



19 July 2019

The Manager
Networks and National Interests Section
Australian Communications and Media Authority

Dear Silvia,

**RE: Review of the Telecommunications (Emergency Call Service) Determination 2009
Second-round consultation paper**

Communications Alliance and The Australian Mobile Telecommunications Association (the Associations) welcome the opportunity to comment on the draft *Telecommunications (Emergency Call Service) Determination 2009* (the Determination).

The Associations provided comment on the initial Telecommunications (Emergency Call Service) Determination 2009 consultation paper and acknowledge the inclusion of some of the recommendations we raised in our submission. Whilst these amendments and others are welcome improvements to the Determination, we would also like to raise some concerns we have identified with Sections of the draft Determination. These Sections are noted below.

Section 1, Part 1, 5 Purpose and objects

(2) (c) – As currently drafted we do not believe these are appropriate objects of the Determination, but more details of how the objects in (2) (a) and (2) (b) can be met.

To address this, we propose changing (c) to a Note:

Note: This can be achieved by ~~(c)~~—ensure that carriers, carriage service providers and emergency call persons have mechanisms in place to:

- (i) detect and prevent high volumes of non-genuine calls to the emergency call service where practical and agreed to with the ACMA;*
- (ii) supply the most precise location information where available for emergency calls to the emergency call service; and*
- (iii) coordinate communications where there is a disruption to the emergency call service*

**Section 6, Definitions
most precise location information available**

The definition of the term "most precise location information available" needs to be expanded to include the below extract taken from the definition of this term in Section 52A of the current ECSD (as amended on 7/8/2013):

most precise mobile location information available means the most precise location information that the mobile carrier has available and provided in an agreed format to the ECP, about the geographic or physical location of the customer equipment from which the emergency call originated:

(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.*

It is important to note that while G557.2104 Parts 2, 3 and 5 provide Location Information of the Customer Equipment (CE) at the time when the emergency call was made, G557.2014 Part 4 only provides Location Information of the Customer Equipment (CE) at a later time after the emergency call has been terminated upon the ESO's request under the current Pull MoLI arrangements.

welfare check

The Note under this definition should be amended to include clarifying text to the effect that:

where a phone call is unsuccessful, referring the matter to the appropriate emergency service organisation as required in the protocols established between emergency service organisations and carriage service providers

Section 8, Part 2, Division 2.1.

11 Networks

We propose that the measures contained in the Note under 11 (1) be deleted as they are no longer relevant in IP Networks. This is also consistent with the aim of making the Determination technologically neutral.

Division 2.2, Subdivision A,

12 Application of subdivision

The examples provided in the Note under (2) (b) appear to all be related to customer premises issues. We propose the addition of a network related issue outside of the providers control.

Note (b) Failure of customer equipment due to lack of power, damaged device, no network coverage or other environmental factors that affect the device.

14 Carriage service provider must ensure controlled networks and controlled facilities give access to end-users

This requirement appears as though it may be inconsistent with the requirements detailed in Part 4—Alternative call handling of SIM-less calls. Further discussion on Part 4 is detailed later.

Subdivision B,

19 Carriage service provider must ensure an emergency call is carried to relevant termination point and to an emergency service organisation

We note the inclusion of this new requirement and include some changes to ensure providers are able to meet the outcomes proposed. Unfortunately, carriage service providers cannot ensure delivery of a call to an emergency service organisation, this function is the responsibility of the emergency call person.

We suggest amending the requirement to:

19 Carriage service provider must ensure an emergency call is carried to relevant termination point

Subsequently (19) (2) should be deleted.

(19) (3) to be amended to read: Subsections (1) ~~and (2)~~ **does** not apply if a matter beyond the control of the carriage service provider materially and adversely affects the provider's technical ability to carry the emergency call to the relevant termination point.

20 Appearance of emergency call services

This requirement, acknowledged as being an existing requirement, is unclear as to why this is a carriage service provider requirement, but also unclear as to what the intent of it is. We suggest the removal of this requirement.

21 Speed, efficiency and reliability for numbers 000 and 112

Also, to continue the consistent aim of making the Determination technologically neutral. We propose amending (21) (b) to:-

*The carriage service provider who carries the call must ensure that the call is transferred to the emergency call person for 000 and 112 with the highest priority **available in their network at the time of the emergency call.***

Division 2.3, Subdivision A

23 Information provided automatically with emergency call – carriers and carriage service providers

We note that carriers and carriage service providers can only ensure that calls originating on their own networks can have the Calling Line Identity information provided at the point of interconnect. To address this, amendments to (23) (1) (a) and (b) are proposed as:

(1) Subject to subsection (2):

(a) a carrier whose controlled network or controlled facility is used to carry an emergency call must, as far as practicable, ensure that the network or facility will, at the time the call is made, **ensure that the public number from which the call is made is carried to the relevant termination point/s** ~~automatically give a call taker information about the public number from which the call is made;~~ and

(b) a carriage service provider whose carriage service is used to make an emergency call must, as far as practicable, ensure that the service will, at the time the call is made, **ensure that the public number from which the call is made is carried to the relevant termination point/s** ~~automatically give a call taker information about the public number from which the call is made.~~

Division 2.4

27 Communication requirements - networks and facilities unable to carry emergency calls

As drafted, this requirement appears to be too broad and could be taken as applying to individual customer fault scenarios. We are assuming the intent is to capture mass service disruptions. Further discussion maybe required to determine what a significant outage is, but we suggest a slight change to this requirement to cover the assumed intent.

*If a carrier or carriage service provider becomes aware that its controlled networks or controlled facilities **are having a significant outage that results in its network being** ~~are~~ unable to carry some or all emergency calls, it must immediately notify:*

(a) *the emergency call person for 000 and 112 and the emergency call person for 106; and*

(b) each other carrier or carriage service provider in relation to whom the carrier or carriage service provider has an obligation to provide access under section 10.

29 Carriage service provider to conduct welfare check

We have concerns with the current drafting of this requirement in that for some carriage service providers, their frontline staff may not be trained to manage emergency service-type calls and the ramifications to all parties involved of making a call to someone where the outcome could have been (in the worst case) loss of life or other serious circumstances. To enable carriage service providers the option of determining how these welfare checks are undertaken the below suggestions have been made.

29 Carriage service provider to *arrange to* conduct welfare check

- (2) The carriage service provider must *arrange to* undertake a welfare check on the end-user as soon as possible after the provider becomes aware of the disruption.

Note: This may be achieved by the carriage service provider conducting the welfare checks or arranging for a third party to undertake this action on their behalf.

31 Minimisation requirement — carriers and carriage service providers

The steps required in (31) (3) as they are currently worded are unworkable for carriage service providers. There is no way for carriage service providers to identify non-genuine calls to emergency service numbers as they are unaware of the purpose of the call, especially given there may be legitimate circumstances for a higher than 'normal' volume of call generated by a customer. For e.g. customers may generate high volumes of calls during a particular incident that is evolving or may generate a high volume of calls over a given period of time if they live near an accident black spot. We also believe that this section would put CSPs in breach of section 7 of the Telecommunications (Interception and Access) Act 1979.

To assist in making this requirement workable we propose breaking the obligations of (31) (3) into two parts.

(3) The steps are *for carriage service providers and carriers to:*

(a) *monitor all calls made to the emergency service numbers 000 and 112, 24 hours per day, 7 days per week to identify high volumes of non-genuine calls to the emergency call service that would result in an ECS disablement event and to document and implement a process between the emergency call person, carriers and carriage service providers to stop these calls; and*

(b) *for carriers and carriage service providers to work with the emergency call person and emergency service organisation to identify the source of other types of non-genuine calls; and document and implement a process between the emergency call person, carriers and carriage service providers to minimise these calls*

Part 4—Alternative call handling of SIM-less calls

We hold concerns over the inclusion of Part 4 in the Determination. It seems odd to include this trial into the regulation. Including it in the Determination removes the flexibility required in determining the trial parameters and does not allow for other trials that may be required in future as technology changes. We consider it would be more helpful to have a general statement enabling trials to be undertaken with ACMA approval, without including specifics on what a specific trial is intended to address, how it should be undertaken, etc.

If the options as detailed in Part 4 are found to be technically unfeasible, costly or do not achieve the outcomes the ACMA or emergency service organisations expect to reduce / identify non genuine calls, will industry be in technical breach of the Determination?

Based on these concerns we propose the removal of Part 4 from the Determination.

Ideally, we suggest that the ACMA sponsor a face to face workshop with industry representatives to determine potential options for the trial and how these options might be progressed before the draft Determination is published.

We look forward to engaging with you further on the Determination and welcome additional discussion on the matters we have raised.

Yours sincerely,



John Stanton
Communications Alliance CEO



Chris Althaus
AMTA CEO