



Telecommunications Numbering Plan Amendment 2000 (No.6)

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

Dated 17 October 2000

A J SHAW
Chair

G W LUTHER
Senior Executive Manager

Australian Communications Authority

1 Name of Plan

This Plan is the *Telecommunications Numbering Plan Amendment 2000 (No.6)*.

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] After paragraph 2.2 (1) (g)

insert

- (ga) freephone numbers; and
- (gb) local rate numbers; and

[2] Chapter 3, after Part 4

insert

Part 5 Freephone and local rate numbers

Outline of Part 5

Part 5 makes arrangements for the allocation and management of freephone numbers and local rate numbers.

The arrangements are intended to rely on the automatic allocation of freephone numbers and local rate numbers by the automatic and electronic exchange of information, without the intervention of a human decision-maker.

It is the ACA's intention that the allocation of freephone and local rate numbers, the transfer of numbers and the surrender of numbers and some related functions, such as the registration of carriage service providers, will be carried out using the expertise of a specialist body other than the ACA. However, the ACA intends to retain ultimate responsibility over its powers and functions by delegating them only if the specialist body meets certain prerequisites relating to its ability and conduct.

The administration of freephone numbers and local rate numbers will include the following elements:

- Certain freephone numbers and local rate numbers will be available for allocation (Divisions 2 and 3).
- A carriage service provider that wishes to be allocated a number, or to transfer or quarantine the number, will need to be registered (Division 4).
- A registered carriage service provider may have a number allocated by reserving the number for a limited period, and for a specific reason (Divisions 5 and 6).
- A registered carriage service provider may have a number allocated without first reserving the number (Division 7).

- A registered carriage service provider may surrender a number that has been allocated to it (Division 8).
- A number may be placed in quarantine for a period, before being allocated (Division 9).
- A registered carriage service provider may transfer a number that has been allocated to it (Division 10).
- A number may be withdrawn (Division 11).

Division 1 Introductory

3.32 Application of Part 5

- (1) This Part applies to the allocation and use of a freephone number or a local rate number in connection with the supply of a carriage service to the public.
- (2) Despite subsection (1), the following arrangements apply in the period starting on the commencement of this Part and ending when the ACA makes the first declaration under section 3.39:
 - (a) freephone numbers and local rate numbers are to be allocated, issued and used, during the period, in accordance with this Plan as it was in force immediately before the commencement of this Part;
 - (b) the ACA may make any of the arrangements required under this Part during the period (for example, preparing the first declaration of numbers under Division 3 or registering carriage service providers under Division 4);
 - (c) a carriage service provider must comply with requirements of the ACA under this Part during that period (for example, notifying the ACA of freephone numbers and local rate numbers under Division 11).

Note Although this Part places freephone numbers and local rate numbers under new administrative arrangements, the arrangements cannot be used until the ACA has made the first declaration of numbers under section 3.39.

Until that declaration is made, the ACA's intention is that freephone numbers and local rate numbers will be dealt with under the arrangements that were in the Plan before this Part commenced.

When the declaration is made, all freephone numbers and local rate numbers that are affected by the declaration will be administered under this Part.

3.33 Delegation

- (1) The ACA must not delegate to a body corporate the ACA's powers and functions in this Part relating to the registration of carriage service providers unless:
 - (a) the ACA is satisfied that the body will register providers only in accordance with rules and arrangements approved by the ACA; and
 - (b) the body has entered into a written agreement with the ACA relating to matters including:
 - (i) the notification of the ACA about proposed changes to those approved rules and arrangements; and
 - (ii) the manner in which the body will perform the powers and functions.
- (2) The ACA must not delegate to a body corporate the ACA's powers and functions under this Part relating to the allocation of numbers unless:
 - (a) the ACA is satisfied that the body will allocate the numbers using equipment and technology that will ensure the efficient and accurate allocation of numbers; and
 - (b) the ACA is satisfied that the body will allocate the numbers only in accordance with rules and arrangements approved by the ACA; and
 - (c) the body has entered into a written agreement with the ACA relating to matters including:
 - (i) the notification of the ACA about proposed changes to those approved rules and arrangements; and
 - (ii) the manner in which the body will perform the powers and functions.

Note Under section 467 of the Act, the ACA may, by writing, delegate any or all of the powers conferred on the ACA by the numbering plan to a body corporate.

Division 2 Information about freephone and local rate numbers

3.34 Outline of Schedule for freephone numbers

- (1) A telephone number that is a freephone number is identified in an item of Schedule 4A in the following way:

Column 1	Shows the number, or the first digits of the number (the <i>prefix</i>)
Column 2	Describes the structure for the number
Column 3	Explains whether an incoming call from outside Australia may be routed to the number

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- (2) For subsection 455 (3) of the Act, a number that has the components in columns 1 and 3 of an item of Schedule 4A is a freephone number.

3.35 Outline of Schedule for local rate numbers

- (1) A telephone number that is a local rate number is identified in an item of Schedule 4B in the following way:

Column 1	Shows the number, or the first digits of the number (the <i>prefix</i>)
Column 2	Describes the structure for the number
Column 3	Explains whether an incoming call from outside Australia may be routed to the number

- (2) For subsection 455 (3) of the Act, a number that has the components in columns 1 and 3 of an item of Schedule 4B is a local rate number.

3.36 Incoming international access

- (1) Column 3 of an item of Schedule 4A or 4B also states whether an incoming call from outside Australia may be routed to the number in the item.
- (2) If column 3 states that the call may not be routed to the number, the number must not be used in connection with the supply of a carriage service that routes the call to the number.
- (3) If column 3 states that the call may be routed to the number, the number may be used in connection with the supply of a carriage service that routes the call to the number.

3.37 Entitlement of holder of freephone or local rate number

A carriage service provider that holds a freephone number or a local rate number has:

- (a) the exclusive ability to make the first issue of the number to a customer; and
- (b) the exclusive ability to supply a service on that number.

Division 3 Freephone and local rate numbers that may be allocated

3.38 Numbers that are available for allocation

- (1) A freephone number is available for allocation if:
 - (a) the ACA has declared, in writing, that the number is available;
and
 - (b) the declaration is in force in respect of the number.
- (2) A local rate number is available for allocation if:
 - (a) the ACA has declared, in writing, that the number is available;
and
 - (b) the declaration is in force in respect of the number.

3.39 Declaration that number is available for allocation

- (1) The ACA may, in writing, declare that a freephone number or a local rate number is available for allocation.
- (2) A number that has already been allocated may be included in a declaration.

Note The purpose of the declaration is to identify as many numbers as possible that the ACA may allocate at any time in the future.

It should not be assumed that the inclusion in a declaration of a number that has already been allocated means that the current arrangements for that number are being changed. A declaration may include a number that has already been allocated because it is being identified for a future allocation if the number is ever surrendered or withdrawn.

- (3) Before making the declaration, the ACA may consult with any of the following:
 - (a) an advisory committee;
 - (b) a carriage service provider that is likely to be affected by the declaration.
- (4) The declaration must specify:
 - (a) its date and time of effect; and
 - (b) the numbers or class of numbers to which it applies.
- (5) If the declaration is to operate for a fixed period, it must also specify the period.
- (6) For the first declaration to be made after this section commences:
 - (a) the date of effect must be 21 days after the date when the declaration is made; and

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- (b) at least 14 days before the date of effect of the declaration, the ACA must, in writing, tell registered carriage service providers that hold numbers affected by the declaration, about the declaration.
- (7) For a declaration made after the first declaration:
 - (a) the date of effect must be at least 30 days after the date when the declaration is made; and
 - (b) at least 21 days before the date of effect of the declaration, the ACA must, in writing, tell registered carriage service providers that hold numbers affected by the declaration, about the declaration.
 - (8) The ACA may also tell any other person whom it considers may have an interest in the declaration, about the declaration.
 - (9) The ACA must:
 - (a) establish and maintain a register of declarations made for available numbers; and
 - (b) make the register available for public inspection.

3.40 Matters to consider in making declaration

- (1) The ACA must ensure that a declaration made under section 3.39 will promote the public interest in the management and administration of numbers that are subject to the declaration.
- (2) In deciding whether a declaration will promote the public interest in the management and administration of the numbers that are subject to the declaration, the ACA must consider any matters it considers relevant.

Division 4 Registration of carriage service providers

3.41 Registration is required before allocation, surrender, release from quarantine

A carriage service provider must hold a current registration given under this Division before the provider is entitled:

- (a) to have a freephone number or a local rate number allocated to it; or
- (b) to surrender a freephone number or a local rate number; or
- (c) to apply for the release of a quarantined number.

Note The carriage service provider must also comply with other requirements in this Part.

3.42 Approval of registration forms and arrangements

- (1) The ACA must, in writing, approve:
 - (a) the following forms to be used for the purposes of an application for registration under this Division:
 - (i) 1 or more application forms;
 - (ii) 1 or more forms of guarantee to be given by a bank; and
 - (b) the place or places at which an application may be lodged.
- (2) The ACA may, in writing, approve arrangements for the ACA to offer an option for making applications for registration by electronic means.

Note Registration will be carried out manually after this Division commences, but the ACA may be able to offer an option of electronic registration in the future.

3.43 Application for registration

- (1) A carriage service provider that wishes to be registered must apply to the ACA, using the appropriate approved application form.
- (2) The registered carriage service provider must include, as part of the application, any form of guarantee, to be given by a bank, that is required by the approved application form.
- (3) The application must be lodged at an approved place.

3.44 Decision on application for registration

- (1) The ACA must, within 14 days after receiving the application, approve it or refuse it.
- (2) The ACA must approve the application if the carriage service provider:
 - (a) completes the application form in accordance with the instructions in the form; and
 - (b) provides the required form of guarantee (if any); and
 - (c) is able, at the time of application, to participate in the electronic allocation procedures set out in Divisions 5, 6 and 7 (whether or not the provider intends to participate in the procedure at the time of the application); and
 - (d) has indicated that it will continue to participate in the electronic allocation procedures set out in Divisions 5, 6 and 7 at all times when the provider holds a freephone number or a local rate number.
- (3) If the ACA approves the application, the ACA must:
 - (a) register the carriage service provider in a register established for the purposes of this subsection; and

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- (b) assign to the provider a unique form of identification.

Note The form of identification is likely to be an alpha-numeric code.

The carriage service provider will be able to use the form of identification in the electronic allocation, surrender, transfer and withdrawal procedures set out in this Part.

- (4) The ACA must refuse the application if the carriage service provider does not meet the requirements of subsection (2).
- (5) If the ACA refuses the application, the ACA must notify the carriage service provider, as soon as practicable, that the application has been refused.

3.45 Registered carriage service provider

A carriage service provider that is registered under paragraph 3.44 (3) (a) is a *registered carriage service provider*.

Division 5 Allocation by reservation of number (withheld status)

3.46 Withheld status

- (1) This Division empowers the ACA to allocate a freephone number or a local rate number by the reservation of the number, on application by a registered carriage service provider, for a short period that will give the provider time to allow a potential customer to consider the use of the allocated number.
- (2) This process is *allocation with withheld status*.

3.47 Approval of forms and arrangements: allocation with withheld status

- (1) The ACA must, in writing, approve:
- (a) 1 or more application forms to be used for the purposes of making an application for the allocation of a freephone number or a local rate number with withheld status; and
 - (b) arrangements for making applications for the allocation of the number by electronic means; and
 - (c) arrangements for allocating the number by electronic means.

Note The ACA intends to consult with the specialist body that will allocate freephone numbers and local rate numbers to ensure that the forms and arrangements are suitable, and as simple as practicable.

- (2) The approved arrangements must include arrangements for the ACA:
- (a) to specify the maximum number of numbers, or a proportion or quota of numbers, that may be allocated with withheld status to a class of registered carriage service providers; and

- (b) to specify a maximum period for which a number may be allocated with withheld status (the *reservation period*); and
 - (c) to extend a reservation period on application, and to specify a period of extension that is to apply to all applications; and
 - (d) to give registered carriage service providers written information about the effect of the approved arrangements, including the ACA's powers:
 - (i) to specify reservation periods; and
 - (ii) to withdraw a number that has been allocated by reservation at the end of a reservation period unless the provider confirms the allocation.
- (3) The approved arrangements must include arrangements for the payment and collection of:
- (a) the amount of charge (if any) for the application fixed by a determination under section 53 of the *Australian Communications Authority Act 1997*; and
 - (b) the amount of charge (if any) imposed on the allocation of the numbers by Part 2 of the *Telecommunications (Numbering Charges) Act 1997*.
- (4) The approved arrangements must include arrangements that ensure that a carriage service provider may not apply for the allocation of a number which was previously allocated to it by reservation for a period (the *specified period*) following:
- (a) the end of the reservation period; or
 - (b) the surrender of the number by the carriage service provider before the end of the reservation period for the number; or
 - (c) the withdrawal of the number.
- Note* The prohibition in subsection (4) is intended to ensure that other registered carriage service providers that may be seeking the allocation of a particular number will not be prevented from obtaining the number because the previous holder of the number is attempting to extend the reservation indefinitely.
- (5) The approved arrangements must include arrangements for the ACA to specify, in writing, the period mentioned in subsection (4).
- (6) The approved arrangements must include arrangements for the ACA to refuse an application for the allocation of a particular number with withheld status, an application for the extension of a reservation period, or the notification of the confirmation of a reservation period, for any of the following reasons:
- (a) the number is not a freephone number or a local rate number;
 - (b) the number is not included in a declaration that is in force under section 3.39;
 - (c) the number has already been allocated at the time when the ACA considers the application;

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- (d) the number is a quarantined number when the ACA considers the application;
 - (e) the application was not made by a registered carriage service provider;
 - (f) the application form does not include all of the information required to be given;
 - (g) the registered carriage service provider has had a liability for payment of annual numbering charge outstanding for more than 6 months before the date of the application or the notification, and the ACA has not declared that the number may again be allocated to the provider;
 - (h) the number was previously allocated to the registered carriage service provider by reservation, but:
 - (i) the provider surrendered the number within the reservation period; and
 - (ii) the specified period relevant to the reservation has not ended;
 - (i) the number was previously allocated to the registered carriage service provider by reservation, but:
 - (i) the number was withdrawn by the ACA within the reservation period; and
 - (ii) the ACA has not declared that the number may again be allocated to the provider;
 - (j) the ACA has previously withdrawn the number from the registered carriage service provider because the number was allocated, issued, transferred or used in a manner inconsistent with this Plan, and the ACA has not declared that the number may again be allocated to the provider;
 - (k) the ACA has previously withdrawn the number from the registered carriage service provider because the number was not placed in service for a particular period, and the ACA has not declared that the number may again be allocated to the provider;
 - (l) the ACA has previously withdrawn the number from the registered carriage service provider in compliance with an order made by a court, and the ACA has not declared that the number may again be allocated to the provider;
 - (m) in the case of an application for the extension of a reservation period, the period has already been extended once.

- (7) The approved arrangements must include arrangements for the ACA to declare that a number may again be allocated to a registered carriage service provider for the purposes of paragraph (6) (g), (i), (j), (k) or (l).

Note The ACA wishes to make it clear that, if it withdraws a number from a registered carriage service provider for punitive reasons, that provider cannot re-apply for allocation of the number without a declaration by the ACA that the number may be allocated to the provider.

- (8) The approved arrangements must include arrangements:
- (a) for a registered carriage service provider:
 - (i) to confirm the allocation of a number that has been reserved if the provider wishes to do so; or
 - (ii) to change the basis on which a number has been allocated, from allocation with withheld status to allocation with reserved status, if the provider wishes to do so; and
 - (b) for dealing with the provider in the same way as an application for allocation of the number, or with variations that reflect the provider's requirements.
- (9) The approved arrangements:
- (a) are not limited to the arrangements mentioned in subsections (2), (3), (4), (5), (7) and (8); but
 - (b) must not include a reason for refusing an application that is not mentioned in subsection (6).

3.48 Electronic allocation procedure

- (1) The *electronic allocation procedure* for the allocation of a freephone number or a local rate number with withheld status consists of:
- (a) the arrangements for making an application by electronic means that are approved under section 3.47; and
 - (b) the arrangements for allocating the number by electronic means that are approved under section 3.47.
- (2) The electronic allocation procedure may be operated:
- (a) by the ACA; or
 - (b) by a delegate of the ACA; or
 - (c) by the ACA and a delegate taking responsibility for different parts of the procedure.

3.49 Eligibility

After the ACA approves all of the arrangements that create the electronic allocation procedure, a carriage service provider is eligible to be allocated a freephone number or a local rate number with withheld status only if:

- (a) the provider is a registered carriage service provider; and
- (b) the provider makes an application for allocation by the reservation of the number; and
- (c) the application is approved.

Note The ACA wishes to make it clear that freephone numbers and local rate numbers will only be allocated with withheld status to registered carriage service providers, and only in accordance with the electronic allocation procedure in this Division.

There will be no 'special' or 'over-the-counter' allocations.

3.50 Entitlement to allocation with withheld status

A registered carriage service provider may apply for the allocation of a freephone number or a local rate number with withheld status.

3.51 Application for allocation with withheld status

- (1) A registered carriage service provider must apply for the allocation using the approved application form that is appropriate to the provider.
- (2) The registered carriage service provider must make the application in accordance with the electronic allocation procedure.

3.52 Decision on application

- (1) The decision that will be made in response to the application will be made by:
 - (a) the automated processing of the application in accordance with the electronic allocation procedure; and
 - (b) an automated response to the application in accordance with the electronic allocation procedure.
- (2) The application:
 - (a) is approved if it is approved in accordance with the electronic allocation procedure; and
 - (b) is refused if it is refused in accordance with the electronic allocation procedure.
- (3) If the application is approved:
 - (a) a number will be allocated to the registered carriage service provider with withheld status by an automated response in accordance with the electronic allocation procedure; and

- (b) the number is a *reserved number*.

3.53 Unit size

Freephone numbers and local rate numbers will be allocated with withheld status individually.

3.54 Extending reservation period

- (1) Before the end of the reservation period for a reserved number, the registered carriage service provider that holds the reserved number may apply for the extension of the reservation period.
- (2) The registered carriage service provider must make the application in accordance with the electronic allocation procedure.
- (3) The decision that will be made in response to the application will be made by:
 - (a) the automated processing of the application in accordance with the electronic allocation procedure; and
 - (b) an automated response to the application in accordance with the electronic allocation procedure.
- (4) The application:
 - (a) is approved if it is approved in accordance with the electronic allocation procedure; and
 - (b) is refused if it is refused in accordance with the electronic allocation procedure.
- (5) If the application is approved, the reservation period will be extended by an automated response in accordance with the electronic allocation procedure.
- (6) To avoid doubt, if the ACA has specified a period of extension that is to apply to all applications, the ACA has no discretion to accept or offer a different period.

3.55 Action during reservation period

A registered carriage service provider to which a reserved number has been allocated with withheld status has 3 options in relation to the number during the reservation period for the reserved number:

- (a) the provider may notify the ACA that the provider wishes to confirm the allocation; or
- (b) the provider may surrender the reserved number to the ACA;
or

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- (c) if the provider does not notify the ACA, and does not surrender the reserved number, the reserved number is taken to have been withdrawn at the end of the reservation period.

Note The surrender of numbers is dealt with in Division 8. The withdrawal of numbers is dealt with in Division 11.

3.56 Notification of confirmation of allocation

- (1) If a registered carriage service provider wishes to confirm the allocation of a reserved number, the provider must notify the ACA in accordance with the electronic allocation procedure.
- (2) The response to the notification will be made by:
 - (a) the automated processing of the notification in accordance with the electronic allocation procedure; and
 - (b) an automated response to the notification.
- (3) The registered carriage service provider will be notified of the decision by an automated response in accordance with the electronic allocation procedure.
- (4) If the notification is approved, the reserved number will be allocated to the registered carriage service provider by an automated response in accordance with the electronic allocation procedure.
- (5) The confirmation of the allocation is subject to the following conditions:
 - (a) if the registered carriage service provider's intention, at the time of confirmation, is to issue the reserved number to a customer, the provider must issue the reserved number within 14 months after the day of the confirmation;
 - (b) if the registered carriage service provider's intention, at the time of confirmation, is not to issue the reserved number to a customer, the provider must place the reserved number in service within 5 days after the day of the confirmation.

Note The registered carriage service provider may intend to use a reserved number itself, rather than issuing it to a customer.

3.57 Notification of change of reservation

- (1) If a registered carriage service provider wishes to change the basis on which a reserved number has been allocated, from allocation with withheld status to allocation with reserved status, the provider must notify the ACA in accordance with the electronic allocation procedure.

Note It is not possible to convert the basis on which a reserved number has been allocated, from allocation with reserved status to allocation with withheld status.

- (2) The response to the notification will be made by:
 - (a) the automated processing of the notification in accordance with the electronic allocation procedure; and
 - (b) an automated response to the notification.
- (3) The registered carriage service provider will be notified of the decision by an automated response in accordance with the electronic allocation procedure.
- (4) If the notification is approved, the basis on which the reserved number was allocated will be changed by an automated response in accordance with the electronic allocation procedure.

Division 6 Allocation by reservation of number (reserved status)

3.58 Reserved status

- (1) This Division empowers the ACA to allocate a freephone number or a local rate number by the reservation of the number, on application by a registered carriage service provider, for a period that will give the registered carriage service provider time to establish a service in connection with the allocated number for itself or a contracted customer.
- (2) This process is *allocation with reserved status*.

3.59 Approval of forms and arrangements: allocation with reserved status

- (1) The ACA must, in writing, approve:
 - (a) 1 or more application forms to be used for the purposes of making an application for the allocation of a freephone number or a local rate number with reserved status; and
 - (b) arrangements for making applications for the allocation of the number by electronic means; and
 - (c) arrangements for allocating the number by electronic means.

Note The ACA intends to consult with the specialist body that will allocate freephone numbers and local rate numbers to ensure that the forms and arrangements are suitable, and as simple as practicable.

- (2) The approved arrangements must include arrangements for the ACA:
 - (a) to specify the maximum number of numbers, or a proportion or quota of numbers, that may be allocated with reserved status to a class of registered carriage service providers; and
 - (b) to specify a maximum period for which a number may be allocated with reserved status (the *reservation period*); and

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- (c) to extend a reservation period on application, and to specify a period of extension that is to apply to all applications; and
 - (d) to treat an application as being an application for the allocation of the number with withheld status if the registered carriage service provider wishes to change the application in that way; and
 - (e) to give registered carriage service providers written information about the effect of the approved arrangements, including the ACA's powers:
 - (i) to specify reservation periods; and
 - (ii) to withdraw a number that has been allocated by reservation at the end of a reservation period unless the provider confirms the allocation.
- (3) The approved arrangements must include arrangements for the payment and collection of:
- (a) the amount of charge (if any) for the application fixed by a determination under section 53 of the *Australian Communications Authority Act 1997*; and
 - (b) the amount of charge (if any) imposed on the allocation of the numbers by Part 2 of the *Telecommunications (Numbering Charges) Act 1997*.
- (4) The approved arrangements must include arrangements that ensure that a carriage service provider may not apply for the allocation of a number which was previously allocated to it by reservation for a period (the *specified period*) following:
- (a) the end of the reservation period; or
 - (b) the surrender of the number by the carriage service provider before the end of the reservation period for the number; or
 - (c) the withdrawal of the number.
- Note* The prohibition in subsection (4) is intended to ensure that other registered carriage service providers that may be seeking the allocation of a particular number will not be prevented from obtaining the number because the previous holder of the number is attempting to extend the reservation indefinitely.
- (5) The approved arrangements must include arrangements for the ACA to specify, in writing, the period mentioned in subsection (4).
- (6) The approved arrangements must include arrangements for the ACA to refuse an application for the allocation of a particular number with reserved status, an application for the extension of a reservation period, or the notification of the confirmation of a reservation period, for any of the following reasons:
- (a) the number is not a freephone number or a local rate number;
 - (b) the number is not included in a declaration that is in force under section 3.39;

- (c) the number has already been allocated at the time when the ACA considers the application;
- (d) the number is a quarantined number when the ACA considers the application;
- (e) the application was not made by a registered carriage service provider;
- (f) the application form does not include all of the information required to be given;
- (g) the registered carriage service provider has had a liability for payment of annual numbering charge outstanding for more than 6 months before the date of the application or the notification, and the ACA has not declared that the number may again be allocated to the provider;
- (h) the number was previously allocated to the registered carriage service provider by reservation, but:
 - (i) the provider surrendered the number within the reservation period; and
 - (ii) the specified period relevant to the reservation has not ended;
- (i) the number was previously allocated to the registered carriage service provider by reservation, but:
 - (i) the number was withdrawn by the ACA within the reservation period; and
 - (ii) the ACA has not declared that the number may again be allocated to the provider;
- (j) the ACA has previously withdrawn the number from the registered carriage service provider because the number was allocated, issued, transferred or used in a manner inconsistent with this Plan, and the ACA has not declared that the number may again be allocated to the provider;
- (k) the ACA has previously withdrawn the number from the registered carriage service provider because the number was not placed in service for a particular period, and the ACA has not declared that the number may again be allocated to the provider;
- (l) the ACA has previously withdrawn the number from the registered carriage service provider in compliance with an order made by a court, and the ACA has not declared that the number may again be allocated to the provider;
- (m) in the case of an application for the extension of a reservation period, the period has already been extended once.

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- (7) The approved arrangements must include arrangements for the ACA to declare that a number may again be allocated to a registered carriage service provider for the purposes of paragraph (6) (g), (i), (j), (k) or (l).

Note The ACA wishes to make it clear that, if it withdraws a number from a registered carriage service provider for punitive reasons, that provider cannot re-apply for allocation of the number without a declaration by the ACA that the number may be allocated to the provider.

- (8) The approved arrangements must include arrangements:
- (a) for a registered carriage service provider to confirm the allocation of a number that has been reserved if the provider wishes to do so; and
 - (b) for dealing with that application in the same way as an application for allocation of the number, or with variations that reflect the requirements of confirmation.
- (9) The approved arrangements:
- (a) are not limited to the arrangements mentioned in subsections (2), (3), (4), (5), (7) and (8); but
 - (b) must not include a reason for refusing an application that is not mentioned in subsection (6).

3.60 Electronic allocation procedure

- (1) The *electronic allocation procedure* for the allocation of a freephone number or a local rate number with reserved status consists of:
- (a) the arrangements for making an application by electronic means that are approved under section 3.59; and
 - (b) the arrangements for allocating the number by electronic means that are approved under section 3.59.
- (2) The electronic allocation procedure may be operated:
- (a) by the ACA; or
 - (b) by a delegate of the ACA; or
 - (c) by the ACA and a delegate taking responsibility for different parts of the procedure.

3.61 Eligibility

After the ACA approves all of the arrangements that create the electronic allocation procedure, a carriage service provider is eligible to be allocated a freephone number or a local rate number with reserved status only if:

- (a) the provider is a registered carriage service provider; and

- (b) the provider makes an application for allocation by the reservation of the number; and
- (c) the application is approved.

Note The ACA wishes to make it clear that freephone numbers and local rate numbers will only be allocated with reserved status to registered carriage service providers, and only in accordance with the electronic allocation procedure in this Division.

There will be no 'special' or 'over-the-counter' allocations.

3.62 Entitlement to allocation with reserved status

A registered carriage service provider may apply for the allocation of a freephone number or a local rate number with reserved status.

3.63 Application for allocation with reserved status

- (1) A registered carriage service provider must apply for the allocation using the approved application form that is appropriate to the provider.
- (2) The registered carriage service provider must make the application in accordance with the electronic allocation procedure.

3.64 Decision on application

- (1) The decision that will be made in response to the application will be made by:
 - (a) the automated processing of the application in accordance with the electronic allocation procedure; and
 - (b) an automated response to the application in accordance with the electronic allocation procedure.
- (2) The application:
 - (a) is approved if it is approved in accordance with the electronic allocation procedure; and
 - (b) is refused if it is refused in accordance with the electronic allocation procedure.
- (3) If the application is approved:
 - (a) a number will be allocated to the registered carriage service provider with reserved status by an automated response in accordance with the electronic allocation procedure; and
 - (b) the number is a ***reserved number***.

3.65 Unit size

Freephone numbers and local rate numbers will be allocated with reserved status individually.

3.66 Extending reservation period

- (1) Before the end of the reservation period for a reserved number, the registered carriage service provider that holds the reserved number may apply for the extension of the reservation period.
- (2) The registered carriage service provider must make the application in accordance with the electronic allocation procedure.
- (3) The decision that will be made in response to the application will be made by:
 - (a) the automated processing of the application in accordance with the electronic allocation procedure; and
 - (b) an automated response to the application in accordance with the electronic allocation procedure.
- (4) The application:
 - (a) is approved if it is approved in accordance with the electronic allocation procedure; and
 - (b) is refused if it is refused in accordance with the electronic allocation procedure.
- (5) If the application is approved, the reservation period will be extended by an automated response in accordance with the electronic allocation procedure.
- (6) To avoid doubt, if the ACA has specified a period of extension that is to apply to all applications, the ACA has no discretion to accept or offer a different period.

3.67 Action during reservation period

A registered carriage service provider to which a reserved number has been allocated with reserved status has 3 options in relation to the number during the reservation period for the reserved number:

- (a) the provider may notify the ACA that the provider wishes to confirm the allocation; or
- (b) the provider may surrender the reserved number to the ACA; or
- (c) if the provider does not notify the ACA, and does not surrender the reserved number, the reserved number is taken to have been withdrawn at the end of the reservation period.

Note The surrender of numbers is dealt with in Division 8. The withdrawal of numbers is dealt with in Division 11.

3.68 Notification of confirmation of allocation

- (1) If a registered carriage service provider wishes to confirm the allocation of a reserved number, the provider must notify the ACA in accordance with the electronic allocation procedure.

- (2) The response to the notification will be made by:
 - (a) the automated processing of the notification in accordance with the electronic allocation procedure; and
 - (b) an automated response to the notification.
- (3) The registered carriage service provider will be notified of the decision by an automated response in accordance with the electronic allocation procedure.
- (4) If the notification is approved, the reserved number will be allocated to the registered carriage service provider by an automated response in accordance with the electronic allocation procedure.
- (5) The confirmation of the allocation is subject to the following conditions:
 - (a) if the registered carriage service provider's intention, at the time of confirmation, is to issue the reserved number to a customer, the provider must issue the reserved number within 14 months after the day of the confirmation;
 - (b) if the registered carriage service provider's intention, at the time of confirmation, is not to issue the reserved number to a customer, the provider must place the reserved number in service within 5 days after the day of the confirmation.

Note The registered carriage service provider may intend to use a reserved number itself, rather than issuing it to a customer.

Division 7 Allocation without reservation of number

3.69 Approval of forms and arrangements: allocation without reservation of number

- (1) The ACA must, in writing, approve:
 - (a) 1 or more electronic application forms to be used for the purposes of making an application for the allocation of a freephone number or a local rate number without the reservation of the number; and
 - (b) arrangements for making applications for the allocation of the number by electronic means; and
 - (c) arrangements for allocating the number by electronic means.

Note The ACA intends to consult with the specialist body that will allocate freephone numbers and local rate numbers to ensure that the forms and arrangements are suitable, and as simple as practicable.

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- (2) The approved arrangements must include arrangements for the ACA to tell a registered carriage service provider, in writing, about the effect of the arrangements approved for the purposes of this section.
- (3) The approved arrangements must include arrangements for the payment and collection of:
- (a) the amount of charge (if any) for the application fixed by a determination under section 53 of the *Australian Communications Authority Act 1997*; and
 - (b) the amount of charge (if any) imposed on the allocation of the numbers by Part 2 of the *Telecommunications (Numbering Charges) Act 1997*.
- (4) The approved arrangements must include arrangements for the ACA to refuse an application for the allocation of a particular number for any of the following reasons:
- (a) the number is not a freephone number or a local rate number;
 - (b) the number is not included in a declaration that is in force under section 3.39;
 - (c) the number has already been allocated at the time when the ACA considers the application;
 - (d) the number is a quarantined number when the ACA considers the application;
 - (e) the application was not made by a registered carriage service provider;
 - (f) the application form does not include all of the information required to be given;
 - (g) the registered carriage service provider has had a liability for payment of annual numbering charge outstanding for more than 6 months before the date of the application, and the ACA has not declared that the number may again be allocated to the provider;
 - (h) the number was previously allocated to the registered carriage service provider by reservation, but:
 - (i) the provider surrendered the number within the reservation period; and
 - (ii) the specified period relevant to the reservation has not ended;
 - (i) the number was previously allocated to the registered carriage service provider by reservation, but:
 - (i) the number was withdrawn by the ACA within the reservation period; and
 - (ii) the ACA has not declared that the number may again be allocated to the provider;

- (j) the ACA has previously withdrawn the number from the registered carriage service provider because the number was allocated, issued, transferred or used in a manner inconsistent with this Plan, and the ACA has not declared that the number may again be allocated to the provider;
 - (k) the ACA has previously withdrawn the number from the registered carriage service provider because the number was not placed in service for a particular period, and the ACA has not declared that the number may again be allocated to the provider;
 - (l) the ACA has previously withdrawn the number from the registered carriage service provider in compliance with an order made by a court, and the ACA has not declared that the number may again be allocated to the provider.
- (5) The approved arrangements must include arrangements for the ACA to declare that a number may again be allocated to a registered carriage service provider for the purposes of paragraph (4) (g), (i), (j), (k) or (l).
- Note* The ACA wishes to make it clear that if it withdraws a number from a registered carriage service provider for punitive reasons, that provider cannot re-apply for allocation of the number without a declaration by the ACA that the number may be allocated to the provider.
- (6) The approved arrangements:
- (a) are not limited to the arrangements mentioned in subsections (2), (3) and (5); but
 - (b) must not include a reason for refusing an application that is not mentioned in subsection (4).

3.70 Electronic allocation procedure

- (1) The *electronic allocation procedure* for the allocation of a freephone number or a local rate number without the reservation of the number, consists of:
- (a) the arrangements for making an application by electronic means that are approved under section 3.69; and
 - (b) the arrangements for allocating the number by electronic means that are approved under section 3.69.
- (2) The electronic allocation procedure may be operated:
- (a) by the ACA; or
 - (b) by a delegate of the ACA; or
 - (c) by the ACA and a delegate taking responsibility for different parts of the procedure.

3.71 Eligibility

After the ACA approves all of the arrangements that create the electronic allocation procedure, a carriage service provider is eligible to be allocated a freephone number or a local rate number (other than a number with withheld status or reserved status) only if:

- (a) the provider is a registered carriage service provider; and
- (b) the provider makes an application for allocation without the reservation of the number; and
- (c) the application is approved.

Note The ACA wishes to make it clear that freephone numbers and local rate numbers will only be allocated, without reservation of the number, to registered carriage service providers, and only in accordance with the electronic allocation procedure in this Division.

There will be no 'special' or 'over-the-counter' allocations.

3.72 Entitlement to allocation without reservation of number

A registered carriage service provider may apply for the allocation of a freephone number or a local rate number without requiring the number to be reserved.

3.73 Application for allocation without reservation of number

- (1) A registered carriage service provider must apply for the allocation using the approved application form that is appropriate to the provider.
- (2) The registered carriage service provider must make the application in accordance with the electronic allocation procedure.

3.74 Decision on application

- (1) The decision that will be made in response to the application will be made by:
 - (a) the automated processing of the application in accordance with the electronic allocation procedure; and
 - (b) an automated response to the application in accordance with the electronic allocation procedure.
- (2) The application:
 - (a) is approved if it is approved in accordance with the electronic allocation procedure; and
 - (b) is refused if it is refused in accordance with the electronic allocation procedure.

- (3) If the application is approved, a number will be allocated to the registered carriage service provider by an automated response in accordance with the electronic allocation procedure.
- (4) The allocation is subject to the following conditions:
 - (a) if the registered carriage service provider's intention, at the time of allocation, is to issue the number to a customer, the provider must issue the number within 14 months after the day of the allocation;
 - (b) if the registered carriage service provider's intention, at the time of allocation, is not to issue the number to a customer, the provider must place the number in service within 5 days after the day of the allocation.

Note The registered carriage service provider may intend to use an allocated number itself, rather than issuing it to a customer.

3.75 Unit size

Freephone numbers and local rate numbers will be allocated individually.

Division 8 Surrender of numbers

3.76 Approval of forms and arrangements: surrender of number

- (1) The ACA must, in writing, approve:
 - (a) 1 or more electronic application forms to be used for the purposes of making an application to surrender a freephone number or a local rate number; and
 - (b) arrangements for making applications for surrender by electronic means; and
 - (c) arrangements for surrendering the number by electronic means.

Note The ACA intends to consult with the specialist body that will accept the surrender of freephone numbers and local rate numbers to ensure that the forms and arrangements are suitable, and as simple as practicable.

- (2) The approved arrangements must include arrangements for the ACA to tell a registered carriage service provider, in writing, about the effect of the arrangements approved for the purposes of this section.
- (3) The approved arrangements must include arrangements for the payment and collection of:
 - (a) the amount of charge (if any) for the application fixed by a determination under section 53 of the *Australian Communications Authority Act 1997*; and

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- (b) the amount of charge (if any) imposed on the allocation of the numbers by Part 2 of the *Telecommunications (Numbering Charges) Act 1997*.
 - (4) The approved arrangements must include arrangements for the ACA to refuse an application to surrender a particular number for any of the following reasons:
 - (a) the registered carriage service provider that made the application is not the provider for which there is an allocation of the number in force;
 - (b) the number is not a freephone number or a local rate number;
 - (c) the number is not included in a declaration that is in force under section 3.39;
 - (d) the application form does not include all of the information required to be given.
 - (5) The approved arrangements:
 - (a) are not limited to the arrangements mentioned in subsections (2) and (3); but
 - (b) must not include a reason for refusing an application that is not mentioned in subsection (4).

3.77 Electronic surrender procedure

- (1) The *electronic surrender procedure* for the surrender of a freephone number or a local rate number consists of:
 - (a) the arrangements for making an application by electronic means that are approved under section 3.76; and
 - (b) the arrangements for surrendering the number by electronic means that are approved under section 3.76.
- (2) The electronic surrender procedure may be operated:
 - (a) by the ACA; or
 - (b) by a delegate of the ACA; or
 - (c) by the ACA and a delegate taking responsibility for different parts of the procedure.

3.78 Eligibility

After the ACA approves all of the arrangements that create the electronic surrender procedure, a carriage service provider is eligible to surrender a freephone number or a local rate number only if:

- (a) the provider is a registered carriage service provider; and
- (b) the provider makes an application to surrender the number; and
- (c) the application is approved.

3.79 Entitlement to surrender number

A registered carriage service provider may apply to surrender a freephone number or a local rate number.

3.80 Application for surrender of number

- (1) A registered carriage service provider must apply for the surrender using the approved application form that is appropriate to the provider.
- (2) The registered carriage service provider must make the application in accordance with the electronic surrender procedure.

3.81 Decision on application

- (1) The decision that will be made in response to the application will be made by:
 - (a) the automated processing of the application in accordance with the electronic surrender procedure; and
 - (b) an automated response to the application in accordance with the electronic surrender procedure.

Note The ACA expects that applications for surrender will be finalised under the electronic surrender procedure within 24 hours after the receipt of the application.

- (2) The application:
 - (a) is approved if it is approved in accordance with the electronic surrender procedure; and
 - (b) is refused if it is refused in accordance with the electronic surrender procedure.
- (3) If the application is approved, the number will be surrendered in accordance with the electronic surrender procedure.

3.82 Unit size

Freephone numbers and local rate numbers must be surrendered individually.

Division 9

Quarantine of surrendered numbers

Outline of Division 9

A freephone number or a local rate number that is held by the ACA may be withheld from allocation for a period, particularly during a period after the number has been surrendered to the ACA or withdrawn by the ACA. This is known as **quarantining**.

A number may be quarantined for various reasons:

- the number may have experienced nuisance calls;
- the immediate re-allocation of a number that is commonly associated with a particular previous user may inconvenience a new user;
- the number may have been surrendered for a short period for technical reasons, and it would be appropriate to re-allocate the number to the same user when the user is ready to take back the number.

It can be expected, under normal circumstances, that a quarantine period will be between 6 and 12 months.

This Division is intended to ensure that:

- a number is not available for allocation while it is quarantined; but
- a number can be released from quarantine, within the quarantine period if necessary, so that the registered carriage service provider to which it is to be allocated can issue it to the customer who last held the number.

The quarantine arrangements will rely on the automatic quarantining of numbers by the automated exchange of information, without the intervention of a human decision-maker.

Applications for the release of a number from quarantine will be considered by a human decision-maker.

3.83 Quarantining of number

- (1) This section applies if the ACA is satisfied, at any time, that a freephone number or a local rate number:
 - (a) is included in a declaration that is in force under section 3.39; but
 - (b) should not be allocated at that time because of:
 - (i) concerns about the personal safety of users of the number; or
 - (ii) concerns about the convenience of users of the number; or
 - (iii) the need for the efficient use of numbers.

Examples

- 1 The number has been used for nuisance calls.
 - 2 The number has a level of association with a particular user that may inconvenience a new user.
 - 3 The number has been surrendered to the ACA in circumstances where:
 - the ACA expects that the number will be re-allocated, and re-issued, to the same user; and
 - it is appropriate to place the number in quarantine to ensure that it can be re-issued to the user.
- (2) The ACA may declare, in writing, that the number is not to be allocated for the period specified in the declaration.

Note The length of a quarantine period in a particular case will depend on the circumstances of that case. The ACA expects, but does not guarantee, that a quarantine period will be between 6 and 12 months.

- (3) If the ACA makes a declaration under subsection (2):
- (a) the number is a **quarantined number** during the specified period; and
 - (b) the number is not to be allocated during the specified period.
- (4) The ACA may, at any time, revoke a declaration.
- (5) If the ACA revokes a declaration, the quarantined number ceases to be a quarantined number with effect from the date of the revocation.

3.84 Approval of forms and arrangements: releasing quarantined number

- (1) The ACA must, in writing, approve:
- (a) 1 or more application forms to be used for the purposes of making an application for the release of a quarantined number from quarantine; and
 - (b) the place or places at which an application may be lodged; and
 - (c) arrangements for the ACA to tell a registered carriage service provider, in writing, about the effect of the arrangements in force under this Division; and
 - (d) arrangements for the release of a quarantined number from quarantine after an application for release has been approved.
- (2) An approved application form must require a registered carriage service provider to provide a statutory declaration to the effect that:
- (a) the provider was the last provider to which the number had been allocated before it was quarantined; and
 - (b) a customer named in the statutory declaration was the last customer to which the number had been issued before it was quarantined.

Note Release from quarantine is a process that is separate from the termination of a quarantine period as described in section 3.86.

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- (3) The arrangements for the release of a quarantined number from quarantine may be operated:
 - (a) by the ACA; or
 - (b) by a delegate of the ACA; or
 - (c) by the ACA and a delegate taking responsibility for different parts of the procedure.

3.85 Eligibility

After the ACA approves all of the forms and arrangements mentioned in section 3.84, a carriage service provider is eligible to have a freephone number or a local rate number released from quarantine only if:

- (a) the provider is a registered carriage service provider; and
- (b) the provider:
 - (i) was the last provider to which the quarantined number had been allocated before it was quarantined; and
 - (ii) intends to issue the quarantined number to the customer who was the last customer to which the number had been issued before it was quarantined; and
- (c) the provider makes an application for allocation without the reservation of the number; and
- (d) the application is approved.

Note The ACA wishes to make it clear that freephone numbers and local rate numbers will only be released from quarantine in accordance with the procedure in this Division.

There will be no 'special' arrangements for release of numbers.

3.86 Application for release of quarantined number

- (1) A registered carriage service provider must apply for the release of a quarantined number using the approved application form that is appropriate to the provider.
- (2) The registered carriage service provider must lodge the application at an approved place.
- (3) The registered carriage service provider must include with the application the amount of charge (if any) for the application fixed by a determination under section 53 of the *Australian Communications Authority Act 1997*.

3.87 Decision on application

- (1) The ACA must consider an application, and approve it or refuse it, within 14 days after receiving the application.

(2) The ACA may refuse the application only for any of the following reasons:

- (a) the number is not a freephone number or a local rate number;
- (b) the number is not included in a declaration in force under section 3.39;
- (c) the number is not a quarantined number;
- (d) the application was not made by a registered carriage service provider;
- (e) the registered carriage service provider that made the application was not the last registered carriage service provider to which the number had been allocated before it was quarantined;
- (f) the customer named in the statutory declaration was not the last holder of the number before it was quarantined;

Note Although the number is included in a declaration, it is not available for allocation while it is a quarantined number: see section 3.83.

- (g) the application form:
 - (i) does not include all of the information required to be given; or
 - (ii) was not lodged at an approved place;
- (h) the arrangements for the payment of the application fee are not satisfactory;
- (i) the registered carriage service provider has had a liability for payment of annual numbering charge outstanding for more than 6 months before the date of the application;
- (j) the ACA has previously withdrawn the number from the registered carriage service provider because the number was allocated, issued, transferred or used in a manner inconsistent with this Plan, and the ACA has not declared that the number may again be allocated to the provider;
- (k) the ACA has previously withdrawn the number from the registered carriage service provider because the number was not placed in service for a particular period, and the ACA has not declared that the number may again be allocated to the provider;
- (l) the ACA has previously withdrawn the number from the registered carriage service provider in compliance with an order made by a court, and the ACA has not declared that the number may again be allocated to the provider.

Note A refusal of an application is reviewable by the Administrative Appeals Tribunal: see Schedule 11.

(3) The ACA may declare that a number may again be allocated to a registered carriage service provider for the purposes of paragraph (2) (j), (k) or (l).

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- (4) If the application is refused, the ACA must notify the registered carriage service provider of the decision as soon as practicable after refusing the application.
 - (5) The ACA must approve the application if subsection (2) does not apply.
 - (6) If the application is approved, the number will be released from quarantine:
 - (a) in accordance with the approved procedure; and
 - (b) to allow the registered carriage service provider that made the application to issue the quarantined number to the customer who was the last customer to which the number had been issued before it was quarantined.
 - (7) The release from quarantine is subject to the condition that the provider must issue the number to the customer as soon as practicable after the day of the release.

3.88 Unit size

Freephone numbers and local rate numbers must be released from quarantine individually.

Division 10 Transfer of numbers

3.89 Transfer of number

- (1) A freephone number or a local rate number that has been allocated may be transferred.
- (2) However, the registered carriage service provider to which it is proposed to transfer a number must agree to the transfer.

3.90 Unit size

Freephone numbers and local rate numbers must be transferred individually.

Division 11 Withdrawal of numbers

Outline of Division 11

When Part 5 commences, certain freephone numbers and local rate numbers will have been allocated to carriage service providers, without being issued or placed in service.

It is in the interests of the efficient use of numbers that the ACA has as many numbers as practicable under its control that it can allocate, if necessary, after it starts to make declarations under section 3.39.

This Division is intended to ensure that:

- a freephone number or a local rate number that has not been issued or placed in service is taken to be withdrawn from the date of effect of a declaration, made by the ACA under section 3.39, that applies to the number; and
- carriage service providers are required to advise the ACA of the freephone numbers and local rate numbers that have not been issued or placed in service.

3.91 Telling the ACA whether numbers have been placed in service

- (1) After the making of a declaration under section 3.39, and not later than 7 days before the declaration is to take effect, a carriage service provider that holds a freephone number or a local rate number that is to be included in the declaration must notify the ACA whether the number has been placed in service (including use by the carriage service provider itself).
- (2) If the carriage service provider notifies the ACA that the provider has issued the number to a customer, the provider must notify the ACA, not later than 2 days before the day when the declaration takes effect, whether the customer has terminated the service for the number in the period between the notifications.
- (3) If the carriage service provider notifies the ACA that the number has not been placed in service (including use by the provider itself), the provider must notify the ACA, not later than 2 days before the day when the declaration takes effect, whether the number has been placed in service in the period between the notifications.
- (4) On the day before the declaration takes effect, the ACA must not deal with a notification.

Note The day immediately before the day when a declaration takes effect will be used by the ACA to complete data transfers and to ensure that notifications are processed efficiently.

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- (5) The carriage service provider must notify the ACA:
- (a) in a form approved in writing by the ACA; and
 - (b) at a place approved in writing by the ACA.

Note The ACA will make arrangements to ensure that providers are given adequate notice of the date when a declaration under section 3.39 will take effect, so that providers have sufficient time to comply with this section.

3.92 Withdrawal of numbers that have not been placed in service before first declaration under section 3.39

- (1) This section applies to a freephone number or a local rate number that:
 - (a) has been allocated to a carriage service provider; and
 - (b) is not in service (including use by the carriage service provider itself), immediately before the making of the first declaration under section 3.39.
- (2) The number is withdrawn when that declaration takes effect.
- (3) Subsection (2) applies to numbers that have been allocated to a carriage service provider whether or not the provider has complied with section 3.91.

3.93 Withdrawal of number by ACA: number not in service after first declaration under section 3.39

- (1) This section applies if:
 - (a) the ACA allocates a freephone number or a local rate number after the ACA makes its first declaration under section 3.39; and
 - (b) the number has not been placed in service (including use by a carriage service provider itself) within the appropriate period.
- (2) This section also applies:
 - (a) if the ACA allocates a freephone number or a local rate number after the ACA makes its first declaration under section 3.39; and
 - (b) if:
 - (i) the service that was supplied in connection with the number has ceased; and
 - (ii) the number has not been surrendered to the ACA within the appropriate period.

- (3) The ACA may decide to withdraw the number.

Note 1 It is in the interests of a registered carriage service provider to place a number in service as soon as possible after allocation (unless the number has withheld or reserved status) and to surrender a number as soon as possible after a service ceases.

Note 2 A decision to withdraw a number is reviewable by the Administrative Appeals Tribunal: see Schedule 11.

3.94 Automatic withdrawal of reserved number: end of reservation period

- (1) This section applies if:
- (a) the ACA allocates a freephone number or a local rate number as a reserved number; and
 - (b) the registered carriage service provider has not confirmed the allocation of the number before the end of the reservation period.
- (2) The number is withdrawn at the end of the reservation period for the number.

3.95 Withdrawal of number by ACA: inconsistency with Plan

- (1) This section applies if a freephone number or a local rate number was allocated, issued, transferred or used in a way inconsistent with this Plan.
- (2) The ACA may decide to withdraw the number.
- (3) However, the ACA must not withdraw the number unless it is satisfied that the benefits, or problems to be avoided, for end-users and carriage service providers by withdrawal are more significant than the technical and financial consequences of withdrawal for end-users and carriage service providers.

Note A decision to withdraw a number is reviewable by the Administrative Appeals Tribunal: see Schedule 11.

3.96 Withdrawal of number by ACA: non-payment of annual numbering charge

- (1) This section applies if:
- (a) charge is payable for a freephone number or a local rate number under:
 - (i) the *Telecommunications (Numbering Charges) Act 1991*; or
 - (ii) the *Telecommunications (Numbering Charges) Act 1997*; and
 - (b) the charge has been unpaid for at least 6 months after its due date.

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- (2) The ACA may decide to withdraw the number.
 - (3) However, the ACA must not withdraw the number unless it is satisfied that:
 - (a) the registered carriage service provider that holds the number is aware of the liability; and
 - (b) the withdrawal of the number will produce no significant adverse consequences for end-users.

Note A decision to withdraw a number is reviewable by the Administrative Appeals Tribunal: see Schedule 11.

3.97 Withdrawal of number by ACA: court order

- (1) This section applies if a court has made an order requiring a freephone number or a local rate number to be withdrawn from a registered carriage service provider.

Example

A court order made in the course of ordering that the number be allocated to another registered carriage service provider.

- (2) The ACA must withdraw the number as soon as practicable.

3.98 Unit size

Freephone numbers and local rate numbers will be withdrawn individually.

Division 12 Information about freephone and local rate numbers

3.99 Notification of changes in names etc

- (1) This section applies to a registered carriage service provider to which a freephone number or a local rate number is allocated.
- (2) While the registered carriage service provider holds the number, it must notify the ACA as soon as practicable of changes to any of the following:
 - (a) its name;
 - (b) its trading or registered business name (if any);
 - (c) its Australian Company Number or Australian Registered Business Number (if applicable);
 - (d) the address of its registered office;
 - (e) if the provider is a partnership, the full name and residential address of a partner;
 - (f) if the provider is an individual, the provider's residential address;
 - (g) its facsimile number.

3.100 Updating Register of Allocated Numbers

- (1) The ACA must update the Register maintained under section 465 of the Act, to reflect the allocation, surrender or withdrawal of a freephone number or a local rate number.
- (2) The ACA may update the Register maintained under section 465 of the Act, if that is the appropriate way to reflect the transfer of a freephone number or a local rate number.

Note It can be expected that the ACA will update the Register to take account of the transfer of a number. However, transfer arrangements may be acknowledged and recorded in a way that makes it unnecessary to update the Register.

Division 13 Transitional

3.101 Numbers recovered by carriage service providers before commencement of Part 5

- (1) This section applies to a freephone number or a local rate number (a ***recovered number***) if:
 - (a) before the commencement of this Part, a carriage service provider recovered the number from a customer because of nuisance calls; and
 - (b) immediately before the commencement of this Part, the provider was not permitted to issue the number to another customer because of subsection 10.12 (2) of this Plan.
- (2) This section also applies to a freephone number or a local rate number (a ***recovered number***) if:
 - (a) before the commencement of this Part, a carriage service provider recovered the number from a customer for a reason other than nuisance calls; and
 - (b) immediately before the commencement of this Part, the provider was not permitted to issue the number to another customer because of subsection 10.12 (3) of this Plan.
- (3) If the ACA includes the recovered number in a declaration of numbers under section 3.39:
 - (a) subsection 10.12 (2) or (3) ceases to apply to the recovered number; and
 - (b) the recovered number is taken to be a quarantined number for the remainder of the period for which the provider would not have been permitted to issue the number because of subsection 10.12 (2) or (3).
- (4) The recovered number is taken to be a quarantined number even though:
 - (a) the ACA does not hold the number on the commencement of this Part; and

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- (b) the ACA has not made a declaration of the number under subsection 3.83 (2).
 - (5) The carriage service provider that holds a recovered number that is to be included in a declaration under section 3.39 must notify the ACA, not later than 7 days before the declaration takes effect:
 - (a) of the existence of the number; and
 - (b) when the period for which the provider is not permitted to issue the number will end.
 - (6) If the carriage service provider notifies the ACA that the provider has issued the number to a customer, the provider must notify the ACA, not later than 2 days before the day when the declaration takes effect, whether the customer has terminated the service for the number in the period between the notifications.
 - (7) If the carriage service provider notifies the ACA that the number has not been placed in service (including use by the provider itself), the provider must notify the ACA, not later than 2 days before the day when the declaration takes effect, whether the number has been placed in service in the period between the notifications.
 - (8) On the day before the declaration takes effect, the ACA must not deal with a notification.

Note The day immediately before the day when a declaration takes effect will be used by the ACA to complete data transfers and to ensure that notifications are processed efficiently.
 - (9) The carriage service provider must notify the ACA:
 - (a) in a form approved in writing by the ACA; and
 - (b) at a place approved in writing by the ACA.

Note The ACA will make arrangements to ensure that providers are given adequate notice of the date when a declaration under section 3.39 will take effect, so that providers have sufficient time to comply with this section.

3.102 Numbers reserved before commencement of Part 5

- (1) This section applies to a freephone number or a local rate number if:
 - (a) before the commencement of this Part, the ACA allocated the number to a carriage service provider; and
 - (b) the number was allocated in anticipation of being issued to a customer who had not confirmed a request to be issued with the number; and
 - (c) before the commencement of this Part, a period was fixed in which the customer's request was to be confirmed or cancelled; and

- (d) immediately before the commencement of this Part:
 - (i) the provider had not yet issued the number to the customer; and
 - (ii) the request was still in force.
- (2) When the ACA approves arrangements under Division 6 for allocation of numbers by reservation, the number is taken to be allocated with reserved status for the remainder of the period mentioned in paragraph (1) (c).
- (3) The number is taken to be allocated with reserved status even though:
 - (a) the carriage service provider may not be registered when the ACA approves the arrangements; and
 - (b) the carriage service provider has not applied for the allocation under Division 6.
- (4) The carriage service provider that holds the number must, not later than 7 days before the ACA approves arrangements under Division 6, notify the ACA of:
 - (a) the existence of the number; and
 - (b) the length of the remaining period in which the customer's request is to be confirmed or cancelled.
- (5) If the carriage service provider notifies the ACA that the provider has issued the number to the customer, the provider must notify the ACA, not later than 2 days before the day when the ACA approves the arrangements, whether the customer has terminated the service for the number in the period between the notifications.
- (6) If the carriage service provider notifies the ACA that the number has not been placed in service (including use by the provider itself), the provider must notify the ACA, not later than 2 days before the day when the ACA approves the arrangements, whether the number has been placed in service in the period between the notifications.
- (7) On the day before the declaration takes effect, the ACA must not deal with a notification.

Note The day immediately before the day when a declaration takes effect will be used by the ACA to complete data transfers and to ensure that notifications are processed efficiently.
- (8) The carriage service provider must notify the ACA:
 - (a) in a form approved in writing by the ACA; and
 - (b) at a place approved in writing by the ACA.

Note The ACA will make arrangements to ensure that providers are given adequate notice of the date when the ACA will approve arrangements under Division 6, so that providers have sufficient time to comply with this section.

[3] After section 6.1

insert

6.1A Chapter 6 does not apply to certain numbers

- (1) Chapter 6 does not apply to freephone numbers.

Note Freephone numbers are allocated under Part 5 of Chapter 3.

- (2) Chapter 6 does not apply to local rate numbers.

Note Local rate numbers are allocated under Part 5 of Chapter 3.

[4] Section 6.3

omit

[5] Chapter 6, Part 2, Division 2

omit

[6] After section 7.1

insert in Part 1

7.1A Chapter 7 does not apply to certain numbers

- (1) Chapter 7 does not apply to freephone numbers.

Note Freephone numbers are allocated under Part 5 of Chapter 3.

- (2) Chapter 7 does not apply to local rate numbers.

Note Local rate numbers are allocated under Part 5 of Chapter 3.

[7] Subsection 7.15 (2)

omit

[8] Section 8.6

omit

[9] Chapter 11, Part 3

omit

[10] Subsection 11.15 (3)

omit

a pooled number,

insert

a freephone number or a local rate number,

[11] After subsection 11.22 (2)

insert

(2A) The carriage service provider must also make the Register available for inspection by the ACA.

[12] Subsection 11.23 (1)

omit

at reasonable intervals.

insert

at least once during each business day.

[13] Paragraph 12.3 (2) (a)

substitute

(a) within the period:

(i) mentioned in the provision that confers the decision-making power; or

(ii) mentioned in arrangements that are approved for the purposes of the matter to which the decision relates; or

[14] Chapter 13, Part 2, heading

substitute

Part 2 Declaration of numbers

[15] Schedule 4, Part 1*omit*

13 00	Local rate service	10 digit number	Yes
13 01	<i>Call charge limited to low charge</i>		<i>Not shared</i>
13 02			
13 03			
13 04			
13 05			
13 06			
13 07			
13 08			
13 09			
13 1	Local rate service	6 digit number	Yes
13 2	<i>Call charge limited to low charge</i>		<i>Not shared</i>
13 3			
13 40			
13 41			
13 42			
13 43			
13 44			
13 45	Local rate service	8 digit number	Yes
	<i>Call charge limited to low charge</i>		<i>Not shared</i>

13 46	Local rate service	6 digit number	Yes
13 47	<i>Call charge limited to low charge</i>		<i>Not shared</i>
13 48			
13 49			
13 5			
13 6			
13 7			
13 8			
13 9			

[16] Schedule 4, Part 1*omit*

18 00	Freephone service <i>Call charge limited to low charge</i>	10 digit number	Yes <i>Not shared</i>
18 01	Freephone service <i>Call charge limited to low charge</i>	10 digit number	No <i>Not shared</i>
18 02	Freephone service <i>Call charge limited to low charge</i>	7 digit number	No <i>Not shared</i>
18 03			
18 04			
18 05			
18 06			
18 07			
18 08			
18 09			

[17] After Schedule 4*insert***Schedule 4A Freephone numbers**

(section 3.34)

Column 1 Number prefix	Column 2 Number structure	Column 3 Is incoming international access available?
18 00	10 digit number	Yes
18 01	10 digit number	No
18 02 18 03 18 04 18 05 18 06 18 07 18 08 18 09	7 digit number	No

Schedule 4B Local rate numbers

(section 3.35)

Column 1 Number prefix	Column 2 Number structure	Column 3 Is incoming international access available?

Column 1 Number prefix	Column 2 Number structure	Column 3 Is incoming international access available?
13 00 13 01 13 02 13 03 13 04 13 05 13 06 13 07 13 08 13 09	10 digit number	Yes
13 1 13 2 13 3 13 40 13 41 13 42 13 43 13 44	6 digit number	Yes
13 45	8 digit number	Yes
13 46 13 47 13 48 13 49 13 5 13 6 13 7 13 8 13 9	6 digit number	Yes

[18] Schedule 8*omit*

Local rate service	131, 132, 133, 134, 135, 136, 137, 138 or 139	100 numbers
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[19] Schedule 8*omit*

Freephone service	1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809	100 numbers
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[20] Schedule 11, item 1*substitute*

1. A decision under subsection 3.93 (3) to withdraw a freephone number or a local rate number.
- 1A. A decision under subsection 3.95 (2) to withdraw a freephone number or a local rate number.
- 1B. A decision under subsection 3.96 (2) to withdraw a freephone number or a local rate number.

[21] Dictionary, after definition of *advisory committee**insert*

allocation with reserved status has the meaning given by subsection 3.58 (2).

allocation with withheld status has the meaning given by subsection 3.46 (2).

[22] Dictionary, after definition of *directory enquiries service**insert*

electronic allocation procedure:

- (a) for allocation with withheld status — has the meaning given by section 3.48; and
- (b) for allocation with reserved status — has the meaning given by section 3.60; and
- (c) for the allocation of a number without the reservation of the number — has the meaning given by section 3.70.

electronic surrender procedure has the meaning given by section 3.77.

[23] Dictionary, after definition of *facsimile service*

insert

freephone number means a number used for a freephone service.

[24] Dictionary, definition of *pooled number*

omit

[25] Dictionary, after definition of *public number*

insert

quarantined number has the meaning given by paragraph 3.83 (3) (a).

[26] Dictionary, after definition of *receiving carriage service provider*

insert

registered carriage service provider has the meaning given by section 3.45.

reserved number:

- (a) for allocation with withheld status — has the meaning given by paragraph 3.52 (3) (b); and
- (b) for allocation with reserved status — has the meaning given by paragraph 3.64 (3) (b); and