Telecommunications Numbering Plan Amendment 2001 (No. 2)

The AUSTRALIAN COMMUNICATIONS AUTHORITY makes this Plan under section 455 of the Telecommunications Act 1997.

Dated 21 June 2001

A J SHAW
Chair

R HORTON
Deputy Chair

1 Name of Plan
This Plan is the Telecommunications Numbering Plan Amendment 2001 (No. 2).

2 Commencement
This Plan commences on gazettal.

3 Amendment of Telecommunications Numbering Plan 1997
Schedule 1 amends the Telecommunications Numbering Plan 1997.
Schedule 1 Amendments

(section 3)

[1] Chapter 11, heading
substitute

Chapter 11 Number portability

[2] Chapter 11, before Part 1, boxed note, 3rd dot point
substitute
  • Part 3 — Providing equivalent service to ported numbers

[3] Chapter 11, before Part 1, boxed note, 5th dot point
substitute
  • Part 5 — Cancellation of service

omit
  a written direction dated 22 September 1997.
insert
  written directions dated 22 September 1997 and 15 November 2000.

[5] Subsection 11.1 (5)
substitute
  (5) This Chapter sets out rules for portability of allocated numbers.

[6] Section 11.2, definitions of equivalent service, implementation date, interim date, limited portability and non-ported number
substitute
  equivalent service see section 11.10.
  implementation date:
  (a) for a portable service — see section 11.5; and
(b) for a portable number or a ported number — means the implementation date for the portable service for which the number is used.

new provider or carrier see paragraph 11.3 (1) (c).

non-ported number means a portable number that has not been ported.

[7] Section 11.2, definition of number portability

substitute

number portability means the right of a customer receiving a service in relation to a number within particular number ranges to change either the carriage service provider involved in providing the service, the carrier network involved in providing the service, or both, and retain the same telephone number.

port see paragraph 11.3 (1) (a).

[8] Section 11.2, definitions of portable service and ported number

substitute

portable service see section 11.4.

ported number means a portable number that has been ported.

relevant mobile service means public mobile telecommunications service other than:

(a) an analogue AMPS service; or

(b) a satellite telephone service for which this plan specifies a distinct satellite number.

[9] Chapter 11, before Part 2

insert

11.3 Porting

(1) For this Chapter:

(a) an allocated number issued to a customer for a portable service is ported if either the carriage service provider involved in providing the service, the carrier network involved in providing the service, or both, are changed while the customer continues to receive a service of that kind using the number; and

(b) each of:

(i) the carriage service provider involved in providing the service before the number is ported; and
(ii) the carrier involved in providing the service before the number is ported;

is the customer’s old provider or carrier in relation to the number; and

(c) each of:

(i) the carriage service provider involved in providing the service after the number is ported; and

(ii) the carrier involved in providing the service after the number is ported;

is the customer’s new provider or carrier in relation to the number; and

(d) the old provider or carrier ports the number if it does everything that is necessary on its part to ensure that the new provider or carrier is able to do its part in providing the service to the customer.

(2) For paragraph (1) (d):

(a) the ACA may, at its discretion, determine what is necessary in a particular case, or in a class of cases; and

(b) a carriage service provider or carrier may request the ACA to exercise its discretion under paragraph (a).

11.4 Portable services

(1) The following are portable services for this plan:

(a) a local service, provided using numbers specified in Schedules 2 and 3;

(b) a freephone service, provided using numbers specified in Schedule 4A;

(c) a local rate service, provided using numbers specified in Schedule 4B;

(d) a relevant mobile service, provided using numbers specified in Schedule 4 for use in conjunction with a digital mobile service.

(2) A paging service is not a portable service for this plan.

11.5 Implementation dates for number portability

(1) If the ACCC directs the ACA to specify a date from which number portability for a portable service must be provided (the implementation date), the ACA must, by notice in writing, specify an implementation date for the portable service.

Note A carriage service provider or carrier involved in providing a service to a portable number must provide number portability on and after the implementation date for the service (sections 11.8, 11.9 and 11.11). The ACA may grant exemptions from this and other obligations under section 11.18.
(2) The following dates are specified as the implementation dates for the portable services indicated:

(a) for a local service — 1 January 2000;
(b) for a freephone service — 16 November 2000;
(c) for a local rate service — 16 November 2000;
(d) for a relevant mobile service — 25 September 2001.

Note The dates in paragraphs (a) to (c) were previously specified by instrument under an earlier version of this section. The date in paragraph (d) was set when this section was amended.

(3) A date specified under subsection (1) must be the earliest practicable implementation date for portability of the numbers relating to the portable service concerned, having regard to:

(a) whether it is technically feasible for carriage service providers and carriers to provide number portability by that date; and
(b) any other matters that the ACA considers relevant.

(4) The ACA must consult the ACCC before specifying an implementation date.

(5) As soon as practicable after the ACA specifies an implementation date, the ACA must tell the ACCC, in writing:

(a) the date; and
(b) the portable service to which the implementation date applies.

11.6 Public notice period for implementation date

(1) At least 60 days before an implementation date, the ACA must cause to be published, in a newspaper circulating in each State, a notice stating the date and the portable services to which the date applies.

(2) In this section, State includes the Northern Territory and the Australian Capital Territory.

11.7 Application of Chapter 11 to carriage service providers and carriers

The obligations under this Chapter on a carriage service provider or carrier in relation to a portable number apply on and after the implementation date for the portable service to which the number relates.

Note See section 11.5 for implementation dates.
Chapter 11, Part 2

**Technical capability and technology**

A carriage service provider or carrier that is involved in providing a portable service must ensure that, from the implementation date:

(a) it has the technical capability required to provide number portability for the portable service; and

(b) it has technology available for use within its network to provide number portability in a way that provides equivalent service and enables end-to-end connectivity.

*Note* The ACA may grant exemptions from this obligation under section 11.18.

**Carriage service providers and carriers must provide number portability to customers**

(1) A carriage service provider or carrier that is involved in providing a customer with the carriage service in relation to a portable number must provide number portability to the customer in relation to the number.

(2) The carriage service provider or carrier must port the number to a new provider or carrier if:

(a) the customer asks the carriage service provider for this to be done; or

(b) the new provider or carrier, at the customer’s request, asks the carriage service provider or carrier for this to be done.

(3) The carriage service provider or carrier, when asked to port the number, must:

(a) port it to the new provider or carrier as soon as practicable, or at a time agreed with the customer or the new provider or carrier; and
(b) ensure that no action or inaction on its part prevents the customer from keeping the same portable number when changing to the new provider or carrier.

(4) For paragraph (3) (a):
   (a) the ACA may, at its discretion, determine the time that is practicable in a particular case, or in a class of cases; and
   (b) a carriage service provider or carrier may request the ACA to exercise its discretion under paragraph (a).

(5) In making a determination under subsection (4), the ACA must have regard to the following matters:
   (a) the network capacity of the carriage service providers and carriers concerned;
   (b) the support systems available to the carriage service providers and carriers concerned;
   (c) any other matters relevant to providing number portability.

(6) If:
   (a) the ACA has registered an industry code, in the Register of Industry Codes kept under section 136 of the Act, that:
      (i) includes a provision dealing with the period within which a port must be made (the code provision); and
      (ii) applies to a carriage service provider or carrier asked to port a number; and
   (b) there is no determination under paragraph 4 (a) that applies to the request;

the carriage service provider or carrier is taken to comply with paragraph 3 (a) if it complies with the code provision.

Part 3 Providing equivalent service to ported numbers

Information about Part 3

Part 3 sets out rules to ensure that a customer using or calling a ported number receives a service that is equivalent to the service provided by the customer’s new carriage service provider to non-ported numbers.

11.10 Meaning of equivalent service

A carriage service provided by a carriage service provider in relation to a ported number is an equivalent service only if any differences, in quality, reliability, services or features, between it and a carriage service that it provides in relation to a non-ported number:
(a) will not be apparent to a customer; or
(b) if they are apparent to a customer — will not affect the customer’s choice of carriage service provider.

11.11 Obligation to ensure that an equivalent service is provided

(1) A carriage service provided by a carriage service provider to its customers who use ported numbers must be an equivalent service, to the extent that it is within the control of the carriage service provider.

(2) If a carriage service provider or carrier is involved in routing a call to or from a ported number, it must, to the extent that it is within its control, ensure that:

(a) no action or inaction by the carriage service provider or carrier prevents the customer’s new carriage service provider from providing an equivalent service in relation to the ported number; and

(b) no action or inaction by the carriage service provider or carrier prevents a customer, when using or calling the ported number, from receiving a carriage service that is an equivalent service.

Note A carriage service provider or carrier may be involved in routing a call to or from a ported number if it:

(a) is a donor party, a losing party or gaining party; or
(b) provides:
   (i) originating access for calls to or from the number; or
   (ii) transit service delivery for calls to or from the number; or
   (iii) terminating access for calls to or from the number.

(3) In determining whether a carriage service is an equivalent service, the ACA may have regard to the following matters:

(a) any relevant criteria that have been specified by the ACA for the purpose of identifying an equivalent service;

(b) the network capacity of the carriage service providers and carriers concerned;

(c) the support systems available to carriers and carriage service providers;

(d) any other matters the ACA considers relevant to providing number portability.
Boxed note before section 11.12

After carriage service providers, insert and carriers.

Section 11.12

After carriage service providers, insert and carriers.

Boxed note after section 11.12

Substitute

Role of carriage service providers and carriers

Routing telephone calls over a public telecommunications network operated by a carrier may put a carriage service provider or carrier in any of the following roles:

- providing originating access
- providing transit service delivery
- providing terminating access.

Section 11.13 and boxed note

Substitute

11.13 Routing arrangements

(1) A carriage service provider or carrier must not prevent, by its action or inaction in routing calls to or from a ported number, the provision of an equivalent service in relation to the number.

(2) In this section, a carriage service provider or carrier fulfils the routing responsibility in relation to a call to a portable number if it enables call completion to the number by:

(a) routing the call appropriately; or

(b) ensuring correct routing of the call to the appropriate carriage service provider or carrier for calls to the number.

(3) The originating access carriage service provider has the routing responsibility in relation to a call to a portable number except to the extent that one of subsections (4) to (7) applies.
(4) If pre-selection of a carriage service provider, or use of a pre-selection over-ride code, was applied to the call, the calling party’s pre-selected carriage service provider has the routing responsibility.

(5) If the call is an incoming call originating outside Australia, the first carriage service provider or carrier in Australia receiving the incoming overseas call to the number has the routing responsibility.

(6) If the call involves number translation from the dialled number to the appropriate network address to enable correct routing (eg for numbers used in connection with the supply of freephone or local rate services), the carriage service provider or carrier providing the translation service has the routing responsibility from the point at which the translation is applied.

(7) If the call is being diverted from one number to another, the carriage service provider or carrier providing the diversion service has the routing responsibility from the point at which the diversion begins.

Information about routing records

The porting of a portable number may mean that an access, transit or terminating service deliverer has to carry out a number analysis when it routes a call. The analysis allows the identification of the service deliverer responsible for accessing, transiting or terminating a call to the number. Accurate records of numbers in use in ranges for which number portability is implemented will make it easier to route a call to a ported number, and will help to audit portable numbers.


substitute

Part 5 Cancellation of service

Information about Part 5

This Part sets out obligations on carriage service providers when a customer cancels a carriage service in connection with which a portable number has been ported.

11.15 Cancellation of service to a ported number

(1) This section applies if:
   (a) a number was ported from one carriage service provider to another; and
(b) after the implementation date for the number, the customer cancels the service to which the ported number relates.

(2) The carriage service provider to which the number was ported must:
   (a) if the number is a freephone number or a local rate number — surrender the number to the ACA; or
   (b) in any other case — notify each relevant carriage service provider and carrier of:
       (i) the holder of the number; and
       (ii) the carrier nominated by the holder of the number as the carrier that will terminate calls to that number.

(3) If paragraph (2) (b) applies, the number is taken also to have been ported to that carriage service provider.

Note In the industry, the notification is called a port give back.

[16] Boxed note before section 11.16

after
   carriage service provider

insert
   or carrier

[17] Section 11.16

after
   carriage service providers

insert
   or carriers

[18] Sections 11.17 to 11.20

substitute

11.17 Applications for exemptions

(1) A carriage service provider or carrier that expects not to be able to meet its obligations under this Chapter relating to portable numbers or number portability may apply to the ACA, in writing, for an exemption from the obligations.

(2) The application must include a statement of:
   (a) the period for which the applicant would like the exemption to be granted; and
(b) the obligations under this Chapter for which the applicant would like the exemption to be granted.

(3) The application must also include reasons (supported by documented evidence, if practicable) why the applicant is unable to meet its obligations by the action date.

(4) The application must also include a detailed statement of the actions the applicant took to try to meet its obligations by the action date.

(5) The application must also include the exchanges or geographic areas for which the exemption is requested (if applicable).

(6) The application must also include the time by which the applicant believes it can complete any network or other requirements to meet its obligations, including a list of proposed key dates before that time.

11.17A Consultation with ACCC

(1) If the ACA receives an application under section 11.17, the ACA must decide, not later than 5 working days after receiving the application, whether to consult the ACCC in relation to whether or not it would be in the long-term interests of end-users to grant the application.

(2) If the ACA decides to consult the ACCC, the ACA must give the ACCC a copy of the application not later than 5 working days after receiving it.

11.17B Request for further information

(1) The ACA may request further information from an applicant at any time.

(2) If the ACA decides to consult the ACCC under section 11.17A, the ACA must consult the ACCC before requesting further information from an applicant.

(3) The ACA may:
   (a) nominate a date by which the information it requests must be provided; and
   (b) extend a nominated date at any time.

(4) If the ACA nominates a date for subsection (3):
   (a) the ACA is not required to consider information that is provided after that date; and
   (b) the application lapses if the applicant fails to provide the requested information by that date.
11.18 ACA may grant exemptions

(1) The ACA may, in writing, grant exemptions for a carriage service provider, a carrier, or for classes of carriage service providers or carriers, from:
   (a) a requirement in this Chapter to provide number portability; or
   (b) any other requirement in this Chapter about portable numbers.

(2) An exemption may apply:
   (a) for a specified period; or
   (b) for specified purposes; or
   (c) for a specified customer or class of customers; or
   (d) subject to specified conditions.

Examples of types of exemptions

1. An exemption from providing number portability for numbers used in connection with the supply of carriage services mentioned in the exemption.
2. An exemption from providing number portability for particular allocated numbers mentioned in the exemption.
3. An exemption from providing number portability to a particular portable service.
4. An exemption from providing number portability in relation to customers of carriage service providers mentioned in the exemption.
5. An exemption about equivalent services to be supplied for a portable number after it is transferred.
6. An exemption about equivalent services to be provided to the customers of each other carriage service provider using ported and non-ported numbers.

11.19 Deciding an application for exemption

(1) The ACA must decide an application for exemption within 90 days of receiving it.

(2) The 90 days does not include the period:
   (a) starting when the ACA asks the applicant for further information to allow it to consider the application; and
   (b) ending when it receives the information.

(3) The ACA must have regard to the following matters in considering the application:
   (a) the network capacity of a carriage service provider or carrier (which does not have to be the carriage service provider or carrier that made the application);  
   (b) the support systems available to a carriage service provider or carrier (which does not have to be the carriage service provider or carrier that made the application); 
   (c) other matters that the ACA considers are relevant to providing number portability.
(4) If the ACA consulted the ACCC, the ACA must also:
   (a) have regard to the ACCC’s comments on the long-term interests of
       end-users; and
   (b) give the ACCC all relevant information, documents and records in
       relation to the application.

(5) The ACA must approve an exemption from a requirement if satisfied that it
    is not practicable for the applicant to meet the requirement.

(6) The ACA may approve an exemption if satisfied that it would be in the
    long-term interests of end-users to grant the exemption.

(7) The ACA must not approve an exemption in any other circumstances.

(8) An approval must:
   (a) be in writing; and
   (b) describe each obligation from which the applicant is exempted; and
   (c) include any conditions to which the approval is subject.

11.20 Compliance with the Chapter after applying for an exemption

If a carriage service provider or carrier applies to the ACA for an
exemption, the applicant does not have to comply with the requirements of
this Chapter for which exemption is sought until the ACA tells the carriage
service provider of its decision on the application.

Note: Paragraph 11.17B (4) (b) provides that an application will lapse if the applicant fails
to provide information requested by the ACA by the date nominated by the ACA.

[19] Section 11.22

substitute

11.22 Carriage service provider’s register of portable numbers

(1) A carriage service provider must make and keep a register of the portable
    numbers allocated to it that have been ported.

(2) For each number that has been ported the register must identify the carriage
    service provider to which it has been ported.

(3) The carriage service provider must make the register available for
    inspection by:
    (a) other carriage service providers and carriers; and
    (b) the ACA.
(4) The carriage service provider may enter into an agreement or other arrangement with other carriage service providers or carriers to make and keep the register.

[20] **Section 11.24**

*omit*

[21] **Section 11.25**

*substitute*

11.25 **Progress reports about number portability**

(1) The ACA must, every 6 months after specifying an implementation date for a portable service, report to the ACCC under this section.

(2) Before the implementation date, the ACA must report on the progress of carriage service providers and carriers towards implementing number portability by the implementation date.

(3) After the implementation date, the ACA must report on the provision of number portability by carriage service providers and carriers under this Chapter.

(4) To avoid doubt, an implementation date mentioned in subsection 11.5 (2) was specified for the purposes of subsection (1) when it was fixed under section 11.6 as in force before the commencement of the *Telecommunications Numbering Plan Amendment 2001 (No. 2).*

[22] **Section 11.26**

*substitute*

11.26 **Reports about failure to provide number portability**

The ACA must tell the ACCC, in writing, about a carriage service provider or carrier that does not provide number portability in accordance with this plan.

[23] **Dictionary, definitions of interim date and limited portability**

*omit*
[24] Dictionary, after definition of network terminal number
insert
new provider or carrier see paragraph 11.3 (1) (c).

[25] Dictionary, after definition of registered carriage service provider
insert
relevant mobile service see section 11.2.