

22 September 2010

Mr Peter Sutton
Australian Communications and Media Authority
Via email

Dear Mr Sutton

Supplementary submission to Telecommunications (Emergency Call Service) Determination 2009

Having provided a response to the ACMA in June 2010 to the specific issue of location information, ACCAN is advocating further amendment of the Telecommunications (Emergency Call Service) Determination 2009, to ensure emergency access for users of the NRS's Speak and Listen service, the NRS's internet relay service, ACE's video relay service and ACE's web-based captioned telephony service and other issues to facilitate equitable access to emergency services for people with disability.

Thank you for your time in considering ACCAN's recommendations.

ACCAN believes that, in considering these further amendments, the Australian Communications and Media Authority (ACMA) should be mindful of ACCAN's principle of available, accessible and affordable communications for Australians.

ACCAN is concerned that the current Determination could disadvantage some consumers, particularly those with disabilities, and asks that the ACMA considers amending the Determination to reflect the issues below. (We have provided a glossary on the final page of this letter.)

1. Speak and Listen users

Calls to Triple Zero via the National Relay Service's (NRS) Speak and Listen service (that is, the user phones the Speak and Listen service on 1800 555 727 and then requests connection to Triple Zero) on a landline or mobile device, although prioritised by the NRS, do not have the same protections as calls direct to Triple Zero. That is, although the NRS relay officer has the same status when relaying the call to Triple Zero as would any other caller to Triple Zero, there are no emergency call handling requirements placed on the initial caller's carrier or carriage service provider in placing the initial call to 1800 555 727. Further, the NRS relay officer who is relaying a Speak and Listen call – unlike an NRS relay officer who is relaying a 106 call – does not have the status of an emergency call person.

ACCAN asks that the Determination be amended to:

- a. Guarantee speed, efficiency and reliability for callers making Triple Zero calls via Speak and Listen
- b. Guarantee access to Speak and Listen users who are unable to make other calls, for example:

- If using a mobile number, where the customer's provider's telecommunications network does not allow direct delivery to the relevant termination point for the call, by another telecommunications network
- If using a landline, where the customer's provider has blocked non-emergency outbound calls from the customer's phone (such as for non-payment of bills)

ACCAN believes that the ACMA and the NRS provider are best placed to form a solution to this issue, but some possibilities are:

- The current text emergency number, 106, to become available to Speak and Listen users
 - The ACMA to designate, under the Numbering Plan, a fourth emergency service number, for use by Speak and Listen users
 - The ACMA to use the Determination or other instrument to direct telecommunication companies to ensure that users of Speak and Listen have access to 1800 555 727, even in the circumstances outlined in 1b(i) and 1b(ii) above.
- c. Grant 'emergency call person' status to a relay officer who relays Speak and Listen calls to Triple Zero
- d. Guarantee the emergency call person access to IPND during the relaying of Speak and Listen calls. (See also points 8 and 9 below.)

2. Internet relay users

Calls to Triple Zero via the NRS's internet relay service (that is, the user connects to internet relay and then requests connection to Triple Zero) do not have the same protections as calls made directly to Triple Zero. That is, although the NRS relay officer has the same status when relaying the call to Triple Zero as would any other caller to Triple Zero, there are no emergency call requirements placed on the initial caller's ISP in connecting to internet relay. Further, the NRS relay officer who is relaying an internet relay call – unlike an NRS relay officer who is relaying a 106 call – does not have the status of an emergency call person. Finally, the NRS currently cannot prioritise calls made to Triple Zero via internet relay, and there is currently no way for the emergency call person to call back the internet relay caller, should the call be disconnected prematurely.

ACCAN asks that the Determination be amended to:

- a. Guarantee speed, efficiency and reliability, including prioritisation at the NRS end, for callers making Triple Zero calls via internet relay
- b. Guarantee access to internet relay users who are unable to make other calls, for example due to bandwidth throttling, traffic shaping or internet disconnection due to non-payment of bills.

ACCAN believes that the ACMA and the NRS Provider, working with ISPs, are best placed to form a solution to this issue.

- c. Grant 'emergency call person' status to a relay officer who relays internet relay calls to Triple Zero
- d. Guarantee the emergency call person access to caller details (such as via IPND) during the relaying of internet relay calls. (See also points 8 and 9 below.)
- e. Encourage users of internet relay to provide their ISP with current and accurate contact and address information. (See also points 8 and 9 below.)

3. Video relay users

Calls to Triple Zero via the Australian Communication Exchange's (ACE) video relay service (VRS) (that is, the user connects to VRS and then requests connection to Triple Zero) do not have the same protections as calls made directly to Triple Zero. That is, although the VRS interpreter has the same status when relaying the call to Triple Zero as would any other caller to Triple Zero, there are no emergency call requirements placed on the initial caller's ISP in connecting to video relay. Further, the VRS interpreter who is relaying a video relay call – unlike an NRS relay officer who is relaying a 106 call – does not have the status of an emergency call person. Finally, ACE currently cannot prioritise calls made to Triple Zero via video relay.

ACCAN recognizes that video relay is currently a trial service only. However, users of the video relay service nonetheless have the right to expect a similar level of access to emergency calls as do other members of the Australian community.

Bearing this in mind, ACCAN asks that the Determination be amended to:

- a. Guarantee speed, efficiency and reliability, including prioritisation at the ACE end, for callers making Triple Zero calls via video relay
- b. Guarantee access to video relay users who are unable to make other calls, for example due to bandwidth throttling, traffic shaping or internet disconnection due to non-payment of bills.

ACCAN believes that the ACMA and ACE, working with ISPs, are best placed to form a solution to this issue.

- c. Grant 'emergency call person' status to a VRS interpreter who relays video relay calls to Triple Zero
- d. Guarantee the emergency call person access to caller details (such as via IPND) during the relaying of video relay calls. (See also points 8 and 9 below.)
- e. Encourage users of video relay to provide their ISP with current and accurate contact and address information. (See also points 8 and 9 below.)

4. Web-based captioned telephony users

Calls to Triple Zero via web-based captioned telephony (that is, the user connects with ACE via a web page, and then connects with Triple Zero) do not have the same protections as calls made directly to Triple Zero. That is, although the ACE relay officer has the same status when relaying the call to Triple Zero as would any other caller to Triple Zero, there are no emergency call requirements placed on the initial caller's ISP in connecting to the ACE captioned telephony website. Further, the relay officer who is relaying a web-based captioned telephony call – unlike an NRS relay officer who is relaying a 106 call – does not have the status of an emergency call person, and this is of particular concern because the Triple Zero emergency call person will receive ACE's phone number rather than the customer's, although the customer will be speaking to the Triple Zero emergency call person via a normal handset. Finally, ACE currently cannot prioritise calls made to Triple Zero via web-based captioned telephony.

ACCAN recognizes that web-based captioned telephony is currently a trial service only. However, like VRS participants, users of this service nonetheless have the right to expect a similar level of access to emergency calls as do other members of the Australian community.

Bearing this in mind, ACCAN asks that the Determination be amended to:

- a. Guarantee speed, efficiency and reliability, including prioritisation at the ACE end, for callers making Triple Zero calls via web-based captioned telephony
- b. Guarantee access to web-based captioned telephony users who are unable to make other calls, for example due to bandwidth throttling, traffic shaping or internet disconnection due to non-payment of bills.

ACCAN believes that the ACMA and ACE, working with ISPs, are best placed to form a solution to this issue.

- c. Grant 'emergency call person' status to a relay officer who relays web-based captioned telephony calls to Triple Zero
- d. Guarantee the emergency call person access to caller details (such as via IPND) during the relaying of web-based captioned telephony calls. (See also points 8 and 9 below.)
- e. Encourage users of web-based captioned telephony to provide their ISP with current and accurate contact and address information. (See also points 8 and 9 below.)

NOTE: Calls made to Triple Zero via handset-based captioned telephony work similarly to calls made directly to Triple Zero, and so do not require any amendments to the Determination.

5. Definition of 'location independent communications service'

ACCAN acknowledges that the Determination's Dictionary cannot provide comprehensive examples for every definition. However, given that carriers and carriage service providers are not always familiar with new technologies used by people with a disability, in the interests of inclusivity, ACCAN recommends that the Dictionary definition of a 'location independent communications service' be clarified to note that services such as Video Relay Service (which uses Skype, which is capable of voice telephony) and SMS (data transmission over a public mobile telecommunications device) are both 'location independent communications services'.

6. Caller no response emergency calls

In relation to sections 3.1.3.29 and 3.1.3.30 of the Determination, ACCAN understands that the appropriate handling of caller no response calls is imperative in minimising non-genuine emergency calls. However, the Determination's procedures effectively discriminate against people who are deaf, hearing-impaired or have a manual dexterity impairment combined with complex communication needs (for example, a person with a physical disability who uses a switch to call Triple Zero but is then unable to either speak or dial '55').

ACCAN recommends that:

- a. The Determination requires of the emergency call person another method of handling caller no response calls which does not discriminate against people with a disability, or
- b. The ACMA:
 - i. Formulates, in conjunction with consumer groups, a method by which all users can use Triple Zero safely (for example, users who are deaf, hearing-impaired,

- speech-impaired and/or have manual dexterity issues could register their phone numbers to avoid the '55' process), *and*
- ii. Funds an outreach campaign – to the general public as well as to deaf, hearing-impaired and disability groups – to educate callers to Triple Zero as to how to manage the '55' process safely (for example, by registering their phone numbers to avoid the '55' process), *and*
 - iii. Includes information about this in the Determination, in order that emergency call persons are familiar with the procedures used by callers who are unable to use the '55' process.

7. Obligations on '106' emergency call persons

Sections 3.1.3.35, 3.1.3.36, 4.1.38 and 4.1.45 of the Determination deal with minimisation requirements, the application of Division 4.1 and access to IPND by the emergency call person for Triple Zero and 112. These four sections do not impose any obligations on the emergency call person for 106, however. ACCAN acknowledges that the content of these sections may be dealt with in the contract between the NRS Provider and the ACMA. Nonetheless, ACCAN believes that for the sake of consistency, the Determination should be amended to impose these obligations on the part of the emergency call person for 106.

8. Call back capacity

Section 4.3.49.2 of the Determination deals with exemptions to the requirement for carriage service providers to give the call-taker the public number from which an emergency call is made. ACCAN believes that carriage service providers should be working towards being able to give the call-taker the public number from which the call is made *and be able to re-establish contact with the caller, even when the end user has made the call on a public mobile telecommunications service or on a location independent communications service, including via a relay service*. This is currently required in the US by the Federal Communications Commission¹; Australian consumers deserve the same access to such a safety measure designed to allow emergency providers to call a consumer back should a premature disconnection occur.

Any exemption should be available only to provide carriage service providers and emergency call persons sufficient time to provide the technical means to provide the public number. (In the case of an internet relay, video relay or web-based captioned telephony call made via an IP address, users could register to receive a 10-digit number to allow emergency services to call them back. Such a feature is used in the US.²)

9. Location Information

In relation to 4.3.49.3 of the Determination, ACCAN continues to support the proposal to make enhanced mobile location information mandatory (see previous submission from ACCAN, June 2010), and believes that this must be expanded so that **all** users of emergency calls are able to use the system safely and in the knowledge that their location information will be transmitted to the emergency call person. The Determination must therefore ensure that **providers must provide accurate location information for:**

- a. **voice calls made from public mobile telecommunications services, including via Speak and Listen**. Again, in the US, the FCC already requires that, by

¹ <http://www.fcc.gov/cgb/consumerfacts/wireless911srv.html>, <http://www.cybertelecom.org/voip/911reg.htm>, http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-08-78A1.pdf

² <http://www.fcc.gov/cgb/consumerfacts/trstendigit-user-meaning.html>

September 11, 2012, mobile service providers must provide precise location information.³

- b. **SMS emergency calls** once SMS emergency calls are available.
- c. **Calls using VOIP services.** Again, this is already required in the US.⁴
- d. **Calls to Triple Zero via a relay service made from a location independent communications service** (such as via the NRS's internet relay service or ACE's video relay service). Again, this is already required in the US⁵.

10. Use of 112 from fixed line services

Section 4.3.49.4 of the Determination appears to imply that calls can be made to the emergency service number 112 from a fixed local service; however, carriers have confirmed to ACCAN that this is not currently the case, and that, according to the Numbering Plan, 112 is available from mobile phones only. Section 4.3.49.4 may need amendment to clarify this, or, if the objective is to provide access to 112 from fixed local services, then this requires clarification in both the Determination and the Numbering Plan.

11. Record keeping

In relation to Section 7.1.60 of the Determination, ACCAN believes that it would be useful for records to differentiate between mobile calls to Triple Zero, and mobile calls to 112. This information would assist with work on future Determinations and Codes, particularly in assessing the usefulness or otherwise of publicising 112 as an emergency service number.

In conclusion, the move towards making available enhanced, mobile location information for Emergency Call Services by amending the Telecommunications (Emergency Call Service) Determination 2009 is a welcome provision to enhance the safety of consumers. However, there are a number of other essential amendments required to the Determination. ACCAN is eager to work with the ACMA to improve emergency outcomes for all consumers, including those with disability.

Should you require any further information or clarification regarding this submission, please contact Dani Fried, Disability Policy Adviser, on 02 9288 4000, or dani.fried@accan.org.au.

Yours sincerely,



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³ <http://www.fcc.gov/cgb/consumerfacts/wireless911srv.html>

⁴ <http://www.cybertelecom.org/voip/911reg.htm>

⁵ http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-08-78A1.pdf

Definitions

Internet relay	A type of National Relay Service call in which the user contacts the NRS using the internet from a computer or smartphone (via the NRS website or instant messaging) and the NRS relay officer relays the call to a landline, mobile phone or TTY. Currently available for outbound calls only.	Used by people who are deaf, hearing-impaired or speech-impaired (including those with complex communication needs)
Captioned telephony – handset	A way of making and receiving phone calls using a special phone which has a screen. The user speaks for themselves, but a relay officer creates ‘captions’ in real time so that the user can read on the screen what the other person says. Unlike NRS calls, the relay officer re-speaks what the other person says, and speech recognition software translates this into captions (rather than the relay officer typing what the other person says). Currently in trial form using CapTel handsets under the Australian Communication Exchange (ACE) with plans to become a trial under the NRS. Available for both outbound and inbound calls.	Used by people with hearing impairment
Captioned telephony - web	Similar to captioned telephony with handset, but the user makes a phone call using a regular phone, and views the captions via the internet. Currently in trial form under ACE using web-based captioned telephony. Available for both outbound and inbound calls; however, for inbound calls, customer must be awaiting the call with both a regular handset and web access available.	Used by people with hearing impairment
Speak and Listen	A type of National Relay Service call in which the user contacts the NRS using a regular landline or mobile phone, and the NRS relay officer relays the call to a landline, mobile phone or TTY. The relay officer re-speaks what the user says, should the other party not understand their speech. Available for both outbound and inbound calls.	Used by people with speech impairments or complex communication needs.
Video relay	A type of telephony whereby the user signs in Auslan (Australian Sign Language), using Skype via a computer or, possibly, smartphone, to an interpreter, who relays what the	Used by deaf people.

	<p>user says in spoken English to a hearing person who is using a landline or mobile phone. The interpreter then interprets the spoken English of the other party into Auslan. Available for both outbound and inbound calls; however, for inbound calls, customer must be awaiting the call, with web access available.</p>	
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