



SUPPLEMENTARY
Submission
to the
Royal Commission
into
National Natural Disaster Arrangements

20 May 2020

Joint submission by:

Communications Alliance
Australian Mobile Telecommunications Association (AMTA)

ASSOCIATIONS

Communications Alliance is the primary telecommunications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, equipment vendors, IT companies, consultants and business groups.

Its vision is to provide a unified voice for the telecommunications industry and to lead it into the next generation of converging networks, technologies and services. The prime mission of Communications Alliance is to promote the growth of the Australian communications industry and the protection of consumer interests by fostering the highest standards of business ethics and behaviour through Industry self-governance.

For more details about Communications Alliance visit <http://www.commsalliance.com.au>.

The **Australian Mobile Telecommunications Association (AMTA)** is the peak industry body representing Australia's mobile telecommunications industry. Its mission is to promote an environmentally, socially and economically responsible, successful and sustainable mobile telecommunications industry in Australia, with members including the mobile network operators and carriage service providers, handset manufacturers, network equipment suppliers, retail outlets and other suppliers to the industry.

For more details about AMTA visit <http://www.amta.org.au>.

SUPPLEMENTARY SUBMISSION

In our April submission to the Royal Commission into National Natural Disaster Arrangements (200417_CA AMTA submission_Royal Comm. National Natural Disaster Arrangements_SUBMITTED, 17.04.2020), we recommended that regulatory arrangements be reviewed to consider the possibility of certain community services organisations being able to use full Calling Line Identification (CLI) routing for the redirection of calls from unlisted numbers to emergency services organisations.

We copied the relevant section of our earlier submission for your convenience below.

We have now had an opportunity to further discuss the matter internally and with the Department of Infrastructure, Transport, Regional Development and Communications (Department), and would like to provide further detail on our recommendation.

Sections 276 and 277 of the *Telecommunications Act 1997* (Act) prohibit the disclosure and use of telecommunications data (including a telephone number or CLI) by persons and carriers/carriage services providers (C/CSPs), unless specifically allowed through legislative exemption or consent by the end-user.

Section 291A creates such an exemption for the purpose of Location Dependent Carriage Services (LDCSs). Those services, as explained in our April submission, allow for the most efficient routing of calls to emergency services organisations. Unfortunately, Section 291A does not create an exemption for the use of unlisted telephone numbers and information associated with those (Unlisted Entries), i.e. phone numbers that are not listed in the Integrated Public Number Database (IPND) by C/CSPs.

In order to provide LDCSs for listed phone numbers (Listed Entries), C/CSPs request the information contained in the IPND and load the information they receive from the IPND Manager (a separate entity) into the relevant network components (intelligent switches) where it is being used to route calls in the most efficient manner.

Due to the prohibitions to disclose and use telecommunications data in Sections 276 and 277 and the lack of exemptions for Unlisted Entries under Section 291A, the IPND Manager can only supply Listed Entries to requesting C/CSPs, thereby making it impossible for C/CSPs to provide LDCSs to customers whose details are contained as Unlisted Entries in the IPND.

Currently¹ there are 4.55 million Listed Entries and 66.1 million Unlisted Entries in the IPND.

The IPND Manager does not provide Unlisted Entry information on the basis of its interpretation of the disclosure prohibitions of the Act.

While Section 290 of the Act (Implicit consent of sender and recipient of the communication) and potentially other sections might be interpreted to allow for the disclosure of Unlisted Entries by the IPND Manager to C/CSPs for the purpose of providing LDCSs (with subsequent customer consent to the use of the data obtained through the Terms and Conditions of each C/CSP), such an interpretation of the Act has, so far, not provided sufficient legal certainty and, consequently, the disclosure of data for Unlisted Entries has not been made.

Therefore, we recommend amending Section 291A of the Act to allow the disclosure and use of IPND data also for Unlisted Entries by deleting the reference to "information relating to an unlisted telephone number" (see below).

We note that if C/CSPs were to provide LDCSs, they would not disclose the telephone number of an Unlisted Entry to the receiving party but instead only use the information provided to them by the IPND Manager within their network for call routing purposes. Prior to delivery of the phone call to its final destination, the network settings would prevent the Calling Number Display information from being made available to the receiving party.

¹ As at 11 May 2020

Recognising the sometimes substantial lead times required for legislative change, we also recommend that, in the interim, a two-step approach be taken to support a decision by the IPND Manager whether to disclose Unlisted Entry information to approved LDCS providers:

1. the Department provide clear policy guidance to the IPND Manager that would assist the IPND Manager to gain appropriate legal certainty that the disclosure of Unlisted Entry information for the purpose of providing LDCSs by a C/CSP would indeed comply with the intention of the Act; and
2. the regulator, the Australian Communications and Media Authority (ACMA), provide guidance on its interpretation of the respective sections of the Act with a view to providing comfort to the IPND Manager that its enforcement approach would not prevent the release of such Unlisted Entry information by the IPND Manager pending legislative change to put the matter beyond doubt.

Section 291A Location dependent carriage services (Telecommunications Act 1997)

- (1) Sections 276 and 277 do not prohibit a disclosure by a person of information or a document if:
 - (a) the information or document relates to information (~~other than information relating to an unlisted telephone number~~) contained in an integrated public number database; and
 - (b) the disclosure is to a carrier or a carriage service provider; and
 - (c) the disclosure is made for a purpose of, or is connected with, the supply, or proposed supply, by a person of a location dependent carriage service.
- (2) Sections 276 and 277 do not prohibit a disclosure or use by a carrier or a carriage service provider of information or a document if:
 - (a) the information or document relates to information (~~other than information relating to an unlisted telephone number~~) contained in an integrated public number database; and
 - (b) the disclosure or use is made for a purpose of, or is connected with, the supply, or proposed supply, by a person of a location dependent carriage service.
- (3) In this section:

integrated public number database means:

- (a) an integrated public number database maintained by Telstra as mentioned in Part 4 of Schedule 2; or
- (b) an integrated public number database maintained by a person as mentioned in section 472.

location dependent carriage service means a carriage service that depends for its provision on the availability of information about the addresses of end users of the carriage service.

Extract from the Communications / AMTA April 2020 submission to the Royal Commission

11 Access to Customer Information

Community organisations (those not part of the Emergency Call Services) who aid in emergencies such as the recent bushfires rely on Location Dependent Carriage Services (LDCS) to direct callers to the most appropriate State Emergency Services (SES) depot, police station,

Country Fire Authority (CFA) or Fire Station. However, under section 291A of the *Telecommunications Act 1997*, callers who are unlisted in the Integrated Public Number Database (IPND) do not have the same access to LDCS such as those provided by the SES (132 500), Lifeline (131 114), non-urgent ambulance transport and police assistance line (131 444) as do those callers whose records are listed in the IPND.

LDCS benefit listed callers by enabling the automatic routing of a call for assistance to the desired branch (local) or call centre of the service being requested. Community organisations that use LDCS often require the service provided to be based on a full assessment of the caller's address (known as "full CLI routing") by the relevant service provider. Without full CLI routing, a call for assistance can only be routed based on its Exchange Service Area, which may be very large in the case of rural areas, and may often encompass a number of branch offices, depots or police or fire stations which are not physically close to the caller or terminate into the wrong group in the call centre. Full CLI routing is not available to callers with unlisted numbers in the IPND for the delivery of LDCS under the current regulation.

Unlisted callers are treated as second class end users under the current arrangements and may not be connected to the desired SES, Lifeline or Police or Fire station, in the same timeframe as listed callers. In times of emergencies, these community help organisations often opt to work around the problem by transferring the calls, which utilises additional staff, or recording the required information and passing it on later, thereby again, delaying the response for assistance.

Police, fire, ambulance and SES areas are not aligned with area codes or exchange service areas, with full CLI routing being the only option available to route calls efficiently to the correct stations and SES depots at times of heightened stress. Other community support groups who currently rely on full CLI routing include the State Department of Health Services, pandemic health support lines, mental health services, Royal Flying Doctor Service, and various district community health services.

LDCS also supports power and water utilities in providing emergency response lines. Mis-routed calls to some of these services may mean that the call goes to an unattended service office or depot where a message is left instead of being answered by the correct attended office. Some of the major emergency services (i.e. Emergency Services Telecommunications Authority (ESTA) in Victoria) route calls to centralised call centres under general calling but have the service pre-divided, to be able to break out specific areas to focused teams depending on the geographic location of the emergency. Without the full CLI data, this functionality is reduced or calls maybe routed into the general centre instead of the focused team.

For these reasons, we suggest that the regulatory arrangements be reviewed to consider the possibility of certain community services organisations being able to use full CLI routing for the redirection of calls from unlisted numbers to emergency services organisations