

**COMMUNICATIONS  
ALLIANCE LTD**



## COMMUNICATIONS ALLIANCE SUBMISSION

to the

Senate Standing Committee on Environment and  
Communications Legislation

***Inquiry into the Telecommunications Legislation Amendment  
(Information Disclosure, National Interest and Other Measures)  
Bill 2022 [Provisions].***

19 January 2023

**Submission provided to:**

Committee Secretary  
Senate Standing Committees on Environment and Communications  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
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## **INTRODUCTION**

Communications Alliance welcomes the opportunity to make this submission in response to the consultation on the Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Bill 2022.

Members of Communications Alliance may make individual submissions.

For any questions relating to this submission please contact Christiane Gillespie-Jones on 02 9959 9118 or at [c.gillespiejones@commsalliance.com.au](mailto:c.gillespiejones@commsalliance.com.au).

### **About Communications Alliance**

Communications Alliance is the primary communications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, platform providers, equipment vendors, IT companies, consultants and business groups.

Its vision is to be the most influential association in Australian communications, co-operatively initiating programs that promote sustainable industry development, innovation and growth, while generating positive outcomes for customers and society.

The prime mission of Communications Alliance is to create a co-operative stakeholder environment that allows the industry to take the lead on initiatives which grow the Australian communications industry, enhance the connectivity of all Australians and foster the highest standards of business behaviour.

For more details about Communications Alliance, see <http://www.commsalliance.com.au>.

## EXECUTIVE SUMMARY

- 1.1 Communications Alliance welcomes the opportunity to make a submission to the consultation on the *Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Bill 2022* (the Bill).
- 1.2 The Bill would amend the *Telecommunications Act 1997* to improve the operation of information disclosure provisions in certain emergency situations including facilitating assistance provided by the telecommunications industry to law enforcement agencies and emergency services.
- 1.3 It would also amend the record of disclosure requirements, by increasing record keeping requirements to enable oversight of underlying laws or warrants which require or authorise a disclosure.

### Item 13 of the bill

- 1.4 Item 13 of the Bill (306(5)(g)) requires that if there is a disclosure and the information disclosed is or includes information specified in the table in section 187AA of the *Telecommunications (Interception and Access) Act 1979*, then the Bill requires a record be kept with the item number/s from that table and a description of the content of the item/s.
- 1.5 There are practical challenges associated with this proposed record-keeping requirement. It may not be a simple exercise for a staff member responsible for responding to requests for information to identify what item number/s in the table in section 187AA a request for data may relate to.
- 1.6 Further, the meaning of the requirement "a description of the content of those items, to the extent that the content relates to the information or document, must be recorded" is unclear.
- 1.7 As an example, if a call record were disclosed, a record that might meet the proposed requirement in item 13 of the Bill would be:

Item number	Description:
1, 2, 3, 4, 5, 6	Call record from x date to y date.

- 1.8 We understand that this requirement is in response to a finding from the Office of the Australian Information Commissioner to ensure that only necessary personal information is disclosed (as explained in page 13 of the Bills Digest) and we support this intention.
- 1.9 However, we ask that further explanation and/or an example about this requirement be added into a revised Explanatory Memorandum and clear guidance material should be provided by the Department as soon as possible after the Bill passes Parliament.

### Additional amendment on Location Dependent Carriage Services (LDCS)

- 1.10 We are also seeking an additional amendment to the regulatory arrangements around Location Dependent Carriage Services (LDCS). Communications Alliance has raised this issue previously, in our submission to the Royal Commission into National Natural Disaster Arrangements<sup>1</sup>. We ask that the Committee consider including a simple amendment to the *Telecommunication Act 1997* (the Act) which would allow

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<sup>1</sup> [https://www.commsalliance.com.au/\\_data/assets/pdf\\_file/0009/69687/200417\\_CA-AMTA-submission\\_Royal-Comm.-National-Natural-Disaster-Arrangements\\_SUBMITTED.pdf](https://www.commsalliance.com.au/_data/assets/pdf_file/0009/69687/200417_CA-AMTA-submission_Royal-Comm.-National-Natural-Disaster-Arrangements_SUBMITTED.pdf)

community services organisations to use full CLI routing for the redirection of calls from unlisted numbers to emergency services organisations.

- 1.11 LDCS enables the automatic routing of a call for assistance to the desired branch (local) or call centre of the service being requested. Community organisations (those not part of the Emergency Call Services) that aid in emergencies, rely on LDCS to direct callers to the most appropriate State Emergency Services (SES) depot, police station, Country Fire Authority (CFA) or Fire Station. Community organisations that use LDCS often require the service provided to be based on a full assessment of the caller's address (known as "full CLI routing"), by the relevant service provider.
- 1.12 However, under section 291A of the *Telecommunications Act 1997*, callers who are unlisted in the Integrated Public Number Database (IPND) do not have the same access to LDCS, such as those provided by the SES (132 500), Lifeline (131 114), non-urgent ambulance transport and the police assistance line (131 444), as do those callers whose records are listed in the IPND. Under the current regulation, full CLI routing is not available to callers with unlisted numbers in the IPND for the delivery of LDCS.
- 1.13 Without full CLI routing, a call for assistance can only be routed based on its Exchange Service Area, which may be very large in the case of rural areas, and may often encompass several branch offices, depots or police or fire stations which are not physically close to the caller or terminate into the wrong group in the call centre.
- 1.14 This means that unlisted callers are disadvantaged, as they may not be connected to the desired SES, Lifeline or Police or Fire station, in the same timeframe as listed callers. We estimate that the IPND has approximately 78 million connected services, but only around 3.6 million of these services are listed, meaning that approximately 95.3 percent of phone numbers in Australia are unlisted.
- 1.15 In times of emergencies, these community help organisations often opt to work around the problem by transferring the calls, which utilises additional staff, or recording the required information and passing it on later, thereby again, delaying the response for assistance.
- 1.16 Police, fire, ambulance and SES areas are not aligned with area codes or exchange service areas, with full CLI routing being the only option available to route calls efficiently to the correct stations and SES depots at times of heightened stress.
- 1.17 To fix this problem, we recommend that the existing regulatory arrangement be reviewed to allow community services organisations being able to use full CLI routing for the redirection of calls from unlisted numbers to emergency services organisations.
- 1.18 We believe this could be achieved by deleting the following from section 291A(2)(a) of the Act: "*other than information relating to an unlisted telephone number*". The full excerpt from the Act is attached, and the suggested deletion has been highlighted. Making this amendment would provide a clear basis for the IPND to include unlisted numbers in the downloaded data files to carriers that use it for LDCS.
- 1.19 The disclosure of unlisted mobile number information is permitted to an authorised research entity through the *Telecommunications Regulations 2021*, and it is possible that these regulations will also require amendment to support the disclosure of unlisted numbers for LDCS.
- 1.20 We see this as an ideal opportunity to include this amendment, given the Act is already being amended, and we see this as a positive change that will benefit our hardworking community emergency organisations and the millions of Australians with unlisted numbers and will help save lives.

The Telecommunications Act 1997 - s291A

**Location dependent carriage services**

(1) Sections 276 and 277 do not prohibit a disclosure by a person of information or a document if:

(a) the information or document relates to information (other than information relating to an unlisted telephone number) contained in an integrated public number database; and

(b) the disclosure is to a carrier or a carriage service provider; and

(c) the disclosure is made for a purpose of, or is connected with, the supply, or proposed supply, by a person of a location dependent carriage service.

(2) Sections 276 and 277 do not prohibit a disclosure or use by a carrier or a carriage service provider of information or a document if:

(a) the information or document relates to information **(other than information relating to an unlisted telephone number)** contained in an integrated public number database; and

(b) the disclosure or use is made for a purpose of, or is connected with, the supply, or proposed supply, by a person of a location dependent carriage service.

(3) In this section:

**"integrated public number database"** means:

(a) an integrated public number database maintained by Telstra as mentioned in Part 4 of Schedule 2; or

(b) an integrated public number database maintained by a person as mentioned in section 472.

**"location dependent carriage service"** means a carriage service that depends for its provision on the availability of information about the addresses of end users of the carriage service.



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