

EXPLANATORY STATEMENT

This is the Explanatory Statement for the C536:2011 **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 ACIF C536:2003 **Emergency Call Service Requirements** Industry Code published by the Australian Communications Industry Forum (ACIF) in April 2003.

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 Determination) and revoked the 2002 Determination.

ACIF revised the ACIF C536:2002 **Emergency Call Service Requirements** Industry Code to place obligations on GSM mobile service providers to advise their Customers of the secondary ESN 112. The resulting code, ACIF C536:2003, has now been revised by Communications Alliance to better reflect obligations in the 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 2002 Determination include:

- New obligations on the providers of Voice over Internet Protocol (VoIP) 'Out Only' services requiring them either to provide access to Triple Zero or, if they are unable to do so, to clearly inform their customers that such access is not available;
- Revised customer information provisions to align obligations on mobile communication providers with those that already exist for other types of service providers;
- Additional requirements aimed at minimising the number of non-genuine calls to Triple Zero from mobile phones, which take into account recent industry initiatives; and

- Making the call answering standards for the text (i.e. Telephone Typewriter) ESN,106, compatible with the standards for voice calls.

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.

The Determination notes Telstra as the ECP for 000 and 112. The Determination also notes Australian Communication Exchange (ACE) 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 *Telecommunications (Section of the Telecommunications Industry) Determination 2007* specifies that Public Number Directory Publishers who publish Public Number directories (e.g. source their number information from the IPND) are a section of the telecommunications industry for the purposes of applicable codes registered by the ACMA under Part 6 of the Telecommunications Act 1997.

Why Current Regulatory Arrangements are inadequate

The Code places specific obligations on Carriers, CSPs (including those providing Calling Card Services and Public Payphones), and Public Number Directory Publishers, 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 by Public Number Directory Publishers and other organizations looking to promote Triple Zero (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, CSPs and Public Number Directory Producers in relation to their interaction with the key ECS stakeholders: Customers, ECPs, ESOs and Public Number Directory Publishers. 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 original code placed obligations on CSPs to provide information to their Customers in relation to the ESNs. The 2003 code enhanced these obligations with the inclusion of specific obligations in relation to mobile devices, in light of the high take-up rate of mobile telephones by the community. Provisions in the 2003 code about the benefits of calling 112 over 000 have been removed from the Code because they relate only to some mobile phones sold prior to 2002.

The Code reflects changes made to the Determination since the previous code was registered in 2003.

What the Code will Accomplish

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;
- to promote public understanding (e.g. through Public Number directories) of the ECS, including appropriate use, and advise that the disclosure of personal information to ESOs will occur as part of the Emergency Call process, in accordance with section 51 of the Determination; and
- to ensure effective communications of information between relevant parties where technical issues affect the operation of the ECS.

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.

The Code will also assist 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 will be 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.

Anticipated 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.

The inclusion of new obligations on calling card service providers to provide information on the ETS to its Customers will assist in ensuring that these Customers are aware of the ability to call the ECS without a calling card and without charge to the caller.

Anticipated Benefits to Industry

The Code will enable 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.

It should also assist in increasing awareness of obligations which exist with respect to the text ECS.

Anticipated 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 has been 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.

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WC25 : Emergency Call Services Requirements Working Committee