Review of the Telecommunications (Emergency Call Service) Determination 2009

Submission by the Australian Communications Consumer Action Network to the Australian Communications and Media Authority

12 November 2018

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 represent the views of its broad and diverse membership base to policy makers, government and industry to get better outcomes for all communications consumers.

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# Introduction

ACCAN welcomes the ACMA’s review of the Telecommunications (Emergency Call Service) Determination 2009 (ECS Determination), and is pleased to provide the following response. We are hopeful that this process will lead to a modernisation of the Triple Zero emergency call service (ECS), to thoroughly reflect the varied channels that Australians use to communicate. Modernising the ECS would support better outcomes for consumers across Australia. Indeed, currently not all people, including people who are Deaf, or have hearing or speech impairments, have reliable and functionally equivalent access to the ECS. Changes made to the ECS Determination in the course of this review must improve access to, and the reliability of, the ECS for end-users. Such changes must have at their core the goal of ensuring that all end-users have reliable, clear, timely and responsive access to appropriate emergency services.[[1]](#footnote-1)

In our response ACCAN has addressed each of the chapters of the consultation paper. In responding to these broader themes, we do not address each question individually, however we welcome further consultation on any of the issues we raise. Additionally, throughout our submission we use the term ‘Triple Zero’ to refer to both primary (000) and secondary (106 and 112) emergency call service numbers.

## List of recommendations

Recommendation 1: ACCAN recommends that the ECS Determination be made technology neutral to future proof and modernise the ECS, allowing for new technologies to be introduced to increase the accessibility of the ECS.

Recommendation 2: ACCAN recommends that wholesale layer 2 bitstream providers be required to implement appropriate safeguards to protect against a single point of failure that could leave the ECS inaccessible to end-users.

Recommendation 3: ACCAN recommends that obligations on carriers and CSPs within the ECS Determination must remain strict and without exemption.

Recommendation 4: ACCAN recommends that carriers and CSPs be able to terminate emergency calls directly into the ESAP network (provided that these carriers and CSPs prove they meet certain requirements). ACCAN further recommends that the ESAP and ESO direct connection be diversified to better safeguard end-users.

Recommendation 5: ACCAN recommends that public awareness raising initiatives be prioritised and implemented, instead of blocking, fining or otherwise penalising end-users in relation to non-genuine calls.

Recommendation 6: ACCAN recommends that end-users calling from SIMless handsets continue to be able to contact the ECS.

Recommendation 7: ACCAN recommends that the provision of caller location information be performed in a transparent manner to ensure end-users are appropriately informed about the use of their location information within the ECS process.

Recommendation 8: ACCAN recommends that industry guideline G644 be inserted into the ECS Determination to ensure there are clear and enforceable regulations around communication in the event of a network disruption.

Recommendation 9: ACCAN recommends that the current Integrated Public Number Database requirements remain within the ECS Determination.

Recommendation 10: ACCAN recommends that any elements of the ECSR Code which relate to protecting end-users access to the ECS be transferred to the ECS Determination to ensure stronger protection for end-users.

Recommendation 11: ACCAN recommends that emergency call services continue to be free for end-users to access.

Recommendation 12: ACCAN recommends that current performance benchmarks should remain in place. These must then be re-evaluated once changes to Triple Zero have been implemented to ensure they remain fit for purpose.

# Responses to the Review of the Telecommunications (Emergency Call Service) Determination 2009

## The ECS in an NBN environment

ACCAN supports changes that would make the ECS Determination technology neutral, particularly given the rapid rate of change in the telecommunications sector. As outlined in the consultation paper, the obligations in the Determination currently vary from service to service. Making the ECS Determination technology neutral would mean that carriers, Carriage Service Providers (CSPs), Emergency Call Persons (ECPs) and Emergency Service Organisations (ESOs) are clear about their overarching obligations, given the variety of ways in which people might contact the ECS. This also future proofs the ECS, allowing for new means of communicating with the ECS to be introduced. As ACCAN has advocated elsewhere,[[2]](#footnote-2) SMS, web or video call, instant messages and other accessible means of accessing the ECS must be introduced to ensure that all people, including people with disability, have reliable, guaranteed and appropriate access to Triple Zero and emergency services.

With regard to how the ECS Determination should deal with new technologies, it is vital that testing of new technologies or systems is clearly mandated prior to their implementation. Testing must be transparent and rigorous to ensure reliability for end-users and protect against failure. Any new technologies must enhance the current system,[[3]](#footnote-3) and must not negatively impact the reliability of the ECS for end-users.

Finally, in relation to wholesale layer 2 bitstream providers, the ECS Determination should make requirements around protecting end-users. Such safeguarding would ensure that end-users are protected against a single point of failure bringing down their access to Triple Zero. Ensuring that redundancies are mandatory for wholesale layer 2 bitstream providers would go some way in providing this protection. Safeguarding could also include education about what the transition to layer 2 bitstream providers will mean for consumers.

**Recommendation 1:** ACCAN recommends that the ECS Determination be made technology neutral to future proof and modernise the ECS, allowing for new technologies to be introduced to increase the accessibility of the ECS.

**Recommendation 2:** ACCAN recommends that wholesale layer 2 bitstream providers be required to implement appropriate safeguards to protect against a single point of failure that could leave the ECS inaccessible to end-users.

## Access to the ECS

ACCAN believes that obligations on carriers and CSPs, as outlined in sections 19 and 22 of the ECS Determination, must remain strict and without exemption. Carriers and CPSs must be held to a high standard in providing access to the ECS, and as such, we do not see the need for exemptions.

End-users rely on their technology and expect it to be able to provide them with access to emergency services. Exemptions must therefore not be granted for carriers or CSPs. In addition, all reporting requirements and mechanisms must be retained, as these provide a critical safeguard for all end-users.

**Recommendation 3:** ACCAN recommends that obligations on carriers and CSPs within the ECS Determination must remain strict and without exemption.

## Interconnection arrangements

Interoperability should be a key feature of a diverse Triple Zero service. ACCAN is supportive of arrangements that will prevent failure by putting redundancy measures in place and ensuring greater diversity within the ECS system. We support carriers and CSPs being able to terminate emergency calls directly into the Emergency Service Answering Point (ESAP) network. This benefits end-users as direct connection will reduce the chance of a single point of failure bringing down the entire ECS system. If one carrier or CSP were to have a network disruption this would not affect all end-users trying to contact the ESAP.

In order to fully implement redundancy measures and ensure greater protections, ACCAN also supports diversity in the connection between the ESAP and the ESO. Additional direct connections between the ESAP and the ESO would further reduce the chance of a single point of failure bringing down the whole ECS system. This would mean that not all end-users would be impacted by a single network disruption – just the end-users who are relying on the affected carrier or CSP.

To be able to terminate emergency calls directly into the ESAP network, ACCAN recommends that CSPs and carriers must prove that they are able to meet a set of requirements and have security measures in place. They must, for instance, be able to monitor networks, deal swiftly and appropriately with Denial of Service attacks, ensure timely and efficient responses to non-genuine callers and must have appropriate alarms to alert the CSP or carrier to any network disruptions.

Triple Zero is an essential service. End-users must therefore be able to have trust in it, must be able to use it from anywhere in Australia and must be able to do so for free. End-users demand and deserve reliability from emergency services, and implementing redundancy measures will support Triple Zero to appropriately meet this mandate.

**Recommendation 4:** ACCAN recommends that carriers and CSPs be able to terminate emergency calls directly into the ESAP network (provided that these carriers and CSPs prove they meet certain requirements). ACCAN further recommends that the ESAP and ESO direct connection be diversified to better safeguard end-users.

## Non-genuine calls

Triple Zero is a free service, accessible anywhere, anytime. ACCAN can only support the suspension of services in very extreme circumstances, for instance in relation to services involved in Denial of Service attacks. Blocking people from contacting the ECS must never be the focus of solutions regarding non-genuine calls. Instead, education must be the focus, including public awareness raising initiatives about how and why to contact the ECS.

Awareness raising initiatives in relation to Triple Zero must appropriately take into account the diversity of Australians and different communities. Such programs must, for instance, take into consideration the possible Triple Zero experiences of people with disability, people with complex communication needs, people from non-English speaking or culturally and linguistically diverse backgrounds, older people and Aboriginal and Torres Strait Islanders. Through education and training, these diverse groups must be supported to understand all relevant aspects of Triple Zero, including in which circumstances Triple Zero should be called, what to expect when calling and how to respond to requests for information.[[4]](#footnote-4)

While blocking may occur in some extreme cases, end-users must also not be charged for making ‘nuisance’ calls. In any case, it would be incredibly difficult to impose fines – not to mention that such fines may disproportionately affect people with dementia or some people with intellectual disability. These individuals may not be malicious in making non-genuine calls to Triple Zero, and may not remember that they had sought assistance from Triple Zero earlier on.

ACCAN does not support denying anyone access to emergency services, and we firmly believe that everyone should have universal access to the essential service provided by Triple Zero. This must also include end-users using SIMless handsets to call Triple Zero. However, information should be made readily available to ensure SIMless callers are aware that no location information is transmitted through this method of calling, and so they will have to provide detailed location information.

Finally, ACCAN supports making amendments to section 35 of the ECS Determination, regarding minimising accidental calls or misdials. We recommend that the amendment outline that calls from all devices should be directed to a recorded voice announcement before the call is transferred to an ECP operator.

**Recommendation 5:** ACCAN recommends that public awareness raising initiatives be prioritised and implemented, instead of blocking, fining or otherwise penalising end-users in relation to non-genuine calls.

**Recommendation 6:** ACCAN recommends that end-users calling from SIMless handsets continue to be able to contact the ECS.

## Caller location information

ACCAN’s longstanding view has been that important location information should be made available to emergency services to support community safety.[[5]](#footnote-5) Nonetheless, in recommending the provision of location information we acknowledge that a delicate balance needs to be struck between ensuring ESOs have sufficient, accurate location information while protecting the privacy of individuals. As such, the provision of location information must be done in a transparent manner, with end-users being specifically notified[[6]](#footnote-6) when their location information is being provided to anyone within the ECS process. This transparency should be supplemented by public education about mobile location information in relation to calls to Triple Zero. The ACMA should provide this public awareness training so that end-users have a greater understanding of what location information is obtained and provided to the ESO, and how this information is handled throughout the ECS process.

**Recommendation 7:** ACCAN recommends that the provision of caller location information be performed in a transparent manner to ensure end-users are appropriately informed about the use of their location information within the ECS process.

## Communication obligations

The ECS Determination must include specific and enforceable obligations regarding network disruptions that impact access to the ECS. The contents of the industry guideline G644 Emergency Call Service Requirements must be inserted into the ECS Determination. ACCAN is of the view that this must not remain a guideline with no regulatory oversight. The ECS Determination must include information about identifying and communicating disruptions to the ECS and providing regular updates to stakeholders (not only to ECPs, CSPs and ESOs, but also to members of the public).[[7]](#footnote-7)

ACCAN acknowledges that some parts of G644 may not sit neatly in the ECS Determination, which can only set requirements for carriers, CSPs and ECPs. However, ACCAN feels strongly that the guideline should be embedded within a stronger regulatory framework through which compliance is mandated. This would offer an important safeguard for end-users.

**Recommendation 8:** ACCAN recommends that industry guideline G644 be inserted into the ECS Determination to ensure there are clear and enforceable regulations around communication in the event of a network disruption.

## Integrated Public Number Database obligations

ACCAN is of the position that IPND obligations and requirements must remain within the ECS Determination. The ECS Determination plays a key role in regulating access to emergency services, and location information is a vital element of ensuring quick and easy access (and in turn, responses). As ACCAN has outlined in previous submissions,[[8]](#footnote-8) the delivery of location information to ESOs is essential, yet calls to Triple Zero from mobile devices or VoIP are likely to continue to increase. There is clearly a need for accurate location information to be provided to ESOs in a quick and efficient manner.

End-users should be given the opportunity to correct or update their IPND information; however the IPND must also be made more consumer-friendly to entice people to engage with it as regularly as required.[[9]](#footnote-9) Furthermore, CSPs and carriers must inform consumers about the IPND as part of their obligation to promote public awareness of the ECS, how it works and how to get access to emergency services.

**Recommendation 9:** ACCAN recommends that the current Integrated Public Number Database requirements remain within the ECS Determination.

## ECSR Code

End-users of an emergency telephone service must have access to the ECS when needed. The strongest regulatory protections must therefore be in place to ensure this access is always guaranteed. The ECS Determination should therefore incorporate some of the requirements and obligations that the ECSR Code places upon carriers and CSPs, such as the expectation that carriers and CSPs will not introduce delays during carriage of an Emergency Call under normal network conditions.[[10]](#footnote-10)

The ECSR Code also refers to section 19 of the ECS Determination,[[11]](#footnote-11) outlining the obligations on CSPs to give end-user access, and detailing how carriers and CSPs must do this. ACCAN feels that this type of information should be inserted into the ECS Determination to strengthen its existing information about handling calls. This insertion would be further strengthened by also inserting the G644 guideline into the ECS Determination. Not only would this streamline the location of information for CSPs, carriers and the ECP, it would also provide stronger protection for end-users.

Additional elements relating to end-users could be inserted into the ECS Determination as well, such as the obligation for carriers and CSPs to provide consumers with access to information about the ECS, and to further promote public awareness about the ECS.[[12]](#footnote-12)

**Recommendation 10:** ACCAN recommends that any elements of the ECSR Code which relate to protecting end-users access to the ECS be transferred to the ECS Determination to ensure stronger protection for end-users.

## Charging

ACCAN is opposed to any changes in charging that may see end-users being charged to contact the ECS. End-users must continue to enjoy access to Triple Zero free-of-charge.

**Recommendation 11:** ACCAN recommends that emergency call services continue to be free for end-users to access.

## Performance benchmarks

Whilst we understand that benchmarks may be met monthly but not daily, to our knowledge there have not been many consumer issues with long wait times for being connected to Triple Zero. Provided that quick access to Triple Zero continues to be experienced by all who need to use the ECS, the current benchmarks should remain in place.

In addition, the current benchmarks should continue to be used while changes are made to (or in relation to) the ECS, such as moving to an IP based platform, the rollover to wholesale layer 2 bitstream for fixed line services, or allowing ESOs to choose their own carrier or CSP. The efficiency of these benchmarks can be evaluated after this transition period, to consider whether performance targets are still being met, and whether they continue to appropriately measure performance in the new Triple Zero landscape.

**Recommendation 12:** ACCAN recommends that current performance benchmarks should remain in place. These must then be re-evaluated once changes to Triple Zero have been implemented to ensure they remain fit for purpose.

# Conclusion

This review of the ECS Determination provides an opportunity to assess how to better meet community needs and expectations. As outlined above, any of the changes introduced to the ECS Determination must not negatively impact end-users’ quick and reliable access to Triple Zero and the emergency services they require. Such changes must future proof the essential service provided by Triple Zero, and must assist the ECS Determination to remain relevant as technology and services change.

It is ACCAN’s position that the accessibility and the reliability of the ECS can be improved through the introduction of stronger safeguards and redundancy measures. Strict obligations must remain upon carriers and CSPs to protect end-users, with the added benefit of increasing the accountability and transparency of the ECS. Enforceable protections for end-users and embedding diversity within the ECS system will help to contribute to the overarching goal of a more accessible, reliable and responsive ECS.

In closing, ACCAN would again like to thank the ACMA for the opportunity to contribute to this review. We are hopeful that the outcomes of the review will support better outcomes for end-users of the ECS, and look forward to engaging with the ACMA further on this important issue.

1. ACCAN, 2014. *Review of the National Triple Zero Operator: Submission to the Department of Communications,* p4. Available: <https://accan.org.au/our-work/submissions/952-2014-review-of-the-national-triple-zero-000-operator?highlight=WyJlbWVyZ2VuY3kiXQ> [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)
4. The Neighbourhood Watch Australasia ‘Speak Up’ educational resource is one such example of a training manual tailored to the needs of a specific community (Aboriginal and Torres Strait Islander community members and others where English is not their first language). Available: <https://nhwa.com.au/wp-content/uploads/NWA_000_SpeakUp_e.pdf> [↑](#footnote-ref-4)
5. ACCAN 2014 op cit., p6. See also: ACCAN, 2011. *Review of the Integrated Public Number Database: Submission to the Department of Broadband, Communications and the Digital Economy.* Available: <https://accan.org.au/our-work/submissions/409-review-of-the-integrated-public-number-database?highlight=WyJpcG5kIl0> [↑](#footnote-ref-5)
6. ACCAN 2014 op cit., p8. [↑](#footnote-ref-6)
7. This could include live dashboard reporting for ESOs that communicates the status of the ECP network and systems, identifies any disruptions and provides estimated rectification timeframes, as recommended by the Department of Communications and the Arts. For more information, see: Department of Communications and the Arts, 2018. *Investigation Report into the Triple Zero Service disruptions of 4 and 26 May 2018.* Available: <https://www.communications.gov.au/publications/investigation-report-triple-zero-service-disruptions-4-and-26-may-2018> [↑](#footnote-ref-7)
8. See, for instance: ACCAN 2011 op cit.; ACCAN, 2015. *Review of the Integrated Public Number Database: Submission to the Department of Communications.* Available: <https://accan.org.au/our-work/submissions/1070-2015-review-of-the-integrated-public-number-database?highlight=WyJpcG5kIl0> [↑](#footnote-ref-8)
9. ACCAN 2011 op cit. [↑](#footnote-ref-9)
10. As per ECSR Code 4.3: Not Introducing Delays to Emergency Calls. [↑](#footnote-ref-10)
11. In relation to ECSR Code 4.4: Handling calls to Emergency Service Numbers. [↑](#footnote-ref-11)
12. As per ECSR Code 4.5: Publicity and Customer Information. [↑](#footnote-ref-12)