

## **EXPLANATORY STATEMENT**

Issued by authority of the Australian Communications Media Authority  
*Telecommunications (Consumer Protection and Service Standards) Act 1999*

### ***TELECOMMUNICATIONS (EMERGENCY CALL SERVICE) DETERMINATION 2009***

#### **Outline**

The *Telecommunications (Emergency Call Service) Determination 2009* (the Determination) continues arrangements that enable end-users to contact the emergency call service.

The Determination is 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 determination imposing requirements on carriers, carriage service providers and emergency call persons in relation to emergency call services.

In making a determination the ACMA must have regard to the objectives under section 147(2) of the Act and, pursuant to section 147(9), consult representatives of each of the following groups:

- Carriers;
- Carriage service providers;
- Recognised persons who operate an emergency call service;
- Emergency service organisations;
- Consumers of standard telephone services.

This 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 Numbering 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' 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 can only connect callers to a police, fire or ambulance service.

Under subsection 148(1) of the TCPSS Act, a person on whom a requirement is imposed by the Determination must comply with the Determination. This is a civil penalty provision (subsection 148(4)).

Many of the terms and concepts used in the Determination are established in the *Telecommunications Act 1997*, and retain their meaning as defined by that Act.

### **Background – Review of emergency call service arrangements**

The emergency call service in Australia operates at a national level, with two emergency call persons acting as the initial answering point for emergency calls. The emergency call persons then transfer calls to the appropriate state-based emergency service organisation for resolution according to the information available to the call-taker (see explanatory notes under section 26 (Transfer to emergency service organisation), for further information).

One of the most important roles of emergency call persons is to establish the location of a caller to the emergency call service, in order to transfer them to the correct emergency service organisation. Calls transferred to the wrong answering point, or with mistaken location information, could lead to delays in emergency service dispatch, and potentially have serious consequences.

The accuracy and reliability of address information contained in the Integrated Public Number Database (IPND) has important implications for the ability of the emergency call service and emergency service organisation call-takers to be able to establish the location of a caller. For this reason, the Determination places obligations on carriage service providers in relation to provision of data to the IPND (see explanatory notes under Division 5.1, *Making information available for emergency call persons*, for further information).

### **Public consultation**

The ACMA commenced the review with the release of a discussion paper, *Calling the Emergency Call Service – Review of Arrangements*, in April 2008. The ACMA received 21 public submissions from a variety of stakeholder groups including the telecommunications industry, the emergency service sector, consumer groups and special interest groups. Responses to the discussion paper presented a wide range of opinions, and covered a number of issues related to the existing regulation and more generally about Australia's emergency call service. There was broad agreement among submitters that regulation of the area generally worked well but could be improved to take into account technological change, especially from increasing IP-based telephony. The need for the Determination to require the provision of enhanced information about the location of caller from a mobile service was a common theme from submissions from the emergency service sector.

A number of matters raised in submissions were beyond the scope of the ACMA's power to make a Determination in relation to emergency call services and would ultimately need to be considered by governments.

On 30 June 2009 the ACMA released a draft version of the Determination for public comment. Key changes proposed in the Draft instrument included:

- new obligations on the providers of Voice over Internet Protocol (VoIP) out only services either to provide access to Triple Zero or to adequately inform their customers that access is not available;
- revised customer information provisions to align obligations on mobile communication providers to provide accurate information to the IPND Manager about a customer's name and address details, with those that already exist for other types of service providers; and
- new requirements on carriers and Telstra, in its capacity as the emergency call person for Triple Zero and 112, to take steps to minimise the number of non-genuine calls to the emergency call service from mobile phones.

In total, 19 submissions were received on the draft Determination from areas including telecommunications industry, the emergency service sector and special interest groups. Despite some differences between submitters on the manner and form of the draft Determination, all submissions broadly supported the need for the current arrangements to be revised to take into account technological change and other developments.

A number of concerns were raised by submitters particularly in relation to the proposed new obligation on providers of VoIP out only services and the provisions requiring the minimisation of calls that are non-emergency calls. The need for the Determination to provide exceptions for force majeure, malicious acts or other events outside the control of the emergency call person was also raised during submissions. Upon consideration of these submissions, the ACMA made a number of changes to the proposed draft Determination. This did not include changes to the provisions concerned with VoIP out only services.

### ***Industry***

Submissions were received from Telstra, Optus, Vodafone Hutchison Australia (VHA), Communications Alliance and the Australian Mobile Telecommunications Association (joint submission), Skype and from Andrew Corporation.

The following comments were made by one or more submitters (excluding VoIP providers):

- providing suppliers of VoIP out only services with an option to provide emergency call service access will deny some users legitimate access to the emergency call service and is not supported.
- industry is committed to minimising the number of calls that are not emergency calls but considers that the work can be undertaken without the need for requirements in the Determination, in particular the requirement in the draft Determination to comply with an industry code.
- mandating compliance with industry codes in the Determination more generally, embodies incentives and disciplines much greater than are needed for reasonable enforcement of industry-agreed outcomes.
- the ACMA should not be allowed to unilaterally require carriage service providers to take steps to minimise the number of non-emergency calls.
- the Determination should contain provisions for exceptions for force majeure, malicious acts or events outside the control of the emergency call person.

- carriage service providers should be given explicit authority to take action to protect the emergency call service against a denial of service attack based on the profile of the traffic being presented and advice from the emergency call person.

VoIP providers that commented on the draft Determination were supportive of the VoIP out only provisions. One party commented that the provisions are a sound minimum requirement but that architecture exists for providing full emergency capabilities.

In finalising the Determination, submitter concerns in relation to the options for VoIP out only services were balanced against the regulatory objective of not unnecessarily restricting the supply of new and innovative services, provided appropriate community safeguards are met.

Taking into account submitter comments and, in recognition, of industry implementing strategies to reduce the number of non-emergency calls, the provisions relating to the minimisation of non-emergency calls have been redrafted to remove the requirement to comply with the processes for responding for unwelcome communications to an emergency call described in *Industry Code ACIF C525:2009 Handling of Life Threatening and Unwelcome Communications*. The new provisions retain the right for the ACMA to direct the emergency call person and/or mobile carriers to take further steps to minimise the number of non-emergency calls but require the ACMA to consult affected parties before issuing such directions.

In response to comments about the need for an exception for force majeure, malicious acts or events outside the control of emergency call person, new provisions have been included that exempt emergency call persons from achieving call answering targets in certain circumstances (see subsections 32(2) and 33(2)).

The Determination clarifies, by way of an example, that failure of a network or facilities because of a denial of service attack could be grounds for an exception from giving an end-user access to an emergency call service.

Changes were also made to some of the terms and definitions in the Determination to reflect comments made by submitters that, where possible, existing terms and conditions in use by industry should be used in the Determination.

### ***Emergency service sector***

Submission were received from NSW Police, NSW Fire and NSW Ambulance, QLD Police and QLD Ambulance, Victoria Police, Emergency Services Telecommunications Authority in Victoria and the National Emergency Communications Working Group.

Common themes from these responses were:

- The Determination should require enhanced mobile location information to be provided to emergency call persons.
- VoIP out only providers should not be provided with the options of providing emergency call service access or requiring providers to inform their customers when emergency call service access is not available.

- The Determination should authorise a carriage service provider to block an end-user's access to the emergency call service where that end-user is found to be repeatedly mis-using the emergency call service.

Submissions were varied as to whether the Determination should require providers of VoIP out only services to provide emergency call service access. Some submitters commented that VoIP out only services should provide emergency call service access and that an option to opt out of this requirement should not be made available. Other submitters commented that the inability for an emergency service organisation to call back the end-user brings the service below minimum standards and, as such, should not be permitted to be offered.

The ACMA is monitoring the effectiveness of an industry-developed initiative to minimise the number of non-emergency calls made from mobile services. The initiative has been in place since July 2009. Early indications are that the initiative appears to be successfully capturing and dealing with the most frequent offenders that can be contacted under the scheme. The scheme is being reviewed on an on-going basis with a more formal review six months after commencement (i.e. January 2010). The review will consider extending the progressive warning and blocking process to include blocking calls to the emergency call service by fully disabling the handset.

Concerns about caller location are being considered by the ACMA as part of its project to explore whether there is an appropriate and justifiable mobile location solution for Australia's emergency call service model. This work is being progressed separately from the development of the Determination as it has broader policy implications for the emergency call service and state-based response to emergency calls.

Other issues raised by the emergency service sector were considered to relate to matters outside the scope of the ACMA's remit when making the Determination.

#### ***Non-government organisations and Other***

Submissions were received from the Deaf Australia, the Australian Resuscitation Council, the Australian Privacy Foundation, the Country Women's Association of NSW and an individual.

Comments from these submitters were generally supportive of the Determination. One or more of the submitters commented that:

- The Determination should allow for new equipment such as video phones to connect to the emergency call service.
- The Determination should encourage opportunities for allowing improvements in mobile location information.
- VoIP out only carriage service providers should have the option of making their customers aware that access to the emergency call service is not available where they are not able to provide the service.
- There needs to be a process in place to identify and manage repeat non-genuine callers.

## **Notes on Sections**

### **Part 1 – Introductory**

#### *Section 1. Name of the Determination*

This section specifies the name of the Determination as the *Telecommunications (Emergency Call Service) Determination 2009*.

#### *Section 2. Commencement*

This section provides for all of the provisions in the Determination apart from section 14 to come into effect the day after the Determination has been registered. Section 14 commences the day two months after the Determination has been registered.

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

This section revokes the *Telecommunications (Emergency Call Service) Determination 2002* (the 2002 Determination).

#### *Section 4. Definitions – the dictionary etc*

This section stipulates that the dictionary defines certain words and terms used in the Determination. These terms form part of the Determination, and therefore have substantive effect.

#### *Section 5. Purpose of Determination*

This section puts into effect the requirement of Section 147(1) of the TPCSS Act that the Determination imposes requirements upon carriers, carriage service providers and emergency call persons in relation to emergency call services.

The Determination includes provisions of a general nature that have to do with the way the emergency call service operates, information agreements between parties, and charging for services. The Determination also sets out obligations specific to relevant parties in relation to handling of emergency calls, performance standards, record keeping, information provisions and end-user access to the emergency call service.

Carriers are required to allow relevant parties to have such access to their controlled networks and facilities as is needed for the parties to meet their obligations under the Determination.

Carriage service providers who offer voice communication services that are capable of connection to the Australian Public Switched Telephone Network (PSTN) have a base obligation to allow end-users access to the emergency call service where they are using an emergency telephone service.

Emergency call persons have obligations under the Determination relating to information sharing, providing each other with reasonable assistance in carrying out their emergency call service functions and receiving and handling emergency calls.

The Determination sets out requirements for carriers and carriage service providers to have arrangements in place for assisting the IPND manager. It does not place obligations directly on the IPND Manager (at the time of this Determination, Telstra), recognising that as Australia's telecommunications environment continues to evolve, the IPND Manager may not always be a carrier or carriage service provider.

## **Part 2 – General requirements for emergency call services**

### *Section 6. General requirements for carriers*

This section specifies that carriers must ensure that they have written arrangements in place for dealing with emergency calls and for 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 the Determination.

The intention of this section is to ensure that carriers have in place written arrangements for handling emergency calls from end-users making calls using the carrier's network units, or controlled facilities. To this end, the section obliges carriers to make arrangements ensuring that any emergency calls carried within their networks are able to reach the emergency call person, including calls made from services supplied by a carriage service provider that uses the carrier's network. For example, carriers will need to make any relevant interconnection agreements or network conditioning arrangements and facilitate calls connected from the emergency service number 106.

### *Section 7. General Requirements for carriage service providers*

This section places obligations on carriage service providers similar in their effect to those imposed on carriers by Section 7. The section requires carriage service providers to have written agreements in place enabling the provider to comply with the requirements imposed by the Determination in relation to emergency calls made using the service.

The effect of the section is to require carriage service providers to have written agreements in place to ensure that emergency calls made using their services are able to reach the emergency call person, regardless of whether their own facilities are able to carry an emergency call to a point where the emergency call person can answer it. Examples of such arrangements include:

1. Procedures that enable calls made to an emergency service number to be delivered to an emergency call service in accordance with the Determination;
2. Special procedures, to be followed where applicable, ensuring that emergency calls using public mobile telecommunications services are delivered to the relevant emergency call person's answering point;
3. Agreements with any other carrier or carriage service provider whose carriage service, controlled network or controlled facility is required for delivery of emergency calls in accordance with this Determination;
4. Arrangements to ensure the calls made using a satellite service and transferred to an Australian-based terrestrial network are delivered to the relevant emergency call person's answering point.

This section also obliges carriage service providers to have procedures in place such that relevant information about their customers can be made available, as appropriate, to the emergency call person. This may include for example, procedures to use an appropriate system for transferring calling number information, including address details where available to the emergency call persons for use in responding to an emergency call. The carriage service provider may also be required to provide this information when requested directly by an emergency service organisation for

responding to an emergency call. For example where the emergency call has dropped out before the exact location of the caller was established.

#### *Section 8. General requirements for emergency call persons*

This section mandates co-operation between emergency call persons in relation to the operation of the emergency call service. In addition to facilitating supply of available and appropriate call information to emergency service organisations, this section supports the appearance of a single national emergency call service, an objective stated under subparagraph 147(2)(g) of the TCPSS Act.

#### *Section 9. Notice requirements for emergency call persons*

This section assists the ACMA to carry out its responsibilities by ensuring that it is properly informed of any decisions made by the emergency call person for 000 and 112 and the emergency call person for 106 to make a significant change to the operation of the emergency call service. The example of a change in the physical location where the emergency call person receives and handles emergency calls is included in the section. This example provided is not intended to limit the changes which the ACMA must be notified of, but rather to provide guidance.

#### *Section 10. Requirement to use common system*

This section executes the objective contained in subparagraph 147(2)(e) of the TCPSS Act, which stipulates that a common system be used, as far as practicable, for handling emergency calls. Handling emergency calls includes transferring emergency calls to emergency service organisations and providing emergency service organisations with available and appropriate information about those calls. The definition of common system has been clarified in the Determination as:

*‘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 the emergency call should be transferred and to transfer an emergency call to that emergency service organisation with the appropriate information about the caller.’*

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

#### *Section 11. Change to common system*

This section places an obligation on an emergency call person similar to that established by Section 9. However, this provision is more specifically related to the common system used for transferring emergency calls to emergency service organisations and providing them with available and appropriate information about those calls, discussed at Section 10. The section also imposes a requirement to consult with emergency service organisations about proposed changes to the common system as the changes may impact them directly, this is an element not contained in section 9.

## **Part 3 – General requirements of emergency calls**

### **Division 3.1 – Structure of emergency call services**

#### **Subdivision 3.1.1 – Giving end-users access to emergency call services**

In order to understand the construction of sections under this subdivision, certain underlying concepts and definitions need to be explained.

Base obligations of standard telephone services – the TCPSS Act defines what constitutes a *standard telephone service* and, in effect, attaches emergency call service obligations to them through the objectives of subsection 147(2). These objectives are reflected in the provisions of the Determination.

Key definitions revised – a significant revision of the Determination has been to retire the concepts of *standard emergency telephone service* and *service that an end-user would reasonably choose as a first choice to make an emergency call* (terms used in the 2002 Determination). Instead, the Determination defines a slightly broader concept of *emergency telephone service* which further encompasses new and emerging technology types.

In addition, the definition of *location independent communication service* (LICS) has been revised to capture services that do not qualify as *standard telephone services*. For the purposes of the Determination, the LICS definition has also been refined to only encompass services which are capable of connection to the Australian PSTN. This was done to avoid inappropriate application of obligations to specialised services, for which emergency call service access would be an unreasonable expectation. These revisions have been made to accommodate the extension of emergency call service obligations to newer forms of voice communication technologies, particularly internet protocol based telephony.

Specifications relating to emergency service numbers 000, 112 and 106 – certain emergency call numbers are designated for use with specific technologies. Emergency number 112, for example, is an international standard for mobile telecommunications services, and this is reflected in the provisions relating to an end-user calling 112.

Moveability of communication services – the structure of the sections of the 2009 Determination reflect the reality of legislating for a range of communication services with inherent technological differences. The Determination needs to cover services that exist on a spectrum from immobile (traditional wireline telephones) through to moveable services (fixed local, nomadic VoIP) to mobile services (GSM, 3G).

#### *Section 12. Application of Subdivision*

The section clarifies that the obligations in Subdivision 3.1.1 of the Determination do not apply if a carriage service 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.

The examples of subsections 447(1) and 313(1) of the *Telecommunications Act 1997* are given in recognition that carriers or carriage service providers can or must take necessary reasonable action to protect their network from damage or to prevent their network being used for criminal activity respectively. Specifically, subsection 313(1) of the *Telecommunications Act 1997* requires a carrier to prevent its network being

used for the commission of a crime, while subsection 447(1) of that Act authorises a carrier to take action against a threat to the integrity of its network.

Such action could be necessary, for example, to protect the emergency call service from a denial of service attack. A denial of service attack is an attempt to make a computer resource unavailable to its intended users. Perpetrators of these attacks typically target sites or services hosted on high-profile web servers such as banks and credit card payment gateways. The purpose of section 12 is to provide greater certainty regarding the circumstances that will not place carriage service providers in breach of their normal access obligations under the Determination.

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

This section requires a carriage service provider who supplies an emergency telephone service (as defined) to provide an end-user who has dialled '000' with access to the emergency call service operated by the emergency call person for 000 and 112.

The section does not apply if the service used to make the call is a:

- location independent communications service that is not a standard telephone service; or
- a satellite service and the call is transferred to a network other than an Australian-based terrestrial network

This section reflects the objective contained in subsection 147(2)(a) of the TCPSS Act.

*Section 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.*

The purpose of this section is to attach emergency call service obligations to appropriate communication services that fall outside the definition of a standard telephone service. In particular, it is intended to capture outbound internet protocol telephony that allows interconnection with the Australian PSTN. The provisions seek to ensure consistency in the way these services are offered so that consumers are well informed about the emergency call service aspects of any service they may obtain.

Taken in its entirety, section 14 enables providers of one-way outbound LICSSs to satisfy their obligations under the Determination either by enabling emergency call service access from their services or by providing consumer information in a way that meets the requirements of the Determination.

Subsection 14(2) recognises that as services such as those described above increase in availability and popularity, it is reasonable for consumers to expect them to enable emergency call service access. The ACMA therefore makes this provision in observance of objective 147(2)(h) of the TCPSS Act, which states that reasonable community expectations about the emergency call service should be met.

Subsection 14(3) explicitly excludes communication services which are in-bound only, on the basis there could be no reasonable expectation that an in-bound service could be used to call the emergency call service.

Subsection 14(4) seeks to reduce the potential for confusion about emergency call person access that could lead consumers expecting to be able to make emergency calls from the VoIP out only communication services they subscribe to. The provision applies to carriage service providers who do not enable emergency call service access from their services under Subsection (1). Subsection 14(4) is intended to ensure that consumers provide acknowledgement that they have been clearly and prominently informed that the service does not provide access to the emergency call service prior to subscribing to that service.

*Section 15. Requirement for carriage service provider if end-user uses emergency service number 112 – public mobile telecommunications service*

This section requires a carriage service provider to provide an end-user who has dialled ‘112’ on a public mobile telecommunications service with access to the emergency call service operated by the emergency call person for 000 and 112.

European Union countries have agreed on ‘112’ as a universal emergency call number, and for this reason, access to ‘112’ was incorporated into the international GSM standards for mobile handsets. In recognition of this, ‘112’ was adopted, in Australia, as an alternative emergency call number for use with mobile telephone handsets. The provisions for ‘112’ do not, therefore, apply to other types of communication services.

*Section 16. Requirement for carriage service provider if end-user uses emergency service number 112 – satellite service*

This section requires a carriage service provider to provide an end-user who has dialled ‘112 on a satellite service with access to the emergency call service operated by the emergency call person for 000 and 112 where:

- the customer’s satellite service handset is capable of being used to access a public mobile telecommunications service that uses GSM technology; and
- the call is transferred to an Australian-based terrestrial network.

Section 16 takes into account the existence of dual-mode handsets, and for this reason stipulates that when in mobile mode, a dual Satellite/mobile service must provide access to ‘112’.

*Section 17. Requirement for carriage service provider if end-user uses emergency number 106 – standard telephone service*

The Numbering Plan designates ‘106’ as the emergency call number for hearing and/or speech impaired users. For this reason, separate sections are required in the Determination to ensure that ‘106’ can be put into practice. Subparagraph 6(1)(b)(ii) of the TCPSS Act extends the *standard telephone service* definition to telecommunication services designed to provide voice communication equivalence to hearing and/or speech impaired end-users.

Section 17 of the Determination applies emergency call service obligations to these services in relation to emergency number ‘106’ by requiring a carriage service provider to provide an end-user who has dialled ‘106’ with access to the emergency call service operated by the emergency call person for 106.

*Section 18. Requirement for carriage service provider if end-user uses emergency service number 106 – satellite service*

Section 18 recognises that, under the requirements of the *Universal Service Obligation*, satellite services may be used in fulfilment of a requirement to provide a standard telephone service, as described by subparagraph 6(1)(b)(ii) of the TCPSS Act. For this reason, section 19 stipulates the circumstances under which a satellite service which has the technical capability to do so must provide access to ‘106’.

Section 18 requires a carriage service provider to provide an end-user who has dialled ‘106’ on a satellite service with access to the emergency call service operated by the emergency call person for 106 where:

- the satellite service is technically capable of carrying a call using that emergency service number; and
- the call is transferred to an Australian-based terrestrial network.

*Section 19. Requirements for carriage service provider – controlled networks and controlled facilities*

This section provides that 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. The section is subject to an exception where:

- it is not technically feasible to give the access; or
- a matter beyond the control of the provider materially and adversely affects the provider’s technical ability to give the access.

The effect of this section is that if service capacity is in place, emergency calls made using that capacity must be carried, even if an arrangement has not been entered into with an end-user for supply of a service. For example, where a telephone line is connected to a premises, but no telephone number or customer is yet associated with that line. The requirement is qualified as applying only if it is technically feasible for emergency call access to be enabled with the existing infrastructure available at the premises.

It is further qualified as not applying if something materially and adversely affects the provider’s technical ability to give the access. To assist interpretation, examples of such circumstances are provided, including power outages, end-user abuse or misuse of customer equipment, or damage caused by third parties to wiring or access lines. A new example has been added into the Determination, which relates to management of a denial of service attack (as discussed at section 12 above).

*Section 20. Certain calls with additional digits*

Section 20 provides that if an end-user dials (or presses) the digits for an emergency call number and then dials (or presses) at least 1 more digit, carriage service providers are not required to treat this action as an emergency call or to connect such a call to an emergency call person. In practice there is a different digit analysis process used depending on whether it is a fixed or mobile service being analysed. That is, for mobile only one extra digit needs to be dialled to be recognised as a misdial, but technological constraints mean that for fixed lines, a misdial is only detected in the extra digit analysis after two extra digits are dialled. However, under the

Determination, only one additional digit is necessary before the section comes into effect. This measure reduces calls to the emergency call service that might otherwise occur as a result of unintentional dialling.

*Section 21. Appearance of emergency call services – carriage service provider requirement*

This section puts into effect the objective stated at subsection 147(2)(g) of the TCPSS Act. That is, that the end-user experience of the emergency call service is that of a single national emergency call system.

**Subdivision 3.1.2 – Handling of calls to emergency service numbers 000, 112 and 106**

The sections in Subdivision 3.1.2 put into effect certain aspects of the objective stated at subparagraph 147(2)(b) of the TCPSS Act, which relates to obligations for emergency call persons to receive and handle emergency calls, transfer emergency calls to emergency service organisations, and provide information about such calls to emergency service organisations. (Further provisions are found under Division 5.3 of the Determination, to complete the remaining aspect of the objective.)

Subsection 147(11) of the TCPSS Act defines *emergency service organisation* as including a police, fire or ambulance service. The subsection allows for other services to be specified but, at the time of making the Determination, this has not occurred. In practice, the community perceives the concept of “emergency” more broadly, and associates the emergency call service with situations other than those which require a time-critical response from police, fire or ambulance services. For this reason, the Determination sets out explicit requirements in relation to the handling of calls to emergency service numbers, including situations where an end-user has, in effect, inappropriately called the emergency call service.

**Subdivision 3.1.2 Carriage of emergency calls**

While the sections in Subdivision 3.1.1 relate to end-user access to the emergency call service (eg, being able to dial ‘000/112/106’ in the first place), the sections in Subdivision 3.1.2 impose a positive obligation that emergency calls must be carried to a point where an emergency call person can answer them.

*Relevant termination point* is given a specific definition in the dictionary of the Determination. Subdivision 3.1.2 also makes provisions relating to the speed, efficiency and reliability with which emergency calls are carried by carriage service providers, giving effect to the objective at subparagraph 147(2)(f) of the TCPSS Act. This is important, as emergency calls must be given first priority for delivery over networks.

*Section 22. Carriage service provider must ensure emergency call carried to relevant termination point – service other than satellite service*

This section places an obligation on a carriage service providers to ensure that emergency calls made using an emergency telephone service (other than a satellite service) supplied by the carriage service provider, are carried to a point where the emergency call person can answer them, regardless of the boundaries of the carriage service provider’s own telecommunications network.

*Section 23. Carriage service provider must ensure emergency call carried to relevant termination point – satellite service*

This section has the same effect as Section 22, but recognises the specific nature of satellite services and stipulates the circumstances under which such a service is required to carry emergency calls. This is consistent with other sections in the Determination, such as sections 16 and 18.

*Section 24. Speed, efficiency and reliability for numbers 000 and 112 – carriage service providers*

Section 24 places a general requirement on carriage service providers to handle emergency calls with a degree of speed, efficiency and reliability commensurate with the nature of the emergency call service. That is, a carriage service provider carrying an emergency 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**

*Section 25. Receiving and handling calls*

This section places a general requirement on an emergency call person to receive and handle calls in the manner specified in Subdivision 3.1.3.

*Section 26. Transfer to emergency service organisation*

Section 26 sets out the requirements applicable when an end-user has appropriately accessed the emergency call service, requesting assistance from police, fire or ambulance services. Under these circumstances, the emergency call person is required to transfer the call to the appropriate service as requested, based on the nominated answering point that they are provided by each emergency service organisation.

*Section 27. Transfer to announcement for State and Territory emergency services*

Section 27 addresses circumstances in which an end-user contacts the emergency call service for a situation which is (or may be) urgent and requires a response from a state or territory emergency service, but does not require a time-critical response from police, fire or ambulance services. The provision recognises these situations may still be significant and therefore directs a higher level of assistance than for non-emergency calls. Note that the definition of *announcement for State and Territory emergency services* includes the element “how to contact a State or Territory emergency service”. This is a more exact requirement than simply advising generally how to locate a telephone number.

*Section 28. Transfer to announcement for non-emergency contacts*

Section 28 addresses circumstances in which an end-user has contacted the emergency call service regarding matters that do not require a time-critical response from any kind of emergency service organisation. The definition of *announcement for non-emergency contacts* recognises that these situations are not urgent and therefore the emergency call person has an obligation to advise end-users generally how to locate a desired telephone number.

### *Section 29. Transfer of Caller No Response Call*

Section 29 addresses situations where a caller to the emergency call service makes no response when answered by the emergency call person call-taker. The Determination defines what is meant by a *Caller No Response (CNR) Call and announcement for Caller No Response Calls*.

In June 2002, the Australian Communications Authority accepted an amendment to the 2002 Determination which introduced an obligation on the emergency call person for 000 and 112 to receive, answer and process CNR calls in accordance with CNR Guidelines. However, the Determination includes the CNR obligations into the body of the Determination.

That is, the emergency call person operator for 000/112 receiving the CNR call must:

- a. twice ask the caller if they require police, fire or ambulance;
- b. if emergency call person operator receives no response, the call must be transferred to a pre-recorded voice announcement informing the caller to dial or press “55” if they require emergency assistance;
- c. if the caller dials or presses “55” and are still not indicating which emergency service organisation they want to be transferred to, the emergency call person operator must transfer the call to the police in the capital city of the caller;
- d. if the caller does not dial or press “55”, the pre-recorded message must play two further times after which the call must be disconnected.

### *Section 30. Inability to use Caller No Response Call announcement*

This section clarifies the requirements of the emergency call person in the event that a call-taker is prevented in some way from following the Caller No Response procedures stipulated under subsection 29. If for any reason, the emergency call person cannot transfer a Caller No Response Call to the pre-recorded message, it must treat the call as a genuine request for emergency police assistance and forward the call to the police in the capital city of the caller according to the information available to the operator.

It is important to note that with some calls, (for example mobile calls, where the information available to the operator is related to a billing address) the information available to the emergency call person operator may suggest the caller is in a state other than that from where they are calling (this is addressed in the definition of ‘end-user’s state or territory’).

### *Section 31. Appearance of emergency call services – emergency person requirement*

This section re-iterates the objective of subparagraph 147(2)(g) of the TCPSS Act – the appearance of a national emergency call service system – in relation to emergency call persons receiving and handling of emergency calls. The section requires that 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.

*Section 32. Speed efficiency and reliability for numbers 000 and 112 – emergency call person*

Under this section, the emergency call person for 000 and 112 must meet certain call answering requirements each month and report accordingly to the ACMA. However, under subsection 32(2), the emergency call person for 000 and 112 is exempt from achieving these targets in a month where a failure to meet a requirement specified in subsection 32(1) is due to circumstances that are not reasonably within its control and which could not have been reasonably foreseen by it. Given the importance of the emergency call persons role, this is a limited exemption from the obligation in subsection 32(1) in that both tests must be met. That is, the circumstance is not reasonably within the control of the provider and secondly, the circumstance could not be reasonably foreseen.

For example, although a major bushfire is not within the control of the emergency call person for 000 and 112, the emergency call person may reasonably foresee that there is a high likelihood of very high calling volumes on a particular day. Accordingly, it would be expected that the emergency call person for 000 and 112 would take steps to ensure that extra calls can be answered, for example by increasing the number of staff available. It will only be in limited circumstances and despite the emergency call person's best efforts to militate against the reasonably foreseeable event that the emergency call person for 000 and 112 will be protected by subsection 32(2).

Examples coming within the scope of subsection 32(2) may include delay in answering emergency calls because of action taken to prevent or manage a denial of service attack or because unexpectedly high calling volumes caused by responses to natural disasters such as major storms, floods or bushfires.

*Section 33 - Speed efficiency and reliability for number 106 – emergency call person*

This section places call answering requirements on the emergency call person for 106. Like the emergency call person for 000 and 112, the emergency call person for 106 is exempt from achieving these targets in a month where a failure to meet a requirement specified in subsection 33(1) is due to circumstances that are not reasonably within its control and which could not have been reasonably foreseen by it (see subsection 33(2)). This is a limited exemption from the obligation in subsection 33(1) in that both tests must be met. That is, the circumstance is not reasonably within the control of the provider and secondly, the circumstance could not be reasonably foreseen.

Examples coming within the scope of subsection 33(2) may include delay in answering emergency calls because of action taken to prevent or manage a denial of service attack or because unexpectedly high calling volumes caused by responses to natural disasters such as major storms, floods or bushfires.

## **Division 3.2 Access requirements: carriers and carriage service providers**

### *Section 34. Requirement for carriers and carriage service providers – access for carriage service provider*

Section 34 ensures that carriage service providers are able to obtain the access to controlled carriage services, controlled networks and controlled facilities, necessary to meet their emergency call service obligations, irrespective of any commercial or corporate arrangements that may be in place in relation to carriers or other carriage service providers. It recognises that in an emergency any network may be required to be used in order to give an end-user access to the emergency call service.

## **Division 3.3 Minimisation of calls that are not emergency calls**

Division 3.3 of the Determination was made in response to appeals from the emergency services community to protect the emergency call service from non-emergency calls. Non-emergency calls may be the result of accidental dialling, unintended misuse or deliberate hoax or malicious calling. Non-genuine calls are a serious problem for the emergency call service because they drain resources away from genuine emergencies, potentially reducing both efficiency and effectiveness of the service.

Empirical evidence shows that as mobile communication services have increased in number, mobile calls are accounting for a very large number of non-genuine calls directed at the emergency call service. This perhaps reflects the nature of the technology in comparison to wireline services. Wireline services are easier to identify and locate for the purpose of addressing non-genuine callers, and issues such as accidental dialling are less likely. Mobile technology is more prone to inadvertent calls occurring through unintended pressing of the handset keypad, and more open to anonymity for those who deliberately choose to abuse the emergency call service. For this reason, the division specifically applies to public mobile telecommunications services.

At the time of making the Determination, the *Industry Code ACIF C525:2009 Handling of Life Threatening and Unwelcome Communications* (the HLTUC Code) was under revision to include the operational details of industry initiatives for dealing with non-genuine calls to the emergency call service at Chapter 5.

### *Section 35. Minimisation requirement – emergency call person for 000 and 112*

Section 35 applies the non-genuine call requirement to the emergency call person for 000 and 112 and contains one additional element to that required of carriers. The additional element relates to the *announcement for emergency calls*, which is defined in the Dictionary.

Paragraph 35(2)(a) states the emergency call person must play an announcement informing callers they have contacted the emergency call service. As the initial answering point for calls to the emergency call service, this provides an opportunity for users to terminate unintended calls before they become a distraction to emergency service resources. In practice, this clause will have effect on all calls to 000/112 rather than just calls from mobiles. The announcement was introduced on 19

December 2008 and in 12 months has reduced the total volume of calls to the emergency service numbers 000 and 112 by 22 per cent.

Paragraph 36(2)(b) allows the ACMA to direct other actions from the emergency call person, noting that subsection 35(3) requires the ACMA to consult with the emergency call person for 000 and 112 and have regard to their submissions prior to issuing any direction.

#### *Section 36. Minimisation requirement – carriers*

Section 36 applies the non-genuine call requirement to carriers, with the exception of the *announcement for emergency calls*. For reasons outlined above, these obligations apply to carriers only when they are handling calls to the emergency call service numbers 000 and 112.

Section 36 also allows the ACMA to direct other actions from one or more carrier after consultation with the carrier to which the obligation would apply and after having regard to submission made by the carrier/s to which the direction would apply.

## **Part 4 – Call information**

### **Division 4.1 Making information available for emergency call persons**

To aid the interpretation of IPND related obligations in this Division, it is necessary to understand certain concepts that underpin the drafting of the sections.

One of the most important elements of the emergency call service is caller location information (CLI). Guaranteed emergency service dispatch can only occur if emergency service organisations have accurate information about the location of callers to the emergency call service. Under existing arrangements, the IPND is the primary source of information about the service location of communication services.

In drafting the Determination the ACMA sought to remove, as much as possible, previous references to specific types of technology. One of the challenges in doing this relates to the degree to which the location of a communication service can be moved by an end-user, without reference to their carriage service providers. The Determination needs to cover services that exist on a spectrum from immobile (traditional wireline telephones) through moveable services (fixed local, nomadic VoIP) to mobile services (GSM, 3G). The location of an immobile communication service can only be changed with reference to the carriage service providers.

Therefore, it is reasonable to expect that the carriage service providers will always be aware of the location of the service and is therefore able to update the IPND Manager accordingly. The same cannot be said of “moveable” services, such as location independent communication services (LICS), where end-users may alter the location of a service without informing their carriage service providers. For mobile services, which by their nature have no connection to a fixed geographic location, it is only feasible (with present technology) for a carriage service providers to update the IPND with details of the billing address related to a service, rather than the callers real-time location information.

However, it remains important not only for the emergency call service that the IPND contains as much useful information as possible, even for moveable and mobile services. For these services, the customer’s *service address* presents a feasible

alternative for updating the IPND. Where location details cannot be obtained from a caller for some reason, address information in the IPND provides a “best available” alternative to which an emergency response can be dispatched. This has become more critical in light of continued fixed-to-mobile substitution. As more Australians opt for mobile-only communication services, the likelihood of a mobile emergency call being made from a caller’s home address has increased.

The Determination makes use of the concept of *service address* which in turn is defined as ‘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 of the *Telecommunications Act 1997*.

‘Billing address’ was avoided as a term used, as a purely postal address, such as a post-box, is not acceptable, because it is of no value to emergency services. It was also necessary to avoid terms such as “residential” or “business” address, as these may have created unintended exceptions to the obligations, and further complicated the drafting.

The notion of *service address*, in the case of mobile services, limits a carriage service provider’s obligations to that which is reasonable and feasible.

#### *Section 37. Purpose of Division*

Section 38 provides an overview of the purpose of the clauses in the Division

#### *Section 38. Application of Division*

This section limits the obligations contained within the Division to carriage service providers who provide an *emergency telephone service* and to the emergency call person for 000 and 112.

#### *Section 39. Carriage service provider must ensure IPND Manager receives record – location of emergency telephone service can be identified at all times*

This section covers circumstances in which the location of a communication service cannot be altered in the IPND without a customer informing their carriage service provider. *Service address* is defined in the dictionary, and is intended to be comprehensive and prescriptive, to reflect the importance of IPND address information being complete and accurate.

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

Section 40 sets out obligations in relation to services which a customer can physically move without informing their carriage service providers who supplies them with the service, but which would still normally be at a fixed location while being used. The section does not apply where the service is a public mobile telecommunications service. If a customer alters the original location of the service and fails to advise the carriage service provider, it is unreasonable to oblige the carriage service providers to update the IPND. Subsection 40(2) expresses the obligation in terms of the *service address*.

The subsection also requires that carriage service providers indicate to the IPND that location information associated with the service may be unreliable. Subsection 40(3)

provides that flagging the Alternate Address as “true” will satisfy the requirement to indicate uncertainty of the caller’s location. This is very significant to the operation of the emergency call service, because a “true” flag on the Alternate Address field alerts emergency call service call-takers to verbally check location information with the customer. Without this, an emergency call may be directed to an incorrect emergency service organisation answering point.

*Section 41. Carriage service provider must ensure IPND Manager receives record – public mobile telecommunications service*

The IPND related obligations for mobile communication services are contained in a separate section in recognition of the inherent nature of the technology. The obligation relating to the Alternate Address flag is not relevant to mobile communication services because they are identifiable by their prefixes, which already alert emergency call service call-takers that location information needs to be verbally obtained in order to be able to transfer the caller to the appropriate emergency service organisation answering point.

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

This section sets minimum standards for the time in which obligations to update the IPND must be met, in the case of initial supply of a service (by the end of the next Business Day – a defined term in the dictionary).

*Section 43. Updating IPND records about location of emergency telephone service*

Section 43 sets minimum standards for carriage service providers in relation to advising the IPND Manager of any on-going updates in relation to a customer’s service. Paragraph 43(c) also sets out minimum requirements for correcting any errors that result from information updates sent by carriage service providers to the IPND Manager. Error messages returned from an IPND update may signify that incomplete or outdated location information remains on the IPND. If these errors are not corrected, emergency service responses may be misdirected or hindered.

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

Section 44 requires a carriage service provider to have regard to the format of address information used in rural areas and provide information to the IPND Manager accordingly. Inappropriate formatting of address information sent to the IPND Manager may result in inaccurate or outdated location information remaining on the IPND, which may, in turn, cause emergency service response to be misdirected or hindered.

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

This section ensures an appropriate process is in place so the emergency call person is able to obtain information relevant to the emergency call service from the IPND. The section requires the emergency call person to use its best endeavours to set a minimum standard in agreement with the IPND Manager for the time in which the emergency call person must be advised of updates to the IPND. The section is framed with reference to the emergency call person, recognising the possibility that the IPND Manager may not always be a carrier or carriage service provider. This is significant

because the section 147 of the TCPSS Act limits the scope of the Determination to carriers, carriage service providers and emergency call persons.

## **Division 4.2 Information Agreement**

### *Section 46. Agreement between emergency call persons*

The provisions of section 46 ensure there are arrangements in place between emergency call persons for ready access to the information necessary to the operation of the emergency call service. The section either supports or puts into effect the following objectives of subsection 147(2) of the TCPSS Act:

- Subparagraph 147(2)(e) – that a common system be used for receiving and handling calls to the emergency call service,
- Subparagraph 147(2)(f) – that emergency calls are transferred to emergency service organisations with a minimum of delay,
- Subparagraph 147(2)(g) – that to an end-user, the emergency call service has the appearance of national system.

### *Section 47. Inability to make new information agreement*

Section 47 sets out the process for resolving any inability that may arise for emergency call persons to arrive at a new information agreement, and empowers the ACMA to direct or facilitate a resolution.

### *Section 48. Compliance with information agreement*

This section requires the emergency call person to comply with the relevant Information Agreement in place.

## **Division 4.3 Giving call information**

Division 4.3 gives effect to section 147(2)(f) of the TCPSS Act that calls to an emergency service number must be transferred to an appropriate emergency service organisation with the minimum of delay. It also gives effect to section 147(2)(i) that automatic information about the identity and location of the caller must as far as practicable, be transferred at the time the emergency call is made.

### *Section 49. Information identifying calling numbers*

Section 49 seeks to expedite the efficient operation of the emergency call service by mandating that transfer of information about the calling number (including the Caller Location Information and subscriber details), be automated and provided at the time the emergency call is made. Subsection 49(1) sets out the basic requirement in this regard.

Subsection 49(2) recognises that with certain technologies, under certain circumstances, caller location information (CLI) may not be available or may not be transmitted by the customer equipment in use. Certain internet protocol services, for example, may only have an IP address rather than a telephone number. Current emergency call service arrangements in Australia require that emergency calls made using mobile communication services must be allowed to use any available network,

regardless of which network the end-user is commercially subscribed to. Calls made using a network other than the end-user's "home" network will not transmit CLI or subscriber details and instead are allocated a 'default CLI'.

Subsection 49(3) sets out minimum requirements for automated location information in relation to mobile and moveable communication services. This recognises that address information in the IPND, associated with these services, may not reflect the actual location of the service at the time an emergency call is being made. Automated location information where available, assists emergency call person call-takers to identify the correct emergency service organisation a call needs to be transferred to.

#### *Subsection 49(4)*

Subsection 50(4) sets out minimum requirements for automated location information in relation to fixed local services. This recognises that address information in the IPND, associated with these services, may not reflect the actual location of the service at the time an emergency call is being made. The emergency call person call-taker is required to notify the appropriate emergency service organisation that the call is being made from a fixed local service and which State or Territory it is originating from (according to the information available to them).

#### *Section 50. Information identifying carriage service providers*

Under section 50, a carriage service provider is required to ensure that each emergency call person receives correct and current information about the provider's business address and contact telephone numbers. A service provider must also ensure that an emergency call person receives correct and current information about how to contact the provider or its representative at any time with an immediate response in respect of matters relating to the emergency call service.

#### *Section 51. Information about emergency calls*

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.

Section 286 of the *Telecommunications Act 1997* allows an eligible person (of which an emergency call person call-taker is one) to disclose certain information if it comes to the attention of that person by way of an emergency call. Consequently, section 51 aims to secure the expedient operation of the emergency call service by indicating the minimum critical pieces of information required for emergency service response. This clarifies responsibility for the emergency call person in relation to Privacy matters and supports other sections that aim to expedite the transfer of calls and information to emergency service organisations. The information which should be transferred wherever possible includes the location of the end-user, the identity of the customer of the service being used to make the call and the number related to the service. There are limitations to the ability to transfer this information with certain calls.

### *Section 52. Additional information after transferring emergency calls*

Section 52 performs a similar function to Section 51, but also includes carriers and carriage service providers. The section applies where emergency service organisation information has asked an emergency call person, a carrier or a carriage service provider to give it information about an emergency call that has been transferred to the organisation. In such circumstances, emergency call person, carrier or a carriage service provider must give the emergency service organisation the information, or as much information as practicable, as soon as practicable.

## **Part 5 – Charging for emergency calls**

The objectives set out in section 147(2) of the TCPSS include a number of stipulations about charging for calls to the emergency call service. The sections of Part 5 of the Determination give effect to these objectives.

### *Section 53. Free access by end-users*

Section 53 deals with end-users, and puts into effect free access to the emergency call service for the community at large. Subparagraph 147(2)(a) of the TCPSS Act allows the ACMA to define certain circumstances as unreasonable to supply free access, no such circumstances have been declared at the time of making the Determination.

### *Section 54. Charging emergency service organisations – carriage service providers*

Subparagraph 147(2)(d) of the TCPSS Act defines activities relating to emergency calls for which emergency service organisations should not be charged. Section 54 gives effect to the objective, ensuring that emergency service organisations are not charged, directly or indirectly, for carriage services relating to handling, transferring or giving information about emergency calls. The section clarifies, however, that charging for services above and beyond those specified can be agreed between emergency service organisations and carriage service providers.

### *Section 55. Charging emergency call persons – carriage service providers*

Section 55 applies the principles of section 54 to emergency call persons. As with section 54, emergency call persons are not to be charged, directly or indirectly, for carriage services relating to handling, transferring or giving information about emergency calls. However, subsection 55(4) allows for charging, on a comparable basis to normal charges, if the emergency call person originates a call.

### *Section 56. Charging emergency service organisations – emergency call persons*

Section 56 puts into effect the objective at subparagraph 147(2)(c) of the TCPSS Act, ensuring that emergency call persons do not charge emergency service organisations for handling, transferring or giving information about emergency calls.

### *Section 57. Charging for using common system – emergency call persons*

This section requires that where charges for services related to the emergency call person common system are exchanged between emergency call persons, the net financial result should be a nil effect. There should be neither profit nor loss from charges exchanged between emergency call persons.

## **Part 6 – Deficiencies in emergency call services**

The provisions under Part 6 of the Determination allow the ACMA to efficiently investigate failures in compliance by carriage service providers (see Division 6.1) or emergency call persons (see Division 6.2) in a timely manner, by requesting written information from providers.

If a provider is unable to comply with a request for information from the ACMA, they must explain the reason for this, as well as the steps the provider will take to provide the information and in what timeframe.

## **Part 7 – Records**

### **Division 7.1 Keeping records**

#### *Section 60. Emergency call persons*

Section 60 sets out requirements for emergency call persons to maintain and provide at least quarterly, a range of statistics relating to emergency calls. The ACMA uses this information to monitor the performance of the emergency call service and to measure the effectiveness of strategies used to improve its performance. Paragraph 60(1)(p) allows the ACMA to request data about any matter over and above what is required, where the emergency call person has agreed in writing to provide it.

#### *Section 61. Carriage service providers*

A carriage service provider must make and keep a record of the arrangements it makes to comply with the Determination, including a record of any agreement it enters into with another person to help it comply with this Determination. Examples of such records are the terms, the parties, the date and the duration of the arrangement.

Under section 61(2), if the ACMA wishes to inspect a provider's records, it must give written notice and the provider must produce the information within seven days.

### **Division 7.2 Carriage service providers unable to keep or produce records**

#### *Section 62. Inability to keep or produce records*

Section 62 places obligations on carriage service providers to inform the ACMA as soon as practicable where they are unable to keep records as required under section 61 because of a dispute between the carriage service provider and another person.

## **Dictionary**

The Determination includes certain new or revised definitions designed to assist drafting of the provisions and their clear interpretation. Most are self explanatory; there are however a few of note as follows:

#### *announcement for emergency calls*

In December 2008, a recorded voice announcement was reintroduced to greet all incoming calls to the emergency numbers Triple Zero and 112. The intent of this was to minimise the volume of inadvertent misdials and test calls being made to the emergency call service. It also now forms part of the emergency call person's obligations to minimise non-emergency calls under section 36(2). At the time of making the Determination, the announcement for emergency calls has resulted in an overall reduction in calls of 22 per cent. This would translate into 2.4 million fewer calls being made annually to the emergency call service based on current 2008/09 call data.

#### *emergency telephone service*

The concept of an emergency telephone service replaces that of a 'standard emergency telephone service' (SETS) which was in place under the 2002 Determination.

An emergency telephone service recognises that an emergency call is likely to be placed from a standard telephone service (STS) as defined under the TCPSS Act. It also recognises that an emergency call could be made from a location independent service which is not a STS (i.e. a VoIP out only service) or a mobile phone which does not provide any identifying information (likely to be a SIM-less mobile). The determination clarifies obligations related to when each of these types of services are required to be able to access the emergency call service.

*location independent communication service (LICS)*

To recognise that there is a growing take-up by the Australian community of VoIP 1-way and 2-way services, the definition of LICS has been expanded in the Determination to include a LICS which is not a STS, which includes VoIP-out only services.