



Review of the Telecommunications (Emergency Call Service) Determination 2009 – Second-round consultation

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

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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 communications services that are trusted, inclusive and available for all.

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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1. Introduction

ACCAN welcomes the second stage of the ACMA's review of the Telecommunications (Emergency Call Service) Determination 2009 (ECS Determination), and is pleased to offer the following response.

We acknowledge that a significant number of changes have been proposed in the draft Telecommunications (Emergency Call Service) Determination 2019 (ECS Determination 2019). ACCAN supports the amendments that embed technology neutral language into the ECS Determination 2019, and appreciate that these changes may enable future developments to be made to the Emergency Call Service (ECS). Future developments need to improve the accessibility of the ECS, particularly for end-users who are Deaf, Deafblind or have hearing or speech impairments.

ACCAN is keen to ensure that all end-users have equal, reliable and appropriate access to the ECS from a range of devices. Any changes to the current ECS Determination must therefore improve access to the ECS for end-users, and must improve the reliability of the ECS. We understand that the proposed trial arrangements for alternative call handling methods for SIM-less calls play an important role in balancing these requirements. Throughout the trial, however, it is vital that all efforts are made to ensure that end-users who are genuinely attempting to access the ECS through SIM-less devices are not disadvantaged.

In our below response we address the overarching issues discussed in the consultation paper. We welcome any opportunities for further consultation based on the issues we raise. We thank the ACMA for the opportunity to provide feedback on the draft ECS Determination 2019, and hope that the final product is one that is future focussed and supportive of the varied needs of ECS end-users.

1.1. List of recommendations

Recommendation 1: Non-voice methods for contacting the ECS, such as SMS, web and video calls, or instant messages, must be incorporated into the next generation ECS to improve accessibility for end-users who are Deaf, Deafblind or have hearing or speech impairment.

Recommendation 2: The length of both genuine and non-genuine SIM-less calls made to the ECS must be recorded as part of the trial, in order to help determine the overall impact of SIM-less calls.

Recommendation 3: The words 'if available' must be removed from section 66.3(c) item (v) of the ECS Determination 2019, and a requirement must be added for ESOs to keep records about how SIM-less calls transferred to them from the ECP are resolved.

Recommendation 4: Minimum and maximum trial periods must be incorporated into the ECS Determination 2019 to ensure greater transparency about the potential duration of the trial.

Recommendation 5: Consultation regarding the alternative call handling trial must be broadened to include consumer organisations to ensure that the needs of end-users are met throughout the duration of the trial.

Recommendation 6: Section 66.3(b) of the ECS Determination 2019 must be altered to remove any references to the ECP for 000 and 112 being able to implement another alternative call handling method other than those outlined in Table 1.

Recommendation 7: The ECP for 000 and 112 must be required to notify the end-users of the ECS about the trial, and any information distributed in relation to the trial must be made available in a range of accessible formats.

Recommendation 8: Call handling option one must be removed from the ECS Determination 2019, in recognition of the additional accessibility barriers that it may present to people who are Deaf, Deafblind or have hearing impairment.

2. Responses to the second-round consultation paper

2.1. Next generation Triple Zero initiatives

ACCAN supports the future looking and technology neutral tone of the draft ECS Determination 2019, as this will more easily allow for the implementation of next generation Triple Zero initiatives. As we stated in response to the first round of consultation, it is critical that new technologies and systems are appropriately and rigorously tested prior to their implementation to protect against failure and ensure that end-users have reliable and appropriate access to the ECS.

People who are Deaf, Deafblind or have hearing or speech impairment do not currently have functionally equivalent mobile access to the ECS. Although technical matters must be resolved and testing must be performed prior to the implementation of SMS to Triple Zero, ACCAN is keen to ensure that this functionality remains a key priority moving forward. Similarly, other methods, such as web calls, video calls or instant messages, must also be considered as non-voice functionalities to be included as part of a next generation ECS. Equal access must be built into the next generation ECS as an urgent priority to ensure that all people have reliable, guaranteed and appropriate access to the ECS.

Recommendation 1: Non-voice methods for contacting the ECS, such as SMS, web and video calls, or instant messages, must be incorporated into the next generation ECS to improve accessibility for end-users who are Deaf, Deafblind or have hearing or speech impairment.

We understand that the ACMA will consult stakeholders about further amendments to the ECS Determination 2019 at such time as the next generation timeline is more concrete. ACCAN looks forward to being involved in this future consultation.

2.2. SIM-less call handling

As outlined in our previous response, ACCAN can only support the suspension of services in very extreme circumstances, and blocking people from contacting the ECS must never be the focus of solutions regarding non-genuine calls. We maintain that everyone should have universal access to the essential ECS, and this must include people using SIM-less handsets. As the ACMA rightly points out in the consultation paper,¹ there is currently only anecdotal information available regarding the number of SIM-less calls to the ECS that are genuine or non-genuine.

The trial of the alternative call handling methods will assist in the collection of crucial information about the proportion of genuine and non-genuine calls originating from SIM-less devices, as opposed to international mobile roaming calls within Australia or camp on calls. This will help to ensure that any future action regarding SIM-less calls is supported by a robust evidence base and a more thorough understanding of this issue. In order to ensure that the information gathered throughout this trial is as useful as possible, ACCAN suggests the following alterations to the current draft of the ECS Determination 2019.

¹ Page 6 of the ACMA's June 2019 Review of the Telecommunications (Emergency Call Service) Determination 2009 second-round consultation paper.

Firstly, within section 62.2(a) we agree that a vital element of the trial is collecting data about the number of genuine emergency calls made from SIM-less devices. We seek clarification, however, about how the impact of calls from SIM-less devices will be tracked (as outlined in section 62.2(b)), more specifically regarding whether the impact will be assessed in relation to all calls (genuine and non-genuine) received from SIM-less devices, or whether the impact of the trial itself will be assessed. If the former is to be determined throughout the trial, the length of the calls (genuine and non-genuine) from SIM-less devices should be tracked as part of the record keeping arrangements for the trial.

Recommendation 2: The length of both genuine and non-genuine SIM-less calls made to the ECS must be recorded as part of the trial, in order to help determine the overall impact of SIM-less calls.

Within section 66.3(c), ACCAN recommends the removal of the words ‘if available’ in relation to item (v) in the list. In order to ensure that the trial provides clear identification of whether calls from SIM-less devices are genuine or non-genuine, robust information must be collected from Emergency Service Organisations (ESOs) regarding how each SIM-less call was resolved. Given that the Emergency Call Person (ECP) may not be able to make a determination about whether the call was genuine or non-genuine, the insights and information provided by ESOs in relation to these calls are crucial to the validity of the trial. A requirement must be added to ensure that ESOs keep appropriate records about the resolution of these call types during the trial period.

Recommendation 3: The words ‘if available’ must be removed from section 66.3(c) item (v) of the ECS Determination 2019, and a requirement must be added for ESOs to keep records about how SIM-less calls transferred to them from the ECP are resolved.

In addition, ACCAN is keen to ensure that there is transparency and consultation regarding the duration of this trial. Such transparency should be provided by stipulating the minimum and maximum trial periods within the ECS Determination 2019 itself. Furthermore, ACCAN calls for broader consultation than that outlined in section 65.5 – consumer organisations must be included in such consultation to ensure that end-users are not unduly disadvantaged by the timing of the trial period.

Recommendation 4: Minimum and maximum trial periods must be incorporated into the ECS Determination 2019 to ensure greater transparency about the potential duration of the trial.

Recommendation 5: Consultation regarding the alternative call handling trial must be broadened to include consumer organisations to ensure that the needs of end-users are met throughout the duration of the trial.

Similarly, ACCAN calls for greater transparency in relation to the alternative call handling method that is implemented as part of this trial. Section 66.3(b) must therefore be changed to remove reference to the ECP for 000 and 112 being able to implement another alternative call handling method provided it notifies the ACMA in writing at least 5 business days prior to implementation. Ensuring that only the ECS Determination 2019 can outline the model to be implemented allows for greater transparency and public trust in the trial. End-users should be aware of what alternative call handling method they may be subject to if they call the ECS from a SIM-less device during the trial period.

Recommendation 6: Section 66.3(b) of the ECS Determination 2019 must be altered to remove any references to the ECP for 000 and 112 being able to implement another alternative call handling method other than those outlined in Table 1.

ACCAN maintains that education must be a key focus in attempting to minimise non-genuine calls to the ECS, and must also be a focus in relation to the alternative call handling trial. End-users of the ECS, that is, the general public, must be added to the ECP's notify list which is currently outlined in section 66.2(b) of the ECS Determination 2019. Information that is distributed about this trial must be accessible and take into account the diversity of end-user needs, including the needs of people with disability, people with complex communication needs, older people, Aboriginal and Torres Strait Islanders and people from non-English speaking or culturally and linguistically diverse backgrounds.

Recommendation 7: The ECP for 000 and 112 must be required to notify the end-users of the ECS about the trial, and any information distributed in relation to the trial must be made available in a range of accessible formats.

It is ACCAN's position that genuine attempts to contact the ECS must always be allowed through to the ECP. Consequently, ACCAN does not support call handling option one as this not only delays access to the ECP, but also imposes further barriers to accessing the ECS for certain members of the population. Specifically, the interactive voice recording that would advise the caller to press additional digit/s to signify that they are experiencing a genuine emergency would be inaccessible for many people who are Deaf, Deafblind or have hearing impairment. ACCAN therefore supports the implementation of call handling option two, as it allows the SIM-less caller access to the ECP and allows the call-taker to use their discretion as to whether a SIM-less call is a genuine emergency. While some callers who are Deaf, Deafblind or have hearing impairment may still struggle with this interaction, ACCAN believes that a call-taker is better placed than an interactive voice recording to make a judgement about whether or not a call is genuine. Individual call-takers would, for instance, be more attuned to the situational background noises that may be present on a call, and may use such additional information when deciding whether or not to pass the call through to an ESO.

Recommendation 8: Call handling option one must be removed from the ECS Determination 2019, in recognition of the additional accessibility barriers that it may present to people who are Deaf, Deafblind or have hearing impairment.

2.3. Other issues

ACCAN appreciates the inclusion of a 'purpose and objects' section to establish the expectations for ECS regulation. As per the ECS Determination 2019, one of its objects is to 'ensure that the highest levels of access, integrity and service continuity of the emergency call service are maintained'.² ACCAN is keen to ensure that the highest possible levels of access to the ECS are facilitated, and note that we see this as including the introduction of a wider range of more accessible non-voice communications methods.

2.3.1. Wholesale layer 2 bitstream providers

While we acknowledge that the ACMA has adopted an outcome driven approach rather than prescribing prioritisation requirements for wholesale layer 2 bitstream providers, we are concerned that there are not more requirements to protect end-users. As outlined in our previous submission, safeguarding would help to ensure that end-users are protected against a single point of failure bringing down their access to the ECS. We reiterate our belief that safeguarding should include

² ECS Determination 2019 Section 5.2(a).

public awareness initiatives to help end-users to understand the differences between their previous phone service and their new service.

2.3.2. Call location information

ACCAN reiterates our position that important location information should be made available to emergency services; however a balance must be struck between ensuring sufficient information location is provided to ESOs and ensuring that the privacy of individuals can be protected. We again call for a public education campaign about mobile location information in relation to calls to the ECS, to ensure that the general public is aware of what location information is obtained when they call the ECS, and how this is handled and passed through to the ESO.

2.3.3. Emergency Call Service Requirements (ECSR) Code

ACCAN is supportive of the incorporation of certain provisions, similar to those detailed in the Emergency Call Service Requirements (ECSR) Code, into the ECS Determination 2019. Given this, ACCAN is of the position that the ECSR Code should continue to stipulate the operational functions that are necessary to support CSPs and carriers to fulfil their ECS obligations. We find the additional details provided by the ECSR Code useful in considering whether carriers, CSPs and Public Number Directory Producers (PNDP) are fulfilling their obligations in relation to the ECS.

The ECSR Code continues to play a vital role in assigning responsibility for promoting public understanding and awareness of the ECS. Our view is that the ECSR Code should continue to regulate the obligations of carriers and CSPs to end-users, including ensuring that they have access to information about the ECS. The ECSR Code should similarly continue to regulate the obligations of PNDP to provide an array of information regarding the ECS, particularly given that PNDP are not covered by the ECS Determination 2019.

We consider that the ECSR Code should be reviewed and updated in light of the amendments made in the ECS Determination 2019. Such review should seek to minimise repetition and streamline the regulatory requirements placed upon industry, and should (echoing our previous comments on this topic) ensure the strongest regulatory protections are in place to ensure access to the ECS for all end-users. In this regard, we consider that the inclusion of the G644 guideline into the ECSR Code would help to strengthen the obligations placed upon CSPs, carriers and other entities, and would therefore contribute to greater protections for end-users.

Finally, we are broadly supportive of the new obligations within the ECS Determination 2019 regarding communication with end-users who have been impacted by a disruption to the ECS. This is an important step towards protecting end-users, however as mentioned above, further protections for end-users could be achieved by inserting the G644 guideline into the ECSR Code, or even into the ECS Determination 2019.

3. Conclusion

ACCAN appreciates the opportunity to provide feedback to this draft of the ECS Determination 2019. We acknowledge the significant changes that have been made to this document, and are keen to ensure that such changes do not negatively impact access to the ECS for end-users. Community needs and expectations in relation to the ECS must remain front of mind, and end-users must be assured quick and reliable access to the ECS and the relevant services and supports they require.

ACCAN would again like to thank the ACMA for the opportunity to provide a submission to this consultation process. We look forward to engaging with the ACMA further on this important issue.