

EXPLANATORY STATEMENT

This is the Explanatory Statement for the C536:2020 **Emergency Call Service Requirements** Industry Code (the Code).

This Explanatory Statement outlines the purpose of the Code and the factors that have been taken into account in its development.

The Code replaces the C536:2011 (Incorporating Amendment No.1_2015) **Emergency Call Service Requirements** Industry Code published by Communications Alliance.

Background

While awareness within the community of Australia's primary Emergency Service Number (ESN) "000" is very high, few people have an understanding of the operation of the Emergency Call Service (ECS) or have given consideration to the complexities of delivering the ECS.

With the entrance of new Carriers and Carriage Service Providers (CSPs) there was a clear requirement to ensure the continuing high quality of the ECS in a multi-provider environment.

In June 2002, the Australian Communications Authority (later replaced by the Australian Communications and Media Authority or the ACMA) using its powers under the *Telecommunications (Consumer Protection and Service Standards) Act 1999*, made the *Telecommunications (Emergency Call Service) Determination 2002* (the 2002 Determination). The 2002 Determination placed obligations on Carriers, CSPs, and ECPs in relation to access to and provision of the ECS. In December 2009, the ACMA, made the *Telecommunications (Emergency Call Service) Determination 2009* (the 2009 Determination).

The *Telecommunications (Emergency Call Service) Amendment Determination 2011* (No. 1), published in January 2011, introduced minimum standards for mobile carriers in relation to the provision of mobile location information to emergency service organisations (ESOs) – Police, Fire or Ambulance.

In April 2019, the *Telecommunications (Emergency Call Service) Determination 2019* (the Determination) replaced the 2009 determination.

The Code should be read in conjunction with existing legislation and in particular the Determination, which it was designed to complement.

Current Regulatory Arrangements

Key changes in the Determination from the 2009 Determination include:

- further requirements to reduce non-genuine calls to the operator of the ECS;
- new obligations to communicate with customers impacted by a disruption to the operation of the ECS;
- requirements relating to enhanced caller location information;
- requirements to minimise events which may disrupt the ECS, such as Denial of Service attacks; and
- a restructure of obligations to make the obligations easier to follow.

The Determination notes Telstra as the ECP for 000 and 112. The Determination also notes Concentrix Services as the ECP for 106, which provides access to a text (i.e. Telephone Typewriter) ECS for people who are deaf or have a hearing or speech impairment.

The Code places specific obligations on Carriers and CSPs (including those providing Public Payphones), particularly with respect to public awareness of the Emergency Call Service. To assist in meeting this obligation, the Code includes a nationally-agreed emergency service logo which may be used to promote 000 and 106.

In so doing, the Code also meets consumer requirements with respect to awareness of disclosure of Customer information and promotion of awareness of the ECS.

How the Code Builds on and Enhances the Current Regulatory arrangements

The Code places specific obligations on Carriers, and CSPs in relation to their interaction with the key ECS stakeholders: Customers, ECPs, and ESOs. In this way, the scope of the Code strengthens arrangements for provision of the ECS by extending obligations to sections of the telecommunications industry not covered by the Determination.

The Code includes guidelines and exposition of existing obligations found in the Determination. This enhances the current legislative obligations through the provision of practical assistance to CSPs in handling emergency calls. Examples of the technical, network and operational procedures are included to enable CSPs' Customers to access the ECS during normal and abnormal network operating conditions.

The Code provides additional information to the obligations under the Determination with respect to normal and abnormal operating conditions and makes reference to the use of network management strategies and network configurations which will enable the industry to ensure that 'Access' is available to end users without charge to the caller.

What the Code Accomplishes

The objectives of the Code are:

- to ensure all end users of an Emergency Telephone Service (ETS) have Access to the ECS in case of emergencies or where a response is required from an ESO;
- to ensure the operational effectiveness of the Determination;
- to ensure that significant obligations of Carriers and CSPs, in relation to the ECS, are clearly documented and understood;
- promote public understanding and appropriate use of the ECS (e.g. via www.triplezero.gov.au); and
- to ensure effective communications of information between relevant parties where technical issues affect the operation of the ECS.

The Code assists in ensuring that the industry is aware of its obligations with respect to the ECS and, in particular, will enhance the promotion of public awareness of such matters as the correct use of ESNs, and the disclosure of Customer information during an emergency call.

How the Objectives are Achieved

Upon registration of the Code, all relevant sections of the industry may be required to comply with the Code.

After the Code is registered by the ACMA, the ACMA will have the ability to use its enforcement powers under Part 6 of the Act where it is satisfied that a participant in a relevant section of the telecommunications industry is breaching or has breached the Code.

Benefits to Consumers

Arrangements with ECPs, provision of the ETS and processes for the delivery of calls to the ECS without delay are essential to ensure that any Customer who calls the ECS, (using a fixed service, a mobile service, some Voice over IP (VoIP) services or a Telephone Typewriter based service) can access prompt assistance.

Benefits to Industry

The Code enables a common understanding of obligations which exist in the industry between Carriers and CSPs, particularly with respect to their interconnect arrangements in ensuring the operational effectiveness and appearance of a national system for the ECS.

The Code establishes minimum standards and standardised procedures which will be enforceable.

Cost to Industry

The Code places additional obligations on the industry with respect to publicity and disclosure of Customer information which is aimed at increasing awareness of the ECS and how to access the ECS in time-critical or life-threatening situations.

In meeting these other obligations, the Code may impose additional costs on the telecommunications industry over that which is required to meet its obligations under the Determination. It is not practical for the Working Committee to quantify these costs. However, the Code imparts benefits to the community in supporting this critical everyday service.

Other Public Interest Benefits or Considerations

Public interest benefits include timely cross network responses to emergencies and enhancing responsiveness on mobile networks. The Code makes a positive and active contribution in the national interest to enable and promote access by all Australians to emergency services.

2011 Revision

The Code was revised to:

- reflect key obligations in the Telecommunications (Emergency Call Service) Determination 2009;
- ensure that terminology is updated to reflect current usage, including addition of new definitions and acronyms if appropriate;
- include an obligation to promote awareness of a number of matters related to Calling Card Services;
- include a new section providing background and education on the manner in which the ECS operates;
- enhance obligations on providers to provide updated ECS contact details to Communications Alliance;
- include a new section that requires Carriers and CSPs to ensure that new Identity Modules contain 000 and 112 as emergency calling codes.
- include a new section on the management of significant network outages that result in a failure to deliver calls to ESNs; and
- update references from 'ACIF' to 'Communications Alliance' plus correct some typographical errors.

2015 Revision

In 2015 the following amendments were made:

- removal of Customer information clauses relating to emergency services obligations for prepaid calling cards, with these clauses being moved to Prepaid Calling Card Industry Guideline (G640:2015);
- removal of Customer information clauses relating to emergency services obligations for Public Number Directory producers; and
- ECS reporting requirements amended to remove the mandatory reporting obligation.

2020 Revision

The 2020 revision of the Code was undertaken to ensure alignment with changes made to the 2009 Determination and as part of the Codes scheduled review.

In 2020 changes were made to:

- reflect obligations in the Determination;
- align definitions with the Determination;
- align processes with the Emergency Call Service Protections Requirements Guideline (G644:2020) and the Triple Zero Disruption Protocol;
- the title of section 3 to allow for easier readability;

- change arrangements in cases of significant network outage;
- update the obligations for contact points to ensure consistency across stakeholders;
- the information provided in the Appendices to ensure it is up to date and relevant;
- include reference to the ECPs Test Call Procedures; and
- remove clause 1.6 which dealt with TIO referral powers.

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Chair

WC86 : Emergency Call Services Requirements Working Committee