

EXPLANATORY STATEMENT

Issued by authority of the **Australian Communications and Media Authority**

Telecommunications (Consumer Protection and Service Standards) Act 1999

TELECOMMUNICATIONS (EMERGENCY CALL SERVICE) AMENDMENT DETERMINATION 2011 (No.1)

Outline

The *Telecommunications (Emergency Call Service) Amendment Determination 2011 (No.1)* ('the Determination') amends the *Telecommunications (Emergency Call Service) Determination 2009* (the 2009 Determination). The Determination introduces minimum standards for mobile carriers in relation to the provision of mobile location information to emergency service organisations (ESOs) – police, fire or ambulance.

The Determination was made under subsection 147(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* which requires the Australian Communications and Media Authority (the ACMA) to make a determination imposing requirements on carriers, carriage service providers and emergency call persons in relation to emergency call services.

Background

Unlike landline telephone services, emergency calls from mobile telephones do not automatically give ESOs accurate details about a caller's location. In most cases the caller can tell the emergency operator where they are located and the Emergency Call Service works well. The proposed amendments are aimed at improving outcomes for citizens who are too distressed or unfamiliar with their environment to communicate their location correctly when calling Triple Zero from a mobile phone.

All mobile carriers have an existing capability to provide mobile location information where required. However, there are no requirements in the 2009 Determination requiring mobile carriers to make this capability available to ESOs.

Public consultation

The ACMA commenced development of the new mobile location information requirements for the Emergency Call Service with the release of a consultation paper, *Enhanced mobile location information for the Emergency Call Service*, in May 2010. The paper sought comments on the ACMA's proposal to mandate that mobile carriers and the Emergency Call Person (ECP) for 000 and 112 implement a common system for delivering the best available location information they have in association with a call to the Emergency Call Service on request from an ESO. The common system would be fully integrated with the ECP service, providing the capability for mobile carriers to transfer the available location information through to the ESO.

The ACMA received 16 submissions from a variety of stakeholder groups including the telecommunications industry, the emergency services sector, consumer groups and special interest groups.

All submissions supported the need for establishing a comprehensive set of enhanced mobile location arrangements to meet the needs of ESOs. ESOs are supportive of efforts to enhance the level of location information and would prefer the implementation of a model over time that would see enhanced mobile location information provided with every call to the Emergency Call Service (the 'push' model). Mobile carrier support for the 'push' model is subject to receiving government funding and completing a detailed technical analysis of project. The mobile carriers indicated that implementing a model integrated with the ECP service would take a minimum of two years.

Taking submitter comments into account, the ACMA resolved to further explore with industry and ESOs the potential for introducing the 'push' model, while commencing the process of amending the 2009 Determination to introduce provisions that require mobile carriers to provide enhanced mobile location information associated with a call on request from an ESO (the 'pull' model). This 'pull' model would not be integrated with the ECP service and would require ESOs to establish one-to-one relationships with the mobile carriers. It could be implemented within a relative short timeframe as it would essentially require mobile carriers to extend their existing processes for providing enhanced mobile location to law enforcement agencies to all ESOs.

On 28 October 2010 the ACMA released a draft version of the *Telecommunications (Emergency Call Service) Amendment Determination 2011 (No.1)* for public comment. The key changes proposed include new requirements on mobile carriers to:

- Provide the most precise location information they have available on request from an ESO and, as a minimum, the reception or coverage area of the radio cell from which the emergency call originates. The provision would only apply where the ESO is not able to identify the location of the caller by seeking information from the caller.
- Resolve emergency call location queries without delay.
- Ensure ESOs are provided with a designated contact and telephone number for location queries, or have a specified process for location queries.
- Assist an ESO to identify the relevant mobile network carrying the emergency call.

The ACMA also discussed the proposed amendments with members of its Emergency Call Service Advisory Committee meeting on 23 November 2010.

In total, 15 submissions were received on the draft Determination from areas including the telecommunications industry, the emergency service sector and special interest groups. All submissions broadly view the proposed amendments as an important interim step in enhancing the level of location information. Following consultation, only two minor changes were made to the draft:

1. the term "mobile telephone handset" was replaced with "customer equipment"
2. a specific date of commencement was set, in favour of a period of commencement.

A summary of submissions received is provided below.

Industry

Submissions were received from Telstra, Optus, Communications Alliance and the Australian Mobile Telecommunications Association (joint submission), CommScope/Andrew Corporation (Australia) Pty Ltd and True Position Incorporated.

The following comments were made in one or more submissions:

- Industry support the ACMA's proposal to require mobile carriers to provide location information to ESOs on request while continuing to explore with industry and ESOs the potential implementation of a model that would see enhanced location information provided with every call.
- Industry support the objectives of the Determination to require mobile carriers to provide the most precise location information they have available on request from an ESO and, as a minimum, the reception or coverage area of the radio cell from which the call originates.
- The continued exploration of the 'push' model is supported and it is recommended that any new requirements be implemented according to the 3rd Generation Partnership Project (3GPP) standards.

One submitter advised that the Determination needed to be amended to reflect that if a mobile device has roamed onto another mobile carrier's network or the mobile device's unique identifier is not made available, then the location information will not be able to be ascertained. The Determination includes a note that circumstances in which the most precise mobile location information may not be available to a mobile carrier include instances where the customer equipment used to make the call does not provide a unique customer identifying number.

Emergency Service Sector

Submissions were received from New South Wales Police, St John Ambulance West Australia, New South Wales Ambulance, New South Wales Fire Brigade and Victoria Police.

One or more submitters commented that:

- Amending the 2009 Determination to ensure mobile carriers provide the most precise location information available in association with a genuine emergency call made to ESOs is supported.
- While the proposed amendments are welcomed there needs to be a targeted plan for the implementation of a 'push' model.
- The current proposal should be presented as an interim measure and obligations extended to provide a 'push' service now or as soon as practicable.

Groups representing consumer and other interests

Submissions were received from other organisations and individuals, including the Australian Communications Consumer Action Network and the Heart Foundation.

The following comments were made by one or more submitters:

- Amending the 2009 Determination to require carriers to provide location information for users of mobile phones in emergency situations is an excellent step forward towards meeting community expectations and should be the first phase in moving to a push model.
- The Determination is likely to result in better outcomes for the many people in Australia who use a mobile phone to make emergency calls.
- The proposed amendments to the 2009 Determination will assist to reduce the overall time to treatment when people call Triple Zero for time-critical medical issues.

One submitter recommended that the requirements should be broadened so that Voice over Internet Protocol (VoIP) services can assume equally robust and accurate provision of location information, including VoIP services. The ACMA understands that no viable technical solution is currently in use for VoIP location, but that standards and frameworks are under development in the United States and Europe. Both the International Engineering Task Force (IETF) and the Institute of Electrical and Electronic Engineering (IEEE) have study groups currently working on technological solutions to issues presented by the use of VoIP telephony for contacting emergency call services. The output of these study groups may present an opportunity to review viable approaches to VoIP location issues in the future.

Description of the provisions in the Determination

Section 1 - Name of Determination

Section 1 provides that the Determination is the *Telecommunications (Emergency Call Service) Determination 2011 (No. 1)*.

Section 2 - Commencement

Section 2 provides that the Determination commences on 20 April 2011 or the day after it is registered, whichever is later.

Section 3 - Amendment of the Telecommunications (Emergency Call Service) Determination 2009

Section 3 provides that Schedule 1 of the Determination amends the *Telecommunications (Emergency Call Service) Determination 2009*.

Schedule 1 Amendment

Schedule 1 inserts a new section (section 52A) into the *Telecommunications (Emergency Call Service) Determination 2009*.

Section 52A

Section 52A sets minimum standards for mobile carriers in relation to the provision of mobile location information to ESOs. Subsection 52A(1) provides that the section applies to mobile carriers who are defined as carriers who own or operate a controlled network or controlled facility used to supply a public mobile telecommunications service.

Subsection 52A(2) covers the circumstances in which carriers are required to comply with Section 52A, and requires mobile carriers to provide the most precise mobile location information available about the location of the customer equipment from which the emergency call originated, as soon as possible after a request has been received. The concept of most precise mobile location information available is defined in subsection 52A(5) and requires that carriers provide, at a minimum, the reception or coverage areas of the radio cell from which the emergency call originates. It is important to note that there are circumstances where the most precise location information may not be available to a mobile carrier. These include, for example, instances where the customer equipment used to make the call does not provide a unique customer identifying number.

Subsection 52A(3) is intended to deal with those situations where an ESO requests location information from a mobile carrier for an emergency call that did not originate from customer equipment connected to the mobile carrier's controlled network or facility. In these situations, the mobile carrier is required to take all reasonable steps to assist the ESO identify the owner or operator of the network or facility to which the handset was connected.

Subsection 52A(4) sets out the minimum requirements for receiving and processing requests for location information from ESOs, including that carriers must ensure that ESOs are able to make a request for location information, at all times, that is, 24 hours a day, 7 days a week. Further, mobile carriers must provide ESOs with designated contact details or a process to be followed, and process all requests without delay.

Subsection 52A(5) defines most precise mobile location information available for the purposes of section 52A. The subsection specifies that the most precise mobile location information available refers to the most precise information the carrier has available about the geographic or physical location of the customer equipment from which an emergency call originates, either at the time the emergency call was made, or at a later time which is the subject of the ESO's location request. At a minimum, carriers must provide the reception or coverage areas of the radio cell from which the emergency call originates.