

Investigation Report

File No.	ACMA2024/209
Relevant entities	Telstra Limited
ACN	086 174 781
Type of entity	Emergency call person
Relevant legislation	<p><i>Telecommunications (Emergency Call Service) Determination 2019 (the Determination)</i></p> <p><i>Telecommunications Act 1997 (the Act)</i></p> <p><i>Telecommunications (Consumer Protection and Service Standards) Act 1999 (the TCPSS Act)</i></p>

Findings

- The Australian Communications and Media Authority (the **ACMA**) finds that, on 1 March 2024, Telstra Limited (ACN 086 174 781) (**Telstra**), in its capacity as the emergency call person for 000 and 112, contravened subsection 148(1) of the TCPSS Act on 473 occasions, because it failed to comply with:
 - > Subsection 42(2) of the Determination on 127 occasions by failing to transfer a call to an emergency service organisation in circumstances where an end-user sought for the call to be transferred.
 - > Section 51 of the Determination on 346 occasions by failing to make available to an emergency service organisation the name of the customer and most precise location information that the emergency call person had at the time a call was transferred.

Background

- Part 2 of the Determination imposes requirements on carriers and carriage service providers (**CSPs**) in relation to access and carriage of calls to the emergency call service. Part 3 of the Determination sets out the specific obligations on the emergency call persons (**ECPs**) in relation to the handling and transfer of calls made to emergency service numbers. Carriers, CSPs and the ECPs are required to comply with the Determination under subsection 148(1) of the TCPSS Act.
- Telstra is the ECP for 000 and 112 under the *Telecommunications (Emergency Call Persons) Determination 2019*. Therefore, Telstra, as the ECP for 000 and 112, must comply with the Determination to the extent that the Determination imposes obligations on the ECP.
- On 1 March 2024, Telstra notified the ACMA that between 3:31am and 4:41am¹ that morning the Triple Zero call centre experienced a disruption that prevented call-takers from transferring calls to emergency service organisations (**ESOs**) in the usual way (**the disruption**). A backup process was initiated, however some calls were unable to be transferred using this process. Instead, Telstra provided the caller's details to the relevant ESO via phone or email to enable the relevant ESO to call back the end-user

¹ In later correspondence Telstra amended the end time of the disruption to 5:00am.

directly itself. Telstra provided additional information about the disruption to the ACMA throughout the day, and to the public via media statements.

5. On 5 March 2024, the ACMA commenced an investigation under section 510 of the Act into Telstra's compliance with the Determination, the Act and the TCPSS Act in relation to the disruption.
6. On 9 August 2024, the ACMA provided its preliminary findings report to Telstra and invited it to respond. On 23 August 2024, Telstra provided its response to the preliminary findings.
7. In reaching these findings, the ACMA has considered information that Telstra shared with the ACMA on 1, 2, 7 and 13 March 2024, and the statement published on Telstra's website on 27 March 2024. The ACMA has also considered the information provided by Telstra on 24 April 2024 in response to a notice given under section 521 of the Act (**s521 response**) and its response to the preliminary findings on 23 August 2024.

The disruption

8. The disruption was triggered by a large spike in medical alert devices attaching to the emergency call signalling channel on the Telstra mobile network.² These devices were attaching to the mobile network to reestablish connection after they had been rebooted. The attachments to the emergency call signalling channel initiated Push MoLI (Mobile Location Information) data to be generated for each attachment.
9. The surge in Push MoLI data caused both the primary and secondary databases that store this data in the Triple Zero platform to exceed the maximum number of concurrent data sessions that the databases could handle. This then triggered a latent software fault that prevented the databases from automatically recovering and caused them to become unresponsive. Telstra also believes that the timing of other processes, such as security and mandatory obligation tasks, coincided with peak device attachment and Push MoLI rates and may have contributed to the overload on the central processing unit of the web servers.
10. The two databases that went offline ordinarily deliver calling line information (**CLI**) data with Triple Zero calls and store the primary ESO contact lists. The CLI data includes the phone number, customer name and service address, and mobile location data for calls from mobile devices. This data was therefore unavailable to the call-takers during the outage. Calls were presented to ECP call-takers with only a phone number visible and CLI data could not be provided to ESOs. The ESO contact numbers were also not available for selection to transfer the calls to the relevant ESO. The disruption impacted a total of 494 calls.

Backup processes

11. A backup process was implemented, where the call-takers asked the callers for the location of the emergency and used a backup ESO contact phone list in a separate database to select the required ESO and transfer the calls. 346 of the 494 calls were able to be transferred in this manner.

² The devices were not making calls, but registering on the network in preparation for any calls the devices may have needed to make in the event of a medical emergency. The alarm devices are authorised to connect to 000, however Telstra does not supply the devices and it does not control the software configuration that dictates the frequency of network requests.

12. Eight of the 24 phone numbers on the backup ESO contact list were incorrect and calls could not be transferred to those ESOs. For these callers, Telstra invoked a manual escalation process in which the ECP call-taker recorded the caller's information (phone number and location) and relevant ESO, then passed that information to the ECP supervisor.
13. Telstra advised that for calls requiring escalation to an ESO, the ECP Supervisors relayed information, either via phone or via email, depending on the escalation procedure previously agreed with each of the ESOs.
14. Where email was used, ECP supervisors would email call details through to ESOs, for a call back by the ESO directly to the end-user seeking access to the ESO. In the case of calls for Triple Zero Victoria (covering Victorian police, fire and ambulance services), a change to an escalation email contact address was initially incorrectly transcribed by Telstra and took 13 minutes to be rectified. This led to delays in the provision of information to ESOs and delayed ESO responses to some Victorian callers to Triple Zero. 127 of the 494 calls received by the ECP during the disruption were escalated to ESOs using the manual escalation process.
15. 21 additional calls were not referred to ESOs because the end-user who had made the initial emergency call advised the ECP call-taker that assistance was not required.

Findings and reasons – Compliance with the Determination

Subsection 42(2)

16. Subsection 42(2) of the Determination states that the ECP for 000 and 112 must transfer a call to an ESO in the circumstances set out in subsection 42(1) of the Determination. Subsection 42(1) provides, relevantly:
 - (1) This section applies if:
 - (a) a call-taker for the ECP for 000 and 112 receives a call from an end-user; and
 - (b) the end-user:
 - i. asks the call-taker to transfer the call to an ESO;
 - ii. indicates in another way that the end-user wishes the call to be transferred to an ESO; or
 - iii. gives information to the call-taker that the call-taker may reasonably rely on as indicating that the end-user should contact an ESO.
17. In its s521 response, Telstra stated that 494 calls in total were received by ECP call-takers during the disruption where the end-user asked, indicated or gave information that the end-user should contact or be transferred to an ESO. Telstra also stated that of the 494 calls, 127 calls were escalated to ESOs using the manual escalation process described above.
18. The ACMA considers that Telstra's manual escalation process was not sufficient to meet the requirements of a call transfer. For a call to be transferred under subsection 42(2) of the Determination, it should be switched to the relevant ESO while that call is live.
19. A further 21 calls were not transferred to an ESO at the time of the call because they were disconnected at the request of the caller as assistance was not required. The ACMA considers that the obligation in subsection 42(2) of the Determination does not

apply to Telstra in relation to these calls because they did not meet the conditions in subsection 42(1).

20. In its response to the preliminary findings on 23 August 2024, Telstra accepted the ACMA's preliminary findings that Telstra contravened subsection 148(1) of the TCPSS Act because Telstra failed to comply with subsection 42(2) of the Determination. However, in relation to the number of contraventions, Telstra argues that as the underlying reason for the incident was a single course of conduct it should give rise to a single contravention.
21. The ACMA disagrees with Telstra's view that because the impacted calls occurred for the same underlying reasons that they should be characterised as arising from a single course of conduct and should give rise to a single contravention. The ACMA considers that subsection 42(1) applies on each occasion that a call-taker for the ECP for 000 and 112 receives a call from an end-user. Subsection 42(2) of the Determination requires the ECP to transfer each of those calls, referred to as 'the call' in subsection 42(1). The ACMA is of the view that subsection 42(2) applies to each call referred to in subsection 42(1) and therefore each failure to transfer a call constitutes a separate contravention.
22. Consequently, the ACMA finds that Telstra contravened subsection 42(2) of the Determination on 127 occasions on 1 March 2024 because it failed to transfer 127 calls to an ESO in circumstances where an end-user sought for the call to be transferred.

Section 51

23. Section 51 of the Determination provides that if the ECP for 000 and 112 transfers an emergency call to an ESO, the ECP must make available to the ESO as much of the following information as the ECP has:
 - (a) the most precise location information available at the time the call is transferred;
 - (b) the name of the customer; and
 - (c) the public number from which the call is made.
24. Telstra advised that during the disruption it transferred 346 calls to ESOs using the backup contact phone list described in paragraph 11 above. Telstra advised that for these calls, the call-takers had access to the public number from which the call was made. Telstra advised the public number is network generated and it was available on the ECP call-taker's screen. The ACMA accepts that the information specified in paragraph 51(c) of the Determination was made available to ESOs at the time each call was transferred.
25. However, as described in paragraph 10, above, Telstra stated that the ECP call-takers did not have access to CLI data and the CLI data could not be provided to ESOs during the disruption. The CLI data includes the customer name and the most precise location information available at the time the call was transferred.
26. The most precise location information available is defined in section 6 of the Determination as the most precise location information about the geographical or physical location of the customer equipment from which an emergency call originated, which includes, at a minimum, the location information specified in the Location Information for Emergency Calls (G557:2023) Industry Guideline (including

Standardised Mobile Service Area (SMSA) information, Push MoLI information, and Advanced Mobile Location (AML) information. Each of these pieces of information is provided by a carrier (for SMSA and Push MoLI) or by mobile devices that have AML capability (for AML) to Telstra when a call to Triple Zero is made.

27. The ACMA considers that the ECP had the names of the callers and the most precise location information available about those callers, including during the disruption. The location information was delivered to the ECP by the carriers (and mobile devices) that carried the calls and data from the end-users. Telstra advised that while Push MoLI data continued to be sent to the ECP during the incident, Telstra was unable to store the data in the relevant databases and therefore the information was unavailable to the ECP when it was providing information to the ESOs. The ACMA also considers that the name of the customer is also recorded in the Integrated Public Number Database, which the ECP can ordinarily access in accordance with section 53 of the Determination. As set out above, the two databases that are part of the ECP's system that went offline during the disruption hold the CLI data. Although the information was inaccessible to the ECP at that time, the ECP still held (and therefore had) that information. The ECP, however, was unable to provide that data to ESOs at the time each call was transferred.
28. In its response to the preliminary findings on 23 August 2024, Telstra accepted the ACMA's preliminary findings that Telstra contravened subsection 148(1) of the TCPSS Act because Telstra failed to comply with section 51 of the Determination. However, in relation to the number of contraventions, Telstra argued that as the underlying reason for the incident was a single course of conduct it should give rise to a single contravention.
29. The ACMA disagrees with Telstra's view that because the impacted calls occurred for the same underlying reasons that they should be characterised as arising from a single course of conduct and should give rise to a single contravention. The ACMA considers that section 51 of the Determination requires Telstra to provide information about each call it transfers to an ESO and therefore each failure constitutes a separate contravention.
30. Consequently, the ACMA finds that Telstra contravened section 51 of the Determination on 346 occasions during the disruption on 1 March 2024 because it failed to make available to an ESO as much of the information specified in section 51 as it had at the time on each of those occasions. Specifically, Telstra did not provide to the ESO the information set out at paragraphs 51(a) and (b) of the Determination; that is, the name of the customer and the most precise location information available at the time a call was transferred.

Findings and reasons – Compliance with other provisions

Subsection 148(1) of the TCPSS Act

31. As the ECP for 000 and 112, Telstra must comply with the Determination under subsection 148(1) of the TCPSS Act.
32. The ACMA finds that Telstra contravened subsection 148(1) of the TCPSS Act on 473 occasions, because it did not comply with subsection 42(2) and section 51 of the Determination, as set out above.