not a standard telephone service; or
 - (b) the service used to make the call is an exempt satellite service.

14 Giving end-user access to emergency call service operated by emergency call person for 000 and 112 — location independent communications service that is not a standard telephone service

- (1) This section applies if
 - (a) a carriage service provider supplies an emergency telephone service that is a location independent communications service that is not a standard telephone service; and
 - (b) an end-user makes a call on the service using the emergency service number 000.
- (2) The provider must give the end-user access to the emergency call service operated by the emergency call person unless either of the circumstances in subsections (3) or (4) exists.
- (3) Subsection (2) does not apply if the provider and customer have arranged for the service to be limited to the receiving of calls.
- (4) Subsection (2) does not apply if:
 - (a) at the time of offering to supply the service:
 - (i) the provider gave written notice of the following matters to the potential customer:
 - (A) that the service could not be used to make an emergency call;
 - (B) the types of carriage services (including those supplied by other carriage service providers) that could be used to make an emergency call; and
 - (ii) if the internet was used as one way of making the offer, and of allowing customers to enter into an arrangement for supply of the service, the provider ensured that:
 - (A) the notice under subparagraph (i) was prominently displayed on each webpage the provider used to offer the supply of the service; and
 - (B) the notice was in a legible text font with a size of at least 10 points and in plain English.
 - (b) at the time of entering into an arrangement for supply of the service, the customer acknowledged that the customer understood that the service could not be used to make an emergency call.
- (5) If the provider relies on subsection (3) or (4), the provider must keep evidence sufficient to satisfy ACMA, on request, that subsection (3) or (4) applies.

14A Requirement for carriage service provider – exempt satellite service

- (1) Before a carriage service provider first supplies an exempt satellite service to a customer, the provider must, if the first supply will occur on or after 1 July 2013, notify the customer in writing that the service cannot be used to make an emergency call (the **customer notification**).
- (2) The provider must make a copy of the customer notification required to be given under subsection (1) and retain the copy for a period of no less than 3 years from the date on which the notification is given.
- (3) The provider must, if requested in writing by the ACMA, provide a copy of the customer notification to the ACMA within 21 days of receiving the request.

15 Requirement for carriage service provider if end-user uses emergency service number 112 — public mobile telecommunications service

If an end-user uses the emergency service number 112 on a public mobile telecommunications service, the carriage service provider must give the end-user access to the emergency call service operated by the emergency call person for 000 and 112.

16 Requirement for carriage service provider if end-user uses emergency service number 112 — satellite service

- (1) This section applies if:
 - (a) an end-user uses the emergency service number 112 on a satellite service; and
 - (b) the customer equipment used to supply the satellite service is capable of being used to access a public mobile telecommunications service that uses GSM technology; and
 - (c) the satellite service used to make the call is not an exempt satellite service.
- (2) The carriage service provider supplying the service must give the end-user access to the emergency call service operated by the emergency call person for 000 and 112.

Note GSM technology is based on the European Telecommunications Standards Institute Set of Global System for Mobile (GSM) standards. In Australia, GSM mobile station requirements are explained in ACA Technical Standard 018, Digital Cellular Mobile Telecommunications System — GSM Mobile Station.

17 Requirement for carriage service provider if end-user uses emergency service number 106 — standard telephone service

If an end-user uses the emergency service number 106 on a carriage service that is a standard telephone service as described in subparagraph 6 (1) (b) (ii) of the Act, the carriage service provider must give the end-user access to the emergency call service operated by the emergency call person for 106.

Note Calls can be made to the emergency call service operated by the emergency call person for 106 in a way that includes a text component. Technology currently available for making calls with a text component includes:

- teletypewriters (TTY)
- equipment incorporating a modem
- data transmission over a public mobile telecommunications service.

Other technology may, in time, become available as a form of standard telephone service within the meaning of the Act and this Determination. The Determination will apply to that technology.

18 Requirement for carriage service provider if end-user uses emergency service number 106 — satellite service

- (1) This section applies if an end-user uses the emergency service number 106 on a satellite service that is technically capable of carrying a call using that emergency service number.
- (2) The carriage service provider supplying the service must give the end-user access to the emergency call service operated by the emergency call person for 106.

19 Requirements for carriage service provider — controlled networks and controlled facilities

A carriage service provider must ensure that its controlled networks and controlled facilities give an end-user access to emergency call services whether or not a number is currently issued to the end-user in relation to a service, unless:

- (a) it is not technically feasible to give the access; or
- (b) a matter beyond the control of the provider materially and adversely affects the provider's technical ability to give the access; or
- (c) the service used to make the call is an exempt satellite service.

Note The provider is subject to the requirement even if a relevant controlled network or controlled facility is owned or operated by a carrier. A carrier must be prepared to assist a provider to comply with this requirement — see section 6.

Examples of matters that are beyond the control of a provider and may materially and adversely affect ability to give an end-user access to an emergency call service:

- Failure of customer equipment or network equipment at the premises of the customer for that service because of a mains power outage, interference with, or misuse of, customer equipment or network equipment by end-users, or wear and tear.
- Failure of in-building wiring because of physical damage at the customer's premises.

- Failure of an access line because of damage or interference caused by a third party or by environmental factors.
- Failure due to access to an emergency call service being barred on the customer equipment by the customer.
- Failure of a network or facilities because of a denial of service attack.

20 Certain calls with additional digits

- (1) This section applies if an end-user:
 - (a) is using a public mobile telecommunications service or a fixed local service; and
 - (b) dials or presses the digits of an emergency service number, in order; and
 - (c) then dials or presses at least 1 more digit.
- (2) A carriage service provider supplying the service:
 - (a) is not required to treat the call as an emergency call; and
 - (b) is not required to connect the call to an emergency call person; and
 - (c) may transfer the call to the announcement for number check.

21 Appearance of emergency call services — carriage service provider requirement

A carriage service provider must, as far as practicable, carry emergency calls in a way that would give an end-user of an emergency telephone service the appearance of a single national emergency call system.

Subdivision 3.1.2 Carriage of emergency calls

22 Carriage service provider must ensure emergency call carried to relevant termination point — service other than an exempt satellite service

A carriage service provider who supplies an emergency telephone service other than an exempt satellite service must ensure that an emergency call made using the service is carried to the relevant termination point for the call:

- (a) on the provider's telecommunications network; or
- (b) if the provider's telecommunications network does not allow direct delivery to the relevant termination point for the call — by another telecommunications network.

24 Speed, efficiency and reliability for numbers 000 and 112 — carriage service providers

- (1) This section applies if an end-user makes an emergency call using the emergency service number 000 or 112.

- (2) The carriage service provider who carries the call must ensure that, in relation to all calls carried by the carriage service provider, the call is transferred to the emergency call person for 000 and 112 with the highest priority.

Subdivision 3.1.3 Handling of emergency calls by emergency call persons

25 Receiving and handling calls

The emergency call person for 000 and 112, and the emergency call person for 106, must ensure that each call received by the person on an emergency service number is handled in accordance with this Subdivision

Note Sections 51 and 52 also contains obligations for the provision of certain information by emergency call persons to emergency service organisations in relation to emergency calls.

26 Transfer to emergency service organisation

- (1) This section applies if:
- (a) a call-taker for the emergency call person for 000 and 112 or the emergency call person for 106 receives a call from an end-user; and
 - (b) the end-user:
 - (i) asks the call-taker to transfer the call to an emergency service organisation; or
 - (ii) indicates in another way that the end-user wishes the call to be transferred to an emergency service organisation; or
 - (iii) gives information to the call-taker that the call-taker may reasonably rely on as indicating that the end-user should contact an emergency service organisation.
- (2) The emergency call person for 000 and 112 or the emergency call person for 106 must transfer the call to the emergency service organisation.

Note The role of an emergency call person is to transfer a call to an emergency service organisation — see the definition of *emergency call service* in section 7 of the *Telecommunications Act 1997* and the definition of *emergency service organisation* in subsection 147 (11) of the Act. The definition of *emergency service organisation* includes a police force or service, a fire service or an ambulance service.

27 Transfer to announcement for State and Territory emergency services

- (1) This section applies if:
- (a) a call-taker for the emergency call person for 000 and 112 receives a call from an end-user; and
 - (b) the end-user:
 - (i) asks the call-taker to transfer the call to a State or Territory emergency service; or

- (ii) indicates in another way that the end-user wishes the call to be transferred to a State or Territory emergency service; or
 - (iii) gives information to the call-taker that the call-taker may reasonably rely on as indicating that the end-user should contact a State or Territory emergency service.
- (2) The emergency call person for 000 and 112 must transfer the call to the announcement for State and Territory emergency services.

Note An announcement for State and Territory emergency services explains that a State or Territory emergency service cannot be contacted through the emergency call service and tells the end-user how to contact a State or Territory emergency service.

28 Transfer to announcement for non-emergency contacts

- (1) This section applies if:
- (a) a call-taker for the emergency call person for 000 and 112 receives a call from an end-user; and
 - (b) the end-user:
 - (i) asks the call-taker to transfer the call to a person or organisation that cannot be contacted through the service (other than a State or Territory emergency service); or
 - (ii) indicates in another way that the end-user wishes the call to be transferred to a person or organisation that cannot be contacted through the service (other than a State or Territory emergency service); or
 - (iii) gives information to the call-taker that the call-taker may reasonably rely on as indicating that the end-user should contact a person or organisation that cannot be contacted through the service (other than a State or Territory emergency service).
- (2) The emergency call person for 000 and 112 must transfer the call to the announcement for non-emergency contacts.

29 Transfer of Caller No Response Call

- (1) This section applies if a call-taker for the emergency call person for 000 and 112 receives a Caller No Response Call.
- (2) The emergency call person for 000 and 112 must:
- (a) transfer the call to the announcement for Caller No Response Calls; and
 - (b) either:
 - (i) if the end-user dials or presses '55' — ask the end-user if the end-user requires police, fire or ambulance and, if the end-user does not respond, or does not indicate in another way, that police, fire or ambulance is required, transfer the call to the police force or service in the capital city of the end-user's State or Territory; or
 - (ii) if the end-user does not dial or press '55' — disconnect the call.

30 Inability to use Caller No Response Call announcement

For section 29, if a call cannot be transferred to the announcement for Caller No Response Calls for any reason, the call-taker must transfer the call to the police force or service in the capital city of the end-user's State or Territory.

31 Appearance of emergency call services — emergency call person requirement

The emergency call person for 000 and 112, and the emergency call person for 106, must, as far as practicable, operate their emergency call services in a way that would give an end-user of an emergency telephone service the appearance of a single national emergency call system.

32 Speed, efficiency and reliability for numbers 000 and 112 — emergency call person

- (1) Subject to subsection (2), the emergency call person for 000 and 112 must ensure that, for each month that the person receives calls to the emergency service number 000 or 112:
 - (a) 85% of the calls are answered by a call-taker within 5 seconds of reaching the relevant answering point for the call; and
 - (b) 95% of the calls are answered by a call-taker within 10 seconds of reaching the relevant answering point for the call.
- (2) The emergency call person for 000 and 112 will not be in breach of subsection (1) if a failure by it to reach a monthly target set out in that subsection is due to circumstances that are not reasonably within the control of the person and which could not have been reasonably foreseen by the person.

Examples of circumstances referred to in subsection 32(2), and which may affect the ability of the emergency call person for 000 and 112 to meet the speed, efficiency and reliability requirements specified in subsection 32(1) include:

- Delay in answering emergency calls due to unexpectedly high calling volumes caused by responses to natural disasters such as major storms, floods or bushfires.
- Delay in answering emergency calls because of action taken to prevent or manage a denial of service attack.

33 Speed, efficiency and reliability for number 106 — emergency call person

- (1) Subject to subsection (2), the emergency call person for 106 must ensure that, for each month that the person receives calls to the emergency service number 106:
 - (a) 85% of the calls are answered by a call-taker within 5 seconds of reaching the relevant answering point for the call; and

- (b) 95% of the calls are answered by a call-taker within 10 seconds of reaching the relevant answering point for the call.
- (2) The emergency call person for 106 will not be in breach of subsection (1) if a failure by it to reach a monthly target set out in that subsection is due to circumstances that are not reasonably within the control of the person and which could not have been reasonably foreseen by the person.

Examples of circumstances referred to in subsection 33(2), and which may affect the ability of the emergency call person for 106 to meet the speed, efficiency and reliability requirements specified in subsection 33(1) include:

- Delay in answering emergency calls due to unexpectedly high calling volumes caused by responses to natural disasters such as major storms, floods or bushfires.
- Delay in answering emergency calls because of action taken to prevent or manage a denial of service attack.

Division 3.2 Access requirements: carriers and carriage service providers

34 Requirement for carriers and carriage service providers — access for carriage service provider

- (1) In this section, *provider 1* is a carriage service provider who supplies an emergency telephone service.
- (2) A carrier must provide provider 1 with access to controlled carriage services, controlled networks and controlled facilities:
- (a) to the extent necessary to enable provider 1 to comply with this Determination; and
- (b) to the extent that the carrier controls them, or has reasonable access to them.
- (3) A carriage service provider (*provider 2*) must provide provider 1 with access to controlled carriage services, controlled networks and controlled facilities:
- (a) to the extent necessary to enable provider 1 to comply with this Determination; and
- (b) to the extent that provider 2 controls them, or has reasonable access to them.

Division 3.3 Minimisation of calls that are not emergency calls

35 Minimisation requirement — emergency call person for 000 and 112

- (1) The emergency call person for 000 and 112 must take the steps mentioned in subsection (2) to minimise the number of calls received by the emergency call person on the emergency service numbers 000 and 112 that:

- (a) are made using a public mobile telecommunications service; and
 - (b) are not emergency calls.
- (2) The steps are:
- (a) the emergency call person must, when a call is delivered to the relevant termination point for the call, play the announcement for emergency calls before the call is delivered to the relevant answering point for the call; and
 - (b) any other step that the ACMA directs, in writing should be taken for this section.
- (3) Before making a direction to the emergency call person for 000 and 112 under paragraph (2)(b), the ACMA must:
- (a) consult with the emergency call person for 000 and 112; and
 - (b) have regard to any submissions made by the emergency call person for 000 and 112.

36 Minimisation requirement — carriers

- (1) This section applies to a carrier that owns or operates a controlled network or a controlled facility used to supply a public mobile telecommunications service.
- (2) The carrier must take the steps mentioned in subsection (3) to minimise the number of calls received by the emergency call person for 000 and 112 on the emergency service numbers 000 and 112 that:
- (a) are made using a public mobile telecommunications service; and
 - (b) are not emergency calls.
- (3) The carrier must take any step that the ACMA directs, in writing, should be taken for this section.
- (4) Before making a direction to a carrier under subsection (3), the ACMA must:
- (a) consult with the carrier; and
 - (b) have regard to any submissions made by the carrier.

Part 4 Call information

Division 4.1 Making information available for emergency call persons

37 Purpose of Division

This Division sets out information that a carriage service provider must give to the IPND Manager for purposes that include keeping a reliable public number database that contains information to be available if an emergency call is made using an emergency telephone service with a public number.

Note The document known as *Industry Code ACIF C555:2007 Integrated Public Number Database (IPND)*, prepared by Communications Alliance Ltd, places additional obligations on carriage service providers in relation to the IPND. The document is available from Communications Alliance Ltd.

38 Application of Division

This Division applies to a carriage service provider who supplies an emergency telephone service and to the emergency call person for 000 and 112.

Note Section 45 in this Division also imposes an obligation on the emergency call person for 000 and 112.

39 Carriage service provider must ensure IPND Manager receives record — location of emergency telephone service can be identified at all times

If a carriage service provider supplies an emergency telephone service to a customer and the provider is able to identify, at all times, the location of the service, the provider must ensure that the IPND Manager receives a record of the public number, name and service address of the customer.

40 Carriage service provider must ensure IPND Manager receives information — location of emergency telephone service (other than a public mobile telecommunications service) cannot be identified at all times

- (1) This section applies if a carriage service provider supplies an emergency telephone service to a customer and:
 - (a) the service is not a public mobile telecommunications service; and
 - (b) the provider is not able to identify, at all times, the location of the service; and
 - (c) the provider has issued a public number to the customer.

- (2) The provider must ensure that the IPND Manager receives:
- (a) the public number, name and service address of the customer; and
 - (b) advice that:
 - (i) the service may not be at the customer's service address; and
 - (ii) an emergency call made using the service may be of uncertain origin; and
 - (c) if the customer has multiple services with the provider — a contact number for the customer.

Note A carriage service provider who supplies a fixed local service or a location independent communications service may be uncertain about the location of the service because, in some instances, the customer can change the location of the service without informing the provider.

- (3) The provider is taken to have complied with paragraph (2) (b) if the Alternate Address Flag is set to 'True' in the record provided to the IPND Manager for the service.

41 Carriage service provider must ensure IPND Manager receives record — public mobile telecommunications service

If a carriage service provider supplies a public mobile telecommunications service to a customer, the provider must ensure that the IPND Manager receives a record of:

- (a) the public number, name and service address of the customer; and
- (b) if the customer has multiple services with the provider — a contact number for the customer.

42 Time limit for ensuring IPND Manager receives initial information about location of emergency telephone service

If a carriage service provider first supplies an emergency telephone service to a customer after the commencement of this section, the provider must ensure that the IPND Manager receives the information mentioned in section 39, 40 and 41 before the end of the next business day after starting to supply the service.

43 Updating IPND records about location of emergency telephone service

A carriage service provider who supplies an emergency telephone service to a customer must:

- (a) make arrangements to ensure that information initially received by the IPND Manager in accordance with section 39, 40 and 41 is then kept as up to date as practicable; and
- (b) if the provider becomes aware that the information is out of date — ensure that the IPND Manager receives the revised information by the end of the next business day; and

- (c) if the information produces a hard error or a soft error — make reasonable efforts to ensure that, within 2 business days:
 - (i) the cause of the error is investigated; and
 - (ii) the correct information is obtained by the provider; and
 - (iii) the IPND Manager receives the corrected information.

44 Format for contributing information about location of emergency telephone service to IPND

- (1) If a carriage service provider supplies an emergency telephone service to a customer and the rural addressing system is used in the local government area in which the provider supplies the service, the provider must give the service address mentioned in section 39, 40 and 41 to the IPND Manager:
 - (a) using the format of the system; or
 - (b) in another format agreed with the IPND Manager.
- (2) If a carriage service provider supplies an emergency telephone service to a customer and the rural addressing system is not used in the local government area in which the provider supplies the service, the provider must give the service address mentioned in section 39, 40 and 41 to the IPND Manager in a format reasonably required by the IPND Manager.

45 Access to IPND by emergency call person for 000 and 112

The emergency call person for 000 and 112 must use its best endeavours to make written arrangements with the IPND Manager to ensure that all information in the IPND is available to the emergency call person as soon as practicable, including the following:

- (a) arrangements for the way in which the information is to be made available;
- (b) arrangements to ensure that the emergency call person will be informed of a revision or correction mentioned in section 43 within 24 hours of the IPND Manager being notified in accordance with that section.

Example

The written arrangements between the emergency call person for 000 and 112 and the IPND Manager may provide for an arrangement for a daily download of the content of the IPND. However, the arrangement must be consistent with the requirements of sections 42 and 43 in all particulars.

Division 4.2 Information agreement

46 Agreement between emergency call persons

- (1) The emergency call person for 000 and 112, and the emergency call person for 106, must:
 - (a) remain parties to, and remain bound by, the written agreement (the *information agreement*) dated 30 November 2000 to provide their emergency call services using a common system; or

- (b) revoke it and enter into a new information agreement (the *new information agreement*) made in accordance with this Division.
- (2) The new information agreement, if any, must require the following objectives to be achieved:
- (a) for an emergency call to the emergency service number 000, 112 or 106, the call must be handled in accordance with the common system;
 - (b) for an emergency call to the emergency service number 106:
 - (i) the emergency call person for 106 must have access to the information mentioned in sections 39, 40 and 41 when a call-taker receives the call; and
 - (ii) the call-taker must be able to give the information to the appropriate emergency service organisation in the course of relaying the call to the organisation; and
 - (iii) if, after the emergency service organisation has dealt with the call, the emergency service organisation asks the emergency call person for 106 to give it information about the call (including the name of the carriage service provider who supplied the emergency telephone service on which the call was made), the emergency call person for 106 must be able to give the information to the organisation; and
 - (iv) the emergency call person for 106 must be able to share the common system.

47 Inability to make new information agreement

- (1) This section applies if:
- (a) the emergency call person for 000 and 112 and the emergency call person for 106 tell the ACMA, in writing, that they are unable to make a new information agreement; or
 - (b) either emergency call person, tells the ACMA, in writing, that it is unlikely that a new information agreement can be made; or
 - (c) the ACMA reasonably believes that it is unlikely that a new information agreement can be made by the emergency call persons.
- (2) If the ACMA gives either emergency call person a written direction to do something that would help the emergency call persons to make the agreement, the recipient of the direction must comply with it.
- (3) The direction may deal with any of the following matters:
- (a) including, or not including, specified provisions in the agreement;
 - (b) agreeing to a specified form of agreement, or part of the form of agreement;
 - (c) making the agreement by a specified date;
 - (d) arranging for arbitration by the ACMA or a third party (whether or not the party is specified in the direction);
 - (e) arranging for arbitration under specified conditions;

- (f) any other matter that the ACMA believes will help to complete the agreement.

48 Compliance with information agreement

The emergency call person for 000 and 112, and the emergency call person for 106, must comply with:

- (a) the information agreement; or
- (b) if applicable — the new information agreement

Division 4.3 Giving call information

49 Information identifying calling numbers

- (1) Subject to subsection (2), a carriage service provider must ensure, as far as practicable, that, if the provider's carriage service is used to make an emergency call, the service:
 - (a) will give a call-taker automatic information about the public number from which the call is made; and
 - (b) will give the information when the call is made.
- (2) The provider is not required to ensure that the service will give the call-taker the public number from which the call is made if:
 - (a) the end-user has made the call:
 - (i) using the emergency service number 000 or 112 on a public mobile telecommunications service; or
 - (ii) using the emergency service number 000 or 106 on a location independent communications service; and
 - (b) the provider is unable to identify the public number from which the call is made.
- (3) If an emergency call is made using the emergency service number 000, 112 or 106 on:
 - (a) a public mobile telecommunications service; or
 - (b) a satellite service; or
 - (c) a location independent communications service;the provider must ensure that the service gives a call-taker all the relevant information that is available about the end-user's approximate location in accordance with *Industry Guideline ACIF G557:2007 Standardised Mobile Service Area and Location Indicator Register*, published by Communications Alliance Ltd and as in force from time to time.
- (4) If an emergency call is made using the emergency service number 000 or 106 on a fixed local service, the provider must ensure that the service gives a call-taker the following information:
 - (a) that the call is being made on a fixed local service;
 - (b) the State or Territory from which the call originated;

using an appropriate code from *Industry Guideline ACIF G557:2007 Standardised Mobile Service Area and Location Indicator Register*, published by Communications Alliance Ltd and as in force from time to time.

50 Information identifying carriage service providers

- (1) A carriage service provider must ensure that the emergency call person for 000 and 112 and the emergency call person for 106 are informed of the provider's correct contact details including business address, contact telephone numbers and email address.
- (2) If a carriage service provider's contact details provided in accordance with subsection (1) change, the provider must provide updated contact details to the emergency call person for 000 and 112 and the emergency call person for 106 by the end of the next business day after the change occurs.
- (3) A carriage service provider is taken to have complied with subsections (1) or (2) if the information is given to the emergency call person for 000 and 112.
- (4) The emergency call person for 000 and 112 must share information provided to it under this section with the emergency call person for 106.
- (5) If an emergency call person contacts a carriage service provider on the contact details provided under this section on a matter relating to the emergency call service, the provider must respond immediately to the contact made by the emergency call person.

51 Information about emergency calls

If the emergency call person for 000 and 112 or the emergency call person for 106 transfers an emergency call to an emergency service organisation, the emergency call person must make available to the organisation as much of the following information as the emergency call person has:

- (a) the location of the end-user;
- (b) the identity of the customer of the service being used to make the call;
- (c) the public number from which the call is made.

Note Subdivision 3.1.3 specifies obligations for the handling of emergency calls by emergency call persons.

52 Additional information after transferring emergency calls

- (1) This section applies if an emergency service organisation asks a carrier, a carriage service provider, the emergency call person for 000 and 112 or the emergency call person for 106 to give it information about an emergency call that has been transferred to the organisation.
- (2) The carrier, carriage service provider or emergency call person must give the organisation the information, or as much information as practicable, as soon as practicable.

Note Part 13 of the *Telecommunications Act 1997* imposes requirements on carriage service providers, carriers and emergency call persons to protect the confidentiality of certain information. Those requirements are subject to a number of exceptions on the use or disclosure of specified information or documents, including section 286 of that Act which relates to calls to an emergency service number.

52A Most precise mobile location information available

- (1) This section applies to carriers that own or operate a controlled network or controlled facility used to supply a public mobile telecommunications service (the *mobile carrier*).
- (2) If an emergency service organisation asks a mobile carrier to provide location information about an emergency call:
 - (a) that originated from customer equipment connected to the mobile carrier's controlled network or controlled facility at the time the emergency call was made;
 - (b) that has been transferred to the emergency service organisation; and
 - (c) where the emergency service organisation is unable to identify the location of the caller

the mobile carrier must give the emergency service organisation the most precise mobile location information available about the location of the customer equipment from which the emergency call originated, as soon as possible after the request is received.

Note Circumstances in which the most precise mobile location information may not be available to a mobile carrier include instances where the customer equipment used to make the call does not provide a unique customer identifying number.

- (3) If the emergency call did not originate from customer equipment connected to the mobile carrier's controlled network or controlled facility, the mobile carrier must notify the emergency service organisation immediately, and take all reasonable steps to assist the emergency service organisation in identifying the owner or operator of the controlled network or controlled facility to which the customer equipment, from which the emergency call originated, was connected.
- (4) A mobile carrier must ensure that:
 - (a) emergency service organisations are able to make a request for location information from the mobile carrier at all times;
 - (b) emergency service organisations are provided with a designated contact and telephone number to which requests for location information can be made, or a specified process to be followed when such requests are made; and
 - (c) all requests received are processed without delay.
- (5) In this section:

most precise mobile location information available means the most precise location information that the mobile carrier has available, about the geographic or physical location of the customer equipment from which the emergency call originated:

- (a) at the time the emergency call was made; or
- (b) where the emergency service organisation requests location information for a later time, at that time; and
- (c) which includes, at a minimum, the reception or coverage area of the radio cell from which the emergency call originates.

Part 5 Charging for emergency calls

53 Free access by end-users

- (1) This section applies to a carriage service provider who supplies an emergency telephone service.
- (2) The provider must give each end-user of the service access to emergency call services free of charge.

54 Charging emergency service organisations — carriage service providers

- (1) This section applies to a carriage service provider who supplies an emergency telephone service.
- (2) Subject to subsection (4), the provider must not charge an emergency service organisation, directly or indirectly, for any of the following services:
 - (a) a carriage service used to connect calls using an emergency service number;
 - (b) a carriage service used to transfer such calls to an emergency service organisation;
 - (c) a carriage service used to give information in relation to such calls to an emergency service organisation.
- (3) Subject to subsection (4), the provider must not arrange for an emergency service organisation to be charged for a service mentioned in subsection (2).
- (4) However, the provider may charge an emergency service organisation, or arrange for it to be charged, for a service mentioned in subsection (2) if:
 - (a) the emergency service organisation agrees with the provider for the service to be supplied at a level significantly higher than the level of service provided to most emergency service organisations; and
 - (b) the provider's charge for the service relates only to the higher level of service.

Examples of methods used to provide particularly high levels of service

- 1 Network based queuing facilities.
- 2 Capabilities for multiple site call splaying and overflow.
- 3 Redundancy lines.

55 Charging emergency call persons — carriage service providers

- (1) This section applies to a carriage service provider who supplies an emergency telephone service.

Section 56

- (2) Subject to subsection (4), the provider must not charge the emergency call person for 000 and 112 or the emergency call person for 106, directly or indirectly, for any of the following services:
 - (a) a carriage service used to connect calls using an emergency service number;
 - (b) a carriage service used to transfer such calls to an emergency service organisation;
 - (c) a carriage service used to give information in relation to such calls to an emergency service organisation.
- (3) Subject to subsection (4), the provider must not arrange for the emergency call person to be charged for a service mentioned in subsection (2).
- (4) However, the provider may charge an emergency call person, or arrange for it to be charged, for a service mentioned in subsection (2) if:
 - (a) the emergency call person makes a call that is not an emergency call; and
 - (b) the charge is comparable to similar carriage service charges.

56 Charging emergency service organisations — emergency call persons

- (1) The emergency call person for 000 and 112, or the emergency call person for 106, must not charge an emergency service organisation, directly or indirectly, for any of the following services:
 - (a) receiving and handling calls to an emergency service number;
 - (b) transferring such calls to an emergency service organisation;
 - (c) giving information in relation to such calls to an emergency service organisation.
- (2) The emergency call person must not arrange for an emergency service organisation to be charged for a service mentioned in subsection (1).

57 Charging for using common system — emergency call persons

If the emergency call person for 000 and 112 (in the capacity of emergency call person) provides a service assisting the emergency call person for 106 to use the common system described in the information agreement or new information agreement, the emergency call person for 000 and 112 must provide the service on the basis that it must not profit but may recover the costs of providing the service.

Part 6 Deficiencies in emergency call services

Division 6.1 Carriage service providers

58 Requests for information

- (1) This section applies if the ACMA reasonably believes that a carriage service provider has not complied or will not comply with the provider's obligations under this Determination.
- (2) If the ACMA asks the provider, in writing, for advice about whether the provider has not complied or will not comply with the obligations, the provider must respond to the request, in writing:
 - (a) by the day (if any) stated by the ACMA; or
 - (b) if no day is stated by the ACMA — as soon as practicable.
- (3) If the provider has not complied with the obligations, the provider must explain, when answering the request:
 - (a) why the provider has not complied; and
 - (b) what steps the provider will take to ensure compliance; and
 - (c) how long it will take the provider to comply.

Division 6.2 Emergency call persons

59 Requests for information

- (1) This section applies if the ACMA reasonably believes that the emergency call person for 000 and 112, or the emergency call person for 106, has not complied or will not comply with its obligations under this Determination.
- (2) If the ACMA asks the person, in writing, for advice about whether the person has not complied or will not comply with the obligations, the person must respond to the request, in writing:
 - (a) by the day (if any) stated by the ACMA; or
 - (b) if no day is stated by the ACMA — as soon as practicable.
- (3) If the person has not complied with the obligations, the person must also explain, when answering the request:
 - (a) why it has not complied; and
 - (b) what steps the person will take to ensure compliance; and
 - (c) how long it will take the person to comply.

Part 7 Records

60 Emergency call persons

- (1) The emergency call person for 000 and 112, and the emergency call person for 106, must (as far as practicable) make and keep records for each month of the following:
 - (a) the number of calls that were delivered to the relevant termination point for the call;
 - (b) the number of calls that were delivered to the relevant answering point for the call but abandoned by the end-user before a call-taker responded;
 - (c) the number of calls that were answered by a call-taker 5 seconds or less after delivery to the relevant answering point for the call;
 - (d) the number of calls that were answered by a call-taker 10 seconds or less after delivery to the relevant answering point for the call;
 - (e) the number of calls that were answered by a call-taker more than 10 seconds after delivery to the relevant answering point for the call;
 - (f) the number of calls that were answered by a call-taker but not transferred to an emergency service organisation;
 - (g) the number of calls to the emergency service number 000 that were handled in accordance with section 29, and the number of such calls that were transferred to an emergency service organisation;
 - (h) the number of calls that originated from public mobile telecommunications services, and the number of such calls that were transferred to an emergency service organisation;
 - (i) the number of calls to the emergency service number 000 that originated from public payphones, and the number of such calls that were transferred to an emergency service organisation;
 - (j) the number of calls to the emergency service number 000 that originated from fixed local services (other than public payphones), and the number of such calls that were transferred to an emergency service organisation;
 - (k) the number of calls to the emergency service number 106 that originated from fixed local services and public payphones, and the number of such calls that were transferred to an emergency service organisation;
 - (l) the number of calls to the emergency service numbers 000 and 112 that originated from satellite services, and the number of such calls that were transferred to an emergency service organisation;
 - (m) the number of calls that were answered by a call-taker and transferred to an emergency service organisation;

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- (n) the number of calls to the emergency service numbers 000 and 112 that were transferred to an announcement in accordance with:
 - (i) section 27; and
 - (ii) section 28;
 - (o) the number of calls to the emergency service numbers 000 and 112 that had an Alternate Address Flag set to 'True', and the number of such calls that were transferred to an emergency service organisation;
 - (p) any other matter that the emergency call person has agreed with the ACMA, in writing, to record.
- (2) The emergency call person must give the ACMA a copy of the records required to be kept:
- (a) as soon as practicable after the quarter ends; and
 - (b) in any case — within 1 month after the quarter ends.

Schedule 1 Specified satellite services

(See definition of *exempt satellite service* in the dictionary)

| Item | Specified satellite service |
|-------------|---|
| 1 | A satellite service supplied by means of a satellite owned, controlled or operated by Inmarsat Global Limited (incorporated in the United Kingdom). |

Dictionary

ACMA means the Australian Communications and Media Authority.

Act means the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

Alternate Address Flag means the field in the IPND that provides information about whether the physical location of an end-user may reliably be taken to be at the service address provided to the IPND Manager for the service.

announcement for Caller No Response Calls means a pre-recorded voice announcement that:

- (a) asks the end-user to dial or press '55' if the end-user requires emergency assistance; and
- (b) if played in full, repeats the request described in paragraph (a) three times.

announcement for emergency calls means a pre-recorded voice announcement that advises the end-user that an emergency call service has been called.

announcement for non-emergency contacts means a pre-recorded voice announcement that explains how to find any person or organisation's telephone number.

Note The ACMA recommends that the announcement also explains that the person or organisation cannot be contacted through the emergency call service.

announcement for number check means a pre-recorded voice announcement that advises the end-user to check the number.

announcement for State and Territory emergency services means a pre-recorded voice announcement that includes:

- (a) an explanation that a State or Territory emergency service cannot be contacted through the emergency call service; and
- (b) information on how to contact a State or Territory emergency service.

business day means a day other than a Saturday, a Sunday or a public holiday in the State or Territory from which a carriage service provider normally gives information to the IPND Manager.

Caller No Response Call means a call made to an emergency service number by an end-user who, when asked at least twice by the call-taker if police, fire or ambulance is required, has not responded, or has not indicated in another way, that police, fire or ambulance is required.

call-taker means an individual, employed by:

- (a) the emergency call person for 000 and 112; or
- (b) the emergency call person for 106;

who responds to a call to an emergency service number.

common system means the processing system used by the emergency call person for 000 and 112 and the emergency call person for 106 to identify the relevant emergency service organisation to which an emergency call should be transferred and to transfer an emergency call to that emergency service organisation with the appropriate information about the caller.

emergency call means a call made to an emergency service number, during which a response is sought from an emergency service organisation to deal with a time-critical event:

- (a) that is perceived to threaten life; or
- (b) that the organisation is established to respond to.

emergency call person for 000 and 112 means the emergency call person who is the recognised person who operates an emergency call service for the emergency service numbers 000 and 112.

Note On the commencement of this Determination, the emergency call person for 000 and 112 was Telstra.

emergency call person for 106 means the emergency call person who is the recognised person who operates an emergency call service for the emergency service number 106.

Note On the commencement of this Determination, the emergency call person for 106 was Australian Communication Exchange Limited.

emergency service organisation has the meaning given by subsection 147 (11) of the Act.

emergency telephone service means any of the following:

- (a) a standard telephone service;
- (b) a location independent communications service that is not a standard telephone service;
- (c) a public mobile telecommunications service:
 - (i) that is not a standard telephone service; and
 - (ii) that enables the carriage of an emergency call; and
 - (iii) for which the customer equipment used to make the call does not provide a unique customer identifying number to the carriage service provider.

end-user's State or Territory means the State or Territory from which the call is being made, according to the information available to the call-taker.

exempt satellite service means a satellite service that meets all of the following requirements:

- (a) it is supplied to a non-handheld satellite device;
- (b) it is of a kind specified in Schedule 1; and
- (c) it is not supplied in fulfilment of the universal service obligation.

Note The expression **universal service obligation** has the meaning given by section 9 of the Act.

fixed local service means a carriage service that:

- (a) is supplied by a carriage service provider; and
- (b) is capable of voice telephony; and

- (c) is supplied for receiving incoming calls wholly, or principally, at one fixed location which can be identified, from the number called, by the provider of the carriage service used to make the call; and
- (d) is located at either:
 - (i) a switching facility; or
 - (ii) the premises occupied or used by a customer.

hard error means an error that results in a record containing a customer's information being rejected by the IPND.

information agreement see subsection 46 (1).

IPND means:

- (a) the Integrated Public Number Database established and maintained by Telstra under the *Carrier Licence Conditions (Telstra Corporation Ltd) Declaration 1997* as in force on the commencement of this Determination; or
- (b) if the Minister has determined, under subsection 472 (1) of the *Telecommunications Act 1997*, that a specified person other than Telstra is to provide and maintain an integrated public number database — that database.

IPND Manager means:

- (a) Telstra; or
- (b) if the Minister has determined, under subsection 472 (1) of the *Telecommunications Act 1997*, that a specified person other than Telstra is to provide and maintain the IPND — that person.

location independent communications service means a carriage service (whether or not a standard telephone service) that:

- (a) is capable of voice telephony; and
- (b) interconnects with, or is linked to, the Australian public switched telephone network; and
- (c) is none of the following:
 - (i) a fixed local service;
 - (ii) a public mobile telecommunications service;
 - (iii) a satellite service.

Note 1 The requirement in paragraph (a) that the service 'is capable of voice telephony' is a minimum requirement. A service that meets the definition may be capable of additional functions.

Note 2 A **location independent communications service** includes a carriage service using Voice over Internet Protocol (VoIP). VoIP means a protocol for transmitting voice calls over packet-switched data networks, also called internet protocol telephony, that enables voice communication to be transmitted via the internet, with or without a computer and modem.

new information agreement see subsection 46 (1).

non-handheld satellite device means customer equipment that is:

- (a) designed for use in connection with the supply of a satellite service; and
- (b) capable of operating only when connected to other customer equipment, other than a SIM.

public payphone means a public telephone that is managed by a carrier or a carriage service provider and is located in a public place, but does not include a public

telephone that is located in a public place and is leased to a person by a carrier or a carriage service provider.

public place means a place to which the public usually has access except during certain hours or certain days of the week, but does not include:

- (a) a place to which a person (other than the Commonwealth, a State or a Territory) is entitled to deny the public entry; or
- (b) a vehicle, vessel, aircraft or other means of transport.

quarter means a period of 3 months starting on 1 January, 1 April, 1 July or 1 October in a year.

relevant answering point means:

- (a) for a call to the emergency service number 000 or 112, the point in the network of the emergency call person for 000 and 112, after the point at which the announcement for emergency calls is played, at which a call-taker is physically able to respond to the call; and
- (b) for a call to the emergency service number 106, the point in the network of the emergency call person for 106, after the point at which the announcement for emergency calls is played, at which a call-taker is physically able to respond to the call.

relevant termination point means:

- (a) for a call to the emergency service number 000 or 112, the point in the network of the emergency call person for 000 and 112 reasonably specified by that person as the point to which a call using a particular type of carriage service must be carried; and
- (b) for a call to the emergency service number 106, the point in the network of the emergency call person for 106 reasonably specified by that person as the point to which a call using a particular type of carriage service must be carried.

rural addressing system means a system used to identify and locate rural properties by assigning an individual number to each property in accordance with the document known as AS/NZS 4819:2003/Amdt 1:2006 or *Geographic Information — Rural and Urban Addressing*.

satellite service means a carriage service, where customer equipment used in connection with the supply of the service communicates directly with a satellite-based facility.

Note A satellite service may be used to provide a fixed or mobile service to an end-user.

service address means the address details of the customer of a carriage service required to be given to the IPND Manager by a carriage service provider in compliance with Part 4 of Schedule 2 to the *Telecommunications Act 1997*.

SIM means a subscriber identity module.

soft error means an error that results in a record containing a customer's information being tagged within the IPND as having a 'soft error'.

State or Territory emergency service means any of the following services established under a law of a State or Territory:

- (a) the State Emergency Service of New South Wales;
- (b) the Victoria State Emergency Service;

- (c) the State Emergency Service of Queensland;
- (d) the Fire and Emergency Services Authority of Western Australia performing the functions set out in Part 3A of the *Fire and Emergency Services Authority of Western Australia Act 1998* (WA);
- (e) the South Australian State Emergency Service;
- (f) the State Emergency Service of Tasmania;
- (g) the ACT State Emergency Service;
- (h) the part of the Northern Territory Fire and Rescue Service that is not an emergency service organisation.

Note A number of expressions used in this Determination are defined in section 7 of the *Telecommunications Act 1997*, and are incorporated into the Act by subsection 5 (1) of the Act, including:

- access (in relation to an emergency call service)
- ACMA
- carriage service
- carriage service provider
- carrier
- controlled carriage service
- controlled facility
- controlled network
- customer equipment
- emergency call person
- emergency call service
- emergency service number
- public mobile telecommunications service
- public number
- recognised person who operates an emergency call service
- standard telephone service
- telecommunications network
- Telstra.

Table of Instruments

Notes to the *Telecommunications (Emergency Call Service) Determination 2009***Note 1**

The *Telecommunications (Emergency Call Service) Determination 2009* (in force under subsection 147 (1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

| Title | Date of FRLI registration | Date of commencement | Application, saving or transitional provisions |
|---|----------------------------------|---|---|
| <i>Telecommunications (Emergency Call Service) Determination 2009</i> | 23 Dec 2009 (see F2009L04720) | S.14: 24 Feb 2010 Remainder: 24 Dec 2009 | |
| <i>Telecommunications (Emergency Call Service) Amendment Determination 2011 (No. 1)</i> | 27 Jan 2011 (see F2011L00157) | 20 Apr 2011 | — |
| <i>Telecommunications (Emergency Call Service) Amendment Determination 2013</i> | 24 June 2013 (see F2013L01139) | 1 July 2013 | — |
| <i>Telecommunications (Emergency Call Service) Amendment Determination 2014 (No.1)</i> | 22 August 2014 (see F2014L01104) | 23 August 2014 | — |

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|---------------------|
| Part 2 | |
| s. 7 | am. 2013 |
| Part 3 | |
| Division 3.1 | |
| Subdivision 3.1.1 | |
| s. 13 | am. 2013 |
| s. 14A | ad. 2013 |
| s. 16 | am. 2013 |
| s. 18 | am. 2013 |
| s. 19 | am. 2013 |
| Subdivision 3.1.2 | |
| s. 22 | am. 2013 |
| s. 23 | rep. 2013 |
| Part 4 | |
| Division 4.3 | |
| s. 49 | am. 2013; am 2014 |
| s. 52A | ad. 2011; am. 2013 |
| Part 7 | |
| s. 61 | rep. 2014 |
| s. 62 | rep. 2014 |
| Schedule 1 | ad. 2013 |
| Dictionary | am. 2013 |
