



Telecommunications (Emergency Call Service) Amendment Determination 2013

Telecommunications (Consumer Protection and Service Standards) Act 1999

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under subsection 147 (1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

Dated 19th June 2013

Chris Chapman
[signed]
Member

Richard Bean
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

1 Name of Determination

This Determination is the *Telecommunications (Emergency Call Service) Amendment Determination 2013*.

2 Commencement

This Determination commences on 1 July 2013.

Note: All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.

3 Amendment of the *Telecommunications (Emergency Call Service) Determination 2009*

The *Telecommunications (Emergency Call Service) Determination 2009* is amended as set out in Schedule 1.

Schedule 1 – Amendments
(Section 3)**[1] Subsection 7(1) (example 4)**

Omit “and transferred to an Australian-based terrestrial network”, substitute “, other than an exempt satellite service,”.

[2] Paragraph 13(2)(b)

Omit the paragraph, substitute:

- (b) the service used to make the call is an exempt satellite service.

[3] After section 14

Insert:

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.

[4] Paragraph 16(1)(c)

Omit the paragraph, substitute:

- (c) the satellite service used to make the call is not an exempt satellite service.

[5] Subsection 18(1)

Omit the subsection, substitute:

- (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.

[6] At the end of section 19

Add:

- ; or (c) the service used to make the call is an exempt satellite service.

[7] Section 22, heading

After “- service other than”, insert “an exempt”.

[8] Section 22

Omit “a satellite service”, substitute “an exempt satellite service”.

[9] Section 23

Omit the section.

[10] Subsection 49(4)

Omit “, 112”.

[11] Section 52A, heading

Omit “Section”.

[12] After Division 7.2

Insert:

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).

[13] Dictionary, definition of “Australian-based terrestrial network”

Omit the definition.

[14] Dictionary

Insert:

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.

[15] Dictionary

Insert:

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.

[16] Dictionary

Insert:

SIM means a subscriber identity module.

[17] Dictionary - Note

Insert:

- customer equipment