



Draft Industry Code DR C536:2011

Submission by the Australian Communications Consumer
Action Network to Communications Alliance



April 2011



About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards availability, accessibility and affordability of communications services for all Australians.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will activate its broad and diverse membership base to campaign to get a better deal for all communications consumers.

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Introduction

ACCAN appreciates the opportunity to respond to a public draft of the Code, as well as having input into its drafting.

We recognize that a number of our recommendations may be difficult to implement in the short term; however, they are recommended in order to ensure public safety and comfort around the use of Emergency Calls.

This submission includes the following major recommendations, as well as some minor recommendations relating to wording.

- The Code should reflect new requirements on mobile carriers to provide the most precise location information they have available, and related new requirements¹.
- It would be useful for the current Working Committee to co-opt an expert in mobile location.
- Given that the Amendment's Explanatory Statement states that a 'push' model is being explored, ACCAN believes that it would be useful for Communications Alliance to commence a Working Group or Working Committee – or an extension of the current group - to commence work on how a 'push' model could work, in terms of technology but also in terms of the definitions of precision of location information and related requirements for communication between carriers and ESOs.
- Part (a) of What the Code Should Accomplish should be broadened to include VoIP and mobile phone users as well as users of a Fixed Local Service.
- Section 4.7 should be amended to include mandatory supply of nomination contact points for both CSPs and the NRSP.
- CSP websites (as well as Public Number directories) should be required to promote public understanding of the ECS, including appropriate use.
- Fixed local calls to 112 should terminate on a recorded message advising the caller to call 000 in the event of an emergency.
- Instead of being listed as notes (see page 18), the directions for Carriers and CSPs to attempt to contact customers and make information to the community should be listed as part of 4.6.1 so that they are enforceable.
- Communications Alliance should respond to ACCAN's queries regarding the effectiveness of the current Code Administration and Compliance Scheme to guarantee adherence by industry to the Code.

¹ ACMA, Explanatory Statement; Telecommunications (Emergency Call Service) Amendment Determination 2011 (No. 1); <http://www.comlaw.gov.au/Details/F2011L00157/Explanatory%20Statement/Text>



- All calls originating in Australia – including those routed via overseas – must be able to progress to the ECP.
- Clarification is required around a number of NRSP issues.



Response to Draft Industry Code DR C536:2011

1. Mobile location information

The ACMA recently amended the *Telecommunications (Emergency Call Service) Determination 2009* to require carriers to provide location information to ESOs. However, the draft Code does not appear to refer to this amendment, other than briefly on page iii and again (in a Note only) in 3.2.1, despite the fact that on the same page, it states that “The Code reflects changes made to the Determination since the previous Code was registered in 2003”.

Our serious concerns about the lack of reference in the draft Code to these new requirements is reflected in recommendations throughout this document.

Recommendations:

- The Code should reflect new requirements on mobile carriers to provide the most precise location information they have available, and related new requirements². This should reflect industry, ESO, ACMA and consumer views on the definitions of “most precise” and how precise location information will be obtained; and definitions around timeframes under which location information and related information must be provided from mobile carriers to ESOs. A number of sections of the Code would be affected, including the Explanatory Statement, Scope, 3.2 and 3.3.
- It would be useful for the current Working Committee to co-opt an expert in mobile location, such as Martin Dawson of Andrew Corporation, who we understand has experience in implementing similar schemes in overseas jurisdictions.
- Given that the Amendment’s Explanatory Statement states that a ‘push’ model is being explored, ACCAN believes that it would be useful for Communications Alliance to commence a Working Group or Working Committee – or an extension of the current group - to commence work on how a ‘push’ model could work, in terms of technology but also in terms of the definitions of precision of location information and related requirements for communication between carriers and ESOs.

² ACMA, Explanatory Statement; Telecommunications (Emergency Call Service) Amendment Determination 2011 (No. 1); <http://www.comlaw.gov.au/Details/F2011L00157/Explanatory%20Statement/Text>



2. What the Code will Accomplish

On page iv, 'What the Code will Accomplish', section (d), ACCAN would like to see CSP websites (as well as Public Number directories) promoting public understanding of the ECS, including appropriate use. This could take the form of a short section of information, followed by a link to an appropriate external site, such as <http://www.triplezero.gov.au/>.

Also on page iv, there is a reference to "end users of a Fixed Local Service". ACCAN believes that this should be widened to include VoIP and mobile phone users.

Recommendations:

- We note that this suggestion is made in the note on page 15 of the draft Code, and recommend that this form part of the enforceable Code itself, rather than an unenforceable note.
- We also recommend that there is reference here to 106 as well as 000.
- Further to 1.1 above, this section of the Code should also include a part (f), which outlines that an objective of the Code is to provide information about CSPs' obligations regarding accuracy and timeliness of the provision of mobile location information.
- Part (a) should be broadened to include VoIP and mobile phone users as well as users of a Fixed Local Service.

3. Anticipated Benefits to Consumers

Recommendation:

- The second paragraph may benefit from the inclusion of the word 'and' for clarity: "...are aware of the ability to call the ECS without a calling card and without charge to the caller".

4. 2011 Revision

Recommendation:

- Again, ACCAN feels that the Code must be revised to reflect the 2010 Amendment regarding mobile location information, and that this section should reflect this.

5. Code review – 1.5

Recommendation:

- Given that there has already been a “significant development that impact(s) on the Code” in the form of the 2010 Amendment, ACCAN recommends that this draft Code be amended to reflect CSPs’ and Carriers’ new obligations.

6. Emergency Numbers in Australia – 3.1.3

Recommendation:

- There appears to be an error here – we believe that ACE stands for Australian Communication (not Communications) Exchange.

7. Data Accuracy – 3.3

Recommendation:

- ACCAN recommends specific reference to ACIF C555:2008 for timeframes for updating of IPND records.

8. Handling calls to Emergency Service Numbers – 4.4.5

Given publicity given over the past years to 112, and the fact that 112 is also the emergency number in much of Europe, ACCAN feels that it is potentially risky for calls from a fixed local service to 112 to terminate on a recorded message advising merely that the number is not available.

Recommendation:

- Fixed local calls to 112 should terminate on a recorded message advising the caller to call 000 in the event of an emergency.

9. Publicity and Customer Information – 4.5.5

Recommendation:

There appears to be a minor error here – the word ‘that’ should be removed.



10. Communication of operational difficulties - 4.6

ACCAN is aware of the difficulty which some Carriers and CSPs may have in clarifying the nature of a failure in ability to provide delivery of Emergency Calls, and also difficulties with internal systems in delivering information to the public. Nonetheless, it is absolutely essential that the public is kept informed in the rare cases that Emergency Calls are unavailable.

Recommendation:

Instead of being listed as notes (see page 18), the directions for Carriers and CSPs to attempt to contact customers and make information to the community should be listed as part of 4.6.1 so that they are enforceable.

11. Contact points – 4.7

ACCAN is concerned that, although CSPs “must” supply Communications Alliance with contact points, the NRSP only “should” supply these details. We understand that this may be due to concerns that the ACMA may not be able to enforce a mandatory statement; however, ACCAN believes that as the NRSP is an ECP, the ACMA is likely to be able to enforce this and that therefore the NRSP should be considered in section 4.7 in exactly the same way as are the CSPs.

Recommendation:

Section 4.7 should be amended to include mandatory supply of nomination contact points for both CSPs and the NRSP.

12. Code Administration and Compliance Scheme – 5.1

ACCAN continues to be concerned about this scheme. We are interested in knowing:

- how many signatories are there to the current Code
- in what ways Communications Alliance encourages members to become signatories to the Code, particularly given its importance to public health and safety
- whether there have been examples of Communications Alliance taking action against signatories in the past, and if so, any outcomes
- how, given recently proposed changes to Code Administration and Compliance for the purposes of the Telecommunications Consumer Protections (TCP) Code, this may impact on other Communications Code generally, and the Emergency Call Service Requirements code specifically.

Recommendations:

- Communications Alliance should respond to the above queries regarding the effectiveness of the current Code Administration and Compliance Scheme to guarantee adherence by industry to the Code.

13. Appendix C – C1

ACCAN feels that industry is best placed to comment on *how* calls to the ECP from outside Australia might best be managed; however, ACCAN notes that, with the inception of the NBN, VoIP calls will become the standard and that it is likely that the number of calls routed from outside of Australia, including to the ECP, will grow. It is therefore essential that there are systems in place to ensure that genuine calls, originating within Australia but routed via an overseas destination, are allowed to progress to the ECP.

Recommendation:

- Communications Alliance members continue to work with Communications Alliance and the ACMA to develop systems and practices – enforceable across industry – which ensure that all emergency calls originating within Australia (but which may be routed via an overseas destination) are able to progress to the ECP.

14. Appendix C – C2

It is ACCAN's understanding that, although 106 calls are recorded so that ESOs can track events if necessary, calls to 000 via the NRS are not in fact recorded by the NRS.

Also, ACCAN understands that 106 is not a 'toll-free' number but is in fact a free call, just as 000 is.

Finally, is it the case that all callers to 106 type to let the relay officer know with which service they require connection?

Recommendations:

- Communications Alliance should seek clarification from the NRSP as to whether calls via the NRS to 000 are recorded, and if not, seek clarification on how ESOs can track events for these calls.
- Communications Alliance clarifies whether 106 is a toll-free (that is, in the manner of 13 or 1300 calls) or in fact a free-call number (such as 000 or a 1800 number).
- Communications Alliance clarifies whether all 106 users use text to request a particular ESO. For example, is it the case that Speak and Read users (consumers who are hearing-impaired but use their own speech) are able to verbally request police, fire or ambulance?

15. Appendix C – C3

ACCAN seeks further information on callers visiting Australia from overseas. Are all mobile phones – whether or not they are used in a country which uses 112 – programmed to call 112 in an emergency?

ACCAN also recommends some small changes to the 106 information.

Recommendations:

- In paragraph 5, it should be made clear what can occur if the person is using an overseas mobile phone (for example, if they are a tourist in Australia), particularly if they are using a non-smartphone.
- In paragraph 6, the term ‘text communications’ might better be replaced with a term which is less likely to cause confusion with SMS communications.
- In paragraph 6, the term ‘relies’ may be inappropriate.
- In paragraph 6, it is unclear what the NRS ‘operator’s role is. We recommend further discussion with the NRSP to clarify the role of the relay officer (not ‘operator’).
- Perhaps a more accurate paragraph might be: “When a caller uses a TTY (telephone typewriter) to make an emergency call, the caller must use 106 as their Emergency Service Number. When the caller calls 106, the call is routed to the National Relay Service (NRS), and NRS relay officer then connects the call to the correct emergency service organisation (ESO), and relays communications between the caller and the ESO.”

Conclusion

ACCAN looks forward to working with Communications Alliance to finalise the Emergency Call Service Requirements Code, and in particular, ensuring that it is investigatable and enforceable by both Communications Alliance and the ACMA, and that mobile location information is included.