

Commonwealth Of Australia

Telecommunications Act 1997

Telecommunications Numbering Plan 1997

Table of Provisions

Section	Page
<b>CHAPTER 1—PRELIMINARY</b>	
<b>Part 1—General</b>	2
1.1 Citation	2
1.2 Commencement	2
1.3 Definitions—the Dictionary	3
<b>Part 2—Objects of this plan</b>	5
<i>Division 1—Primary objects</i>	
1.4 Primary objects	5
<i>Division 2—Secondary objects</i>	
1.5 Purpose of Division	5
1.6 Access to end-users	5
1.7 Consistency with objects of Part XIC of the Trade Practices Act 1974	6
1.8 Consistency with other instruments	6
1.9 Issue and use of numbers	6
1.10 Carriage services	6
1.11 Call charge and associated services	6
1.12 Changes to numbers	7
1.13 Technology	7
1.14 Transfer, surrender and withdrawal of numbers	7
1.15 Recognition of telecommunications industry	7
<b>CHAPTER 2—NUMBERS THAT ARE FOR USE</b>	
2.1 Purpose of Chapter 2	8
2.2 Numbers that are for use—public	8
2.3 Numbers that are for use—non-public	8

**Table of Provisions—continued**

Section	Page
<b>CHAPTER 3—TELEPHONE NUMBERS</b>	
<b>Part 1—Geographic numbers</b> .....	10
3.1 Outline of Schedule for geographic numbers .....	11
3.2 Application of Part 1 .....	11
3.3 Geographic numbers .....	11
3.4 Use of geographic numbers .....	12
3.5 Using numbers of local geographic significance: numbers in Part 1 of Schedule 3 .....	12
3.6 Using numbers of local geographic significance: other numbers.....	13
3.7 Using numbers of broad geographic significance: numbers in Part 2 of Schedule 3 .....	13
3.8 Use of local numbers .....	13
<b>Part 2—Special services numbers</b> .....	14
<i>Division 1—Information about special services numbers</i>	
3.9 Outline of Schedule for special services numbers .....	15
3.10 Application of Part 2.....	15
3.11 Special services numbers.....	15
3.12 Using special services numbers.....	16
3.13 Call charge .....	16
3.14 Incoming international access .....	17
<i>Division 2—Special services numbers that are shared numbers</i>	
3.15 Shared numbers .....	18
3.16 Shared numbers used on a selectable basis.....	19
3.17 Shared numbers used on a non-selectable basis.....	19
<i>Division 3—Special services numbers that are access codes</i>	
3.18 International access codes .....	20
3.19 Pre-selection over-ride access codes.....	20
3.20 Virtual private network access codes .....	21
3.21 Facsimile access codes .....	21
3.22 Incoming only international access codes .....	21
3.23 Miscellaneous access codes .....	22
<b>Part 3—Emergency service numbers</b> .....	23
3.24 Emergency service numbers .....	23
3.25 Using emergency service numbers .....	23

**Table of Provisions—continued**

Section	Page
<b>Part 4—Private numbers</b> .....	24
3.26 Private numbers .....	24
3.27 Use in private numbering schemes .....	24
3.28 Private numbering scheme with no escape code.....	24
3.29 Private numbering scheme without an escape code— numbers starting with ‘0’ or ‘1’ .....	24
3.30 Private numbering scheme without an escape code— numbers starting with ‘2’ to ‘9’ .....	24
3.31 Exceptions to private numbering schemes without an escape code .....	25
 <b>CHAPTER 4—DATA NUMBERS</b>	
4.1 Outline of Schedule for data numbers .....	26
4.2 Application of Chapter 4 .....	26
4.3 Data numbers .....	26
4.4 Use of data numbers.....	27
4.5 Using data network identification codes .....	27
 <b>CHAPTER 5—TELEX NUMBERS</b>	
5.1 Outline of schedule for telex numbers .....	28
5.2 Application of Chapter 5 .....	29
5.3 Telex numbers .....	29
5.4 Using telex numbers.....	29
 <b>CHAPTER 6—ALLOCATION OF NUMBERS</b>	
<b>Part 1—Preliminary matters</b> .....	30
6.1 Purpose of Chapter 6 .....	30
6.2 Allocation.....	30
6.3 Interpretation .....	31
6.4 Outcomes of allocation.....	31
6.5 Notification of changes in names etc.....	31
 <b>Part 2—Allocation procedures</b> .....	32
<i>Division 1—Non-pooled numbers</i>	
<i>Subdivision 1—Application of Division</i>	
6.6 Application of Division .....	32

**Table of Provisions—continued**

Section	Page
<i>Subdivision 2—Application for allocation of numbers</i>	
6.7 Application for allocation.....	32
6.8 Application charges.....	33
6.9 Confidentiality of application .....	33
<i>Subdivision 3—Assessment of application</i>	
6.10 Routine and complex applications .....	34
6.11 ACA may ask for further information.....	34
6.12 Dealing with application.....	35
6.13 Dealing with complex application.....	35
6.14 Numbers to be in service within reasonable time .....	35
6.15 Numbers not to be allocated .....	35
6.16 Withholding allocation .....	35
6.17 Numbers of broad geographic significance.....	36
6.18 Incoming only international numbers .....	36
6.19 Data network identification codes .....	36
6.20 Number of network identification codes to be allocated.....	37
6.21 Allocation of data terminal numbers to a carriage service provider .....	37
<i>Subdivision 4—Allocation procedures</i>	
6.22 Allocation on request (more than 1 request) .....	38
6.23 Unit size .....	39
6.24 Units for allocation .....	40
6.25 Allocation arrangements.....	40
6.26 Extending, or making permanent, an allocation .....	41
<i>Subdivision 5—Conditional allocation</i>	
6.27 Conditions—general.....	41
6.28 Conditions—information program.....	42
<i>Subdivision 6—Making the decision</i>	
6.29 Approval or refusal of routine application.....	43
6.30 Approval or refusal of complex application .....	43
<i>Division 2—Pooled numbers</i>	
<i>Subdivision 1—Application of Division</i>	
6.31 Application of Division .....	44
<i>Subdivision 2—Application for numbers</i>	
6.32 Application for allocation.....	44
6.33 Preliminaries to applying for an allocation in the first day of a pool.....	44
6.34 Application charges.....	44

**Table of Provisions—continued**

Section	Page
<i>Subdivision 3—Assessment of application</i>	
6.35 Assessment criteria .....	45
<i>Subdivision 4—Prerequisites for allocation on first day of number pool</i>	
6.36 Procedures for carriage service provider .....	45
<i>Subdivision 5—Allocation procedures</i>	
6.37 Allocation on request (more than 1 request) .....	46
6.38 Unit size .....	47
6.39 Allocation arrangements .....	47
6.40 Extending, or making permanent, an allocation .....	47
<i>Subdivision 6—Conditional allocation</i>	
6.41 Conditions—general .....	48
6.42 Conditions—information program .....	48
6.43 Conditions—reservation .....	49
6.44 Maximum allowable proportion .....	50
<i>Subdivision 7—Deciding applications</i>	
6.45 Approval or refusal .....	50
 <b>CHAPTER 7—TRANSFER, SURRENDER OR WITHDRAWAL OF NUMBERS</b>	
 <b>Part 1—Purpose .....</b>	
7.1 Purpose of Chapter 7 .....	51
 <b>Part 2—Rules for transfer of numbers .....</b>	
7.2 Purpose of Part 2 .....	52
7.3 Numbers eligible to be transferred .....	52
7.4 Numbers to be transferred to carriage service providers .....	53
7.5 Advising ACA of carriage service providers transferring numbers .....	53
7.6 Records of transferred numbers .....	54
7.7 Register of transferred numbers .....	54
7.8 Notification of changes in name etc .....	55
7.9 Transfer not to affect customer's right of use of number .....	55
7.10 Inconsistency with Chapter 10 .....	55
7.11 Transfer of numbers allocated conditionally .....	56
 <b>Part 3—Rules for surrender of numbers .....</b>	
7.12 Purpose of Part 3 .....	57
7.13 Surrender of numbers .....	57

**Table of Provisions—continued**

Section	Page
7.14 Time for surrendering numbers.....	58
7.15 Unit size .....	58
7.16 Units for surrender of numbers .....	59
7.17 Register .....	59
<b>Part 4—Rules for withdrawal of numbers .....</b>	<b>60</b>
7.18 Purpose of Part 4 .....	60
7.19 Withdrawal of numbers allocated in accordance with allocation system.....	60
7.20 Inconsistency with this plan.....	60
7.21 Non-payment of numbering charge.....	61
7.22 Withdrawal of numbers allocated otherwise than in accordance with allocation system.....	61
7.23 Numbers not in use .....	62
7.24 Inconsistency with conditions on issue, transfer or use .....	62
7.25 Expiry of allocation period .....	63
7.26 Reservation—allocation not confirmed .....	63
7.27 Pooled numbers that are not issued .....	63
7.28 Telling the ACA whether pooled numbers are issued.....	64
7.29 Decisions on withdrawal .....	64
7.30 Register .....	64

**CHAPTER 8—USE OF NUMBERS AND NETWORK ACTIVATION**

<b>Part 1—Purpose .....</b>	<b>65</b>
8.1 Purpose of Chapter 8 .....	65
8.2 Purpose of Part 2 .....	66
8.3 Who may use shared number on non-selectable basis .....	66
8.4 Emergency service numbers not to be issued.....	66
8.5 Local numbers .....	66
8.6 Issue of a number in a pool.....	66
<b>Part 3—Rules for network activation of numbers.....</b>	<b>68</b>
8.7 Application of Part 3.....	69
8.8 Interpretation .....	69
8.9 Purpose of Part 3 .....	69
8.10 Network activation procedures .....	71
8.11 Committing resources.....	71
8.12 Progress report to requesting carriage service provider.....	71
8.13 ACA may give notice to receiving carriage service provider .....	71
8.14 Progress report to ACA.....	72

**Table of Provisions—continued**

Section	Page
8.15 Protection of information.....	72
<b>CHAPTER 9—RENUMBERING AND NOTICE OF NEW NUMBERS</b>	
9.1 Purpose of Chapter 9 .....	74
<b>Part 2—Rules for renumbering of telephone numbers.....</b>	<b>75</b>
<i>Division 1—Purpose</i>	
9.2 Purpose of Part 2 .....	75
<i>Division 2—Renumbering of geographic numbers</i>	
9.3 Purpose of Division 2.....	75
9.4 Renumbering of geographic numbers .....	75
9.5 Routing to geographic numbers with new prefix.....	76
9.6 Availability of changed number .....	76
9.7 Advice about changed numbers .....	77
9.8 Availability of local number dialling.....	77
<i>Division 3—Renumbering of special services numbers</i>	
9.9 Purpose of Division 3.....	78
9.10 Renumbering of special services numbers .....	78
9.11 Routing to special services numbers with new prefix.....	78
9.12 Availability of changed number .....	79
9.13 Advice about changed numbers .....	79
<b>CHAPTER 10—CARRIAGE SERVICE PROVIDER’S OBLIGATIONS TO CUSTOMERS ABOUT USE OF NUMBERS</b>	
10.1 Purpose of Chapter 10 .....	81
<b>Part 2—Who is a customer.....</b>	<b>82</b>
10.2 Who is a customer .....	82
<b>Part 3—Carriage service provider’s obligations:</b>	
<b>recovering and replacing numbers .....</b>	<b>83</b>
10.3 Application of Part 3.....	83
10.4 Carriage service provider must not recover and replace numbers .....	83
10.5 Deciding the application.....	84
10.6 ACA may ask for further information.....	84
10.7 ACA may ask for advice from advisory committee or ACCC .....	84

**Table of Provisions—continued**

Section	Page
10.8 Carriage service provider must tell customer about recovery and replacement .....	84
10.9 Notification period .....	84
<b>Part 4—Carriage service provider’s obligations:</b>	
<b>recovering numbers without replacing them</b> .....	86
10.10 Application of Part 4.....	86
10.11 Carriage service provider must not recover numbers without replacing them .....	86
10.12 Carriage service provider’s obligations if issuing recovered number to another customer .....	87
<b>Part 5—Publicising carriage service provider’s obligations</b> .....	89
10.13 Application of Part 5.....	89
10.14 Publicising carriage service provider’s obligations .....	89
<b>Part 6—Use of numbers not to be subject to certain conditions</b> .....	90
10.15 Application of Part 6.....	90
10.16 Use of numbers not to be subject to certain conditions.....	90
<b>Part 7—Exemptions</b> .....	91
10.17 Carriage service provider may ask for exemption.....	91
10.18 Deciding an application for exemption.....	91
10.19 ACA may ask for further information.....	91
10.20 ACA may ask for advice from advisory committee or ACCC .....	91
<b>CHAPTER 11—PORTABILITY OF NUMBERS, AND NUMBER POOLS</b>	
11.1 Purpose of Chapter 11 .....	92
11.2 Definitions .....	93
<b>Part 2—Providing portability</b> .....	94
11.3 Providing number portability.....	94
11.4 Equivalent service.....	95
11.5 Portable services .....	95
11.6 Implementation dates for number portability.....	95
11.7 Limited portability and interim dates .....	96
11.8 Public notice period of implementation date or interim date .....	96
<b>Part 3—Declaration of pooled numbers</b> .....	97



**Table of Provisions—continued**

Section	Page
11.9 Purpose of Part 3 .....	97
11.10 Declaration .....	97
11.11 Matters to consider in making declaration.....	98
<b>Part 4—Rules for routing to portable numbers .....</b>	<b>99</b>
11.12 Purpose of Part 4 .....	99
11.13 Routing arrangements .....	99
<b>Part 5—Other portability obligations for carriage service providers.....</b>	<b>101</b>
11.14 Equivalent services between ported and non-portable numbers .....	101
11.15 Cancellation of service .....	101
<b>Part 6—Exemptions from obligations .....</b>	<b>102</b>
11.16 Purpose of Part 6 .....	102
11.17 Applications for exemptions .....	102
11.18 ACA may grant exemptions .....	103
11.19 Deciding an application for exemption.....	103
11.20 Compliance with the Chapter after applying for an exemption.....	104
11.21 Notice of decision about exemption .....	104
<b>Part 7—Management of portable numbers, and reporting .....</b>	<b>105</b>
11.22 Carriage service provider’s management of portable numbers .....	105
11.23 Keeping the register up to date .....	105
11.24 Notice to ACCC of implementation dates .....	105
11.25 Progress reports about number portability .....	106
11.26 Reports about failure to provide number portability .....	106
<b>CHAPTER 12—REVIEW OF DECISIONS</b>	
12.1 Purpose of Chapter 12 .....	107
12.2 Decisions that may be subject to reconsideration by the ACA.....	107
12.3 Deadlines for reaching certain decisions.....	107
12.4 Statements to accompany notification of decision.....	107
12.5 Applications for reconsideration of decisions .....	108
12.6 Reconsideration by the ACA .....	108
12.7 Deadlines for reconsiderations .....	108
12.8 Statements to accompany notification of decisions on reconsideration.....	109
12.9 Review by the Administrative Appeals Tribunal .....	109

**Table of Provisions—continued**

Section	Page
<b>CHAPTER 13—NUMBERS TAKEN TO HAVE BEEN ALLOCATED</b>	
<b>Part 1—Purpose of Chapter 13</b> .....	110
13.1 Purpose of Chapter 13 .....	110
<b>Part 2—Declaration numbers</b> .....	111
13.2 Declaration of numbers .....	111
13.3 Person to whom numbers are taken to have been allocated .....	111
13.4 Other information.....	111
<b>Schedule 1—Non-public Numbers</b>	
Part 1 Special Services Numbers .....	112
Part 2 Telex Numbers .....	114
<b>Schedule 2—Geographic Numbers</b> .....	115
<b>Schedule 3—Numbers of Geographic Significance</b>	
Part 1 Numbers of Local Geographic Significance .....	144
Part 2 Numbers of Broad Geographic Significance .....	159
<b>Schedule 4—Special Services Numbers</b>	
Part 1 General.....	160
Part 2 International Access Codes.....	184
Part 3 Pre-selection Over-ride Access Codes .....	187
Part 4 Virtual Private Network Access Codes .....	188
Part 5 Facsimile Access Codes .....	189
Part 6 Incoming Only International Access Codes .....	190
Part 7 Miscellaneous Access Codes .....	191
<b>Schedule 5—Data Numbers</b>	
Part 1 Data Number Components .....	193
Part 2 Explanation of Components of Data Numbers .....	195
<b>Schedule 6—Telex Numbers</b>	
Part 1 Services .....	199
Part 2 Charging Areas .....	200
<b>Schedule 7—Content of Application for Allocation of Numbers</b>	

**Table of Provisions—continued**

Section	Page
Part 1 Applications for Numbers for all Types of Carriage Service .....	231
Part 2 Additional Information for Applications for Geographic Numbers.....	232
Part 3 Additional Information for Applications for Special Services Numbers .....	233
Part 4 Additional Information for Applications for Data Numbers .....	235
 <b>Schedule 8—Unit Sizes for Allocation, Transfer and Surrender of Special Services Numbers not of 10 Digits.....</b>	 236
 <b>Schedule 9—Renumbering Arrangements: Geographic Numbers.....</b>	 239
 <b>Schedule 10—Renumbering Arrangements: Special Services Numbers.....</b>	 268
 <b>Schedule 11—Reviewable Decisions of the ACA.....</b>	 279
 <b>Schedule 12—Dictionary .....</b>	 281

**Commonwealth Of Australia**

*Telecommunications Act 1997*

**Telecommunications Numbering Plan 1997**

THE AUSTRALIAN COMMUNICATIONS AUTHORITY makes this numbering plan under subsection 455 (1) of the *Telecommunications Act 1997*.

Dated 22 December 1997.

A.J SHAW  
Chairman

R HORTON  
Deputy Chairman

Australian Communications Authority

---

# Chapter 1—Preliminary

## Part 1—General

### 1.1 Citation

This plan may be cited as the *Telecommunications Numbering Plan 1997*.

### 1.2 Commencement

This plan commences on 31 December 1997.

#### Background to Numbering Plan

Subsection 455 (1) of the *Telecommunications Act 1997* requires the Australian Communications Authority (**ACA**) to make a plan for:

- the numbering of carriage services in Australia; and
- the use of numbers in connection with the supply of such services.

Section 455 of the Act identifies a number of matters to be included in the plan, for example:

- the numbers that are for use in connection with the supply of carriage services to the public in Australia
- rules about the allocation, transfer, surrender and portability of numbers.

Section 455 of the Act also sets out 3 concepts about the transfer of numbers. The “first tier” concept is specification by the plan of numbers that are for use in connection with the supply of carriage services to the public in Australia.

The “second tier” concept is allocation of numbers by the ACA to carriage service providers.

The “third tier” concept is issue of numbers by carriage service providers to customers.

The plan may also empower the ACA to make decisions of an administrative character.

### **Simplified outline of plan**

The plan has 13 Chapters.

The Chapters deal with the following matters:

Chapter 1—Preliminary

Chapter 2—Numbers that are for use

Chapter 3—Telephone numbers

Chapter 4—Data numbers

Chapter 5—Telex numbers

Chapter 6—Allocation of numbers

Chapter 7—Transfer, surrender or withdrawal of numbers

Chapter 8—Use of numbers and network activation

Chapter 9—Renumbering and notice of new numbers

Chapter 10—Carriage service providers' obligations

Chapter 11—Portability and use of numbers

Chapter 12—Review of decisions

Chapter 13—Declaration of numbers taken to have been allocated.

Definitions for words and expressions used in the plan are to be found in the dictionary in the Schedule at the end of the plan.

## **1.3 Definitions—the Dictionary**

- (1) The Dictionary in Schedule 12 defines particular words and expressions, and includes signpost definitions to words and expressions defined elsewhere in this plan.

*Note:* A signpost definition of a word or expression (eg *address format prefix* see Part 2 of Schedule 5) is included only if the definition is used outside the section defining the word or expression.

- (2) The Dictionary also includes certain words and expressions relevant to this plan that are defined in the *Telecommunications Act 1997*.
- (3) A definition outside the Act and this plan applies to this plan if a signpost definition of the definition is included in the Dictionary.

*Example:*

The signpost definition

***advisory committee*** see section 51 of the *Australian Communications Authority Act 1997*.

indicates that the expression is defined in section 51 of the *Australian Communications Authority Act 1997* and applies to this plan.

- (4) A definition in or applying to this plan applies to each use of the word or expression in the plan unless the contrary intention appears.

## **Part 2—Objects of this plan**

### *Division 1—Primary objects*

#### **1.4 Primary objects**

The primary objects of this plan are to:

- (a) establish a framework for the numbering of carriage services in Australia; and
- (b) establish a framework for the use of numbers in connection with the supply of such services; and
- (c) specify the numbers for use in connection with the supply of carriage services to the public in Australia; and
- (d) establish a framework for the allocation and portability of numbers.

### *Division 2—Secondary objects*

#### **1.5 Purpose of Division**

This Division sets out the secondary objects of this plan.

#### **1.6 Access to end-users**

An object of this plan is to facilitate any-to-any connectivity by ensuring that numbers are:

- (a) clearly assigned to a type of service or multiple types of services; and
- (b) allocated and used responsibly.

*Note:* The objective of any-to-any connectivity is achieved if, and only if, each end-user who is supplied with a carriage service that involves communication between end-users is able to communicate, by means of that service, with each other end-user who is supplied with the same service or a similar service, whether or not the end-users are connected to the same telecommunications network. See subsection 152AB (8) of the *Trade Practices Act 1974*.



**1.7 Consistency with objects of Part XIC of the *Trade Practices Act 1974***

An object of this plan is to ensure that decisions of the ACA of an administrative character made under this plan are consistent with the objects of the Part XIC of the *Trade Practices Act 1974*.

**1.8 Consistency with other instruments**

An object of this plan is to ensure that the management of numbers under this plan is carried out in a way that is consistent with the requirements of other instruments made under the Act.

**1.9 Issue and use of numbers**

- (1) An object of this plan is to ensure the availability of numbers by promoting efficient issue and use of numbers by carriage service providers and customers.
- (2) An object of this plan is to promote and facilitate fairness and equity in:
  - (a) the allocation of numbers to carriage service providers; and
  - (b) the issue of numbers to customers by carriage service providers.
- (3) An object of this plan is to minimise obstacles to the continued and beneficial use by customers of the numbers legitimately issued to them, while the carriage service, in connection with which numbers are issued, is provided.

**1.10 Carriage services**

An object of this plan is to ensure the availability of numbers to facilitate:

- (a) the introduction and supply of carriage services; and
- (b) access by customers, or connection by end-users, to the services; and
- (c) proper routing of calls by carriage service providers.

**1.11 Call charge and associated services**

An object of this plan is:

- (a) to enable end-users to understand the level of call charge for calls to a number; and
- (b) to enable end-users to understand which numbers can be used in connection with the supply of particular carriage services; and
- (c) to apply the understanding in the management of call costs.

**1.12 Changes to numbers**

An object of this plan is to minimise the need for changes to numbers, and to minimise disruption and inconvenience to end-users if numbers are changed.

**1.13 Technology**

An object of this plan is to accommodate the capabilities and usage of different telecommunications technologies and terminal equipment in Australia.

**1.14 Transfer, surrender and withdrawal of numbers**

An object of this plan is to establish a framework for the transfer, surrender and withdrawal of numbers that:

- (a) promotes the long-term interests of end-users; and
- (b) facilitates the efficient supply of carriage services; and
- (c) facilitates the administration of the *Telecommunications (Numbering Charges) Act 1997*.

**1.15 Recognition of telecommunications industry**

An object of this plan is to recognise and support the actual and potential role and contribution of the telecommunications industry in the management of numbers.

## Chapter 2—Numbers that are for use

### 2.1 Purpose of Chapter 2

This Chapter sets out the numbers that are for use in connection with the supply of carriage services in Australia.

### 2.2 Numbers that are for use—public

- (1) The numbers that are for use in connection with the supply of carriage services to the public in Australia are:
  - (a) geographic numbers; and
  - (b) local numbers that are part of a geographic number; and
  - (c) special services numbers, except a special services number:
    - (i) with the components in columns 1 and 3 of an item in Part 1 of Schedule 1; and
    - (ii) used in connection with the supply of the type of carriage service mentioned in column 2 of the item; and
  - (d) internal numbers; and
  - (e) international numbers; and
  - (f) emergency service numbers; and
  - (g) private numbers; and
  - (h) data numbers; and
  - (i) telex numbers, except a telex number with the components in columns 1 and 2 of an item in Part 2 of Schedule 1.
- (2) No other number may be used in connection with the supply of carriage services to the public in Australia.

### 2.3 Numbers that are for use—non-public

The numbers that are for use in connection with the supply of carriage services in Australia other than to the public include:

- (a) special services numbers:
  - (i) with the components in columns 1 and 3 of an item in Part 1 of Schedule 1; and
  - (ii) used in connection with the supply of the type of carriage service mentioned in column 2 of the item; and
- (b) telex numbers with the components in columns 1 and 2 of an item in Part 2 of Schedule 6.

*Note:* Numbers that are not specified in this plan may also be used in connection with the supply of carriage services other than to the public.

## **Chapter 3—Telephone numbers**

### **Information about Chapter 3**

Chapter 3 explains the form of the following telephone numbers:

- geographic numbers
- special services numbers, including shared numbers
- emergency service numbers
- private numbers.

The Chapter also explains how the numbers may be used in connection with the supply of carriage services in Australia.

## Part 1—Geographic numbers

### Information about geographic numbers

This Part and Schedule 2 explain:

- the form of geographic numbers
- that geographic numbers must be used in connection with the supply of local services
- the areas where geographic numbers may be used
- the local area where numbers of local geographic significance must be used
- the broad area where numbers of broad geographic significance must be used
- other ways that geographic numbers can be used.

A number in the form identified in Schedule 2 is recognised as a geographic number. A number that does not have that form is not recognised as a geographic number, and must not be used as a geographic number.

The arrangements for geographic numbers are as consistent as practicable with the International Telecommunication Union document ITU-T Recommendation E.164, *Numbering Plan for the ISDN Era*.

### 3.1 Outline of Schedule for geographic numbers

A telephone number that is a geographic number is identified in items of Schedule 2 in the following way:

<b>Column 1</b>	Shows the first digits of the number
<b>Column 2</b>	Describes the charging district where a call to the number will terminate, or appears to terminate, for charging purposes
<b>Column 3</b>	Describes the structure of the number
<b>Column 4</b>	Explains the special arrangements (if any) for use of the number

### 3.2 Application of Part 1

- (1) This Part applies to the use of a geographic number in connection with the supply of a carriage service to the public.
- (2) However, this Part does not apply to the use of a geographic number in a private numbering scheme.

### 3.3 Geographic numbers

- (1) A number with the components in columns 1 and 3 of an item of Schedule 2 is a ***geographic number***.
- (2) However, if the special arrangements mentioned for a geographic number in column 4 of Schedule 2 mention that the number is not for use after a particular day, the number is not a geographic number after that day.

### 3.4 Use of geographic numbers

- (1) A geographic number must not be used except in connection with the supply of a local service.
- (2) A call made in Australia to a geographic number must:
  - (a) terminate at a location in a charging district mentioned for the number in column 2 of Schedule 2; or
  - (b) be charged for in the way mentioned in subsection (3).
- (3) The call charge for the call must be worked out as if the call were terminated at a location in the relevant charging district.
- (4) Geographic numbers allocated in the same unit must not be used except in connection with the supply of carriage services:
  - (a) that terminate calls to the numbers at locations in the same standard zone unit; or
  - (b) for which the call charge for the calls is worked out as if the calls were terminated at locations in the standard zone unit.
- (5) This section does not prevent another number being used in connection with the supply of a local service.

#### *Notes:*

1. Geographic numbers are allocated in units of particular sizes: see section 6.23.
2. The geographic limits on the use of geographic numbers restricts movement of the numbers between different locations.

### 3.5 Using numbers of local geographic significance: numbers in Part 1 of Schedule 3

- (1) A geographic number mentioned in Part 1 of Schedule 3 is a ***number of local geographic significance***.
- (2) The number must not be issued except in connection with the supply of a carriage service:
  - (a) that terminates a call to the number at a location in the geographic sector or area mentioned for the number in Part 1 of Schedule 3; or
  - (b) for which the call charge for the call is worked out as if the call were terminated at a location in the geographic sector or area.
- (3) The number must not be used except in connection with the supply of a carriage service:
  - (a) that terminates a call to the number at a location in the standard zone unit containing the geographic sector or area for which the number is issued for subsection (2); or

- (b) for which the call charge for the call is worked out as if the call were terminated at a location in the standard zone unit.

### **3.6 Using numbers of local geographic significance: other numbers**

- (1) A geographic number not mentioned in Part 1 or 2 of Schedule 3 is a *number of local geographic significance*.
- (2) The number must be used in connection with the supply of a carriage service in a way consistent, as far as practicable, with the existing patterns of allocation.
- (3) The existing patterns of allocation include patterns corresponding to areas where geographic numbers with the same first 6 digits have been issued.

### **3.7 Using numbers of broad geographic significance: numbers in Part 2 of Schedule 3**

- (1) A *number of broad geographic significance* is a geographic number mentioned in Part 2 of Schedule 3.
- (2) The number must not be used except in connection with the supply of a carriage service:
  - (a) that terminates a call to the number at a location in the charging district mentioned for the number in Part 2 of Schedule 3; or
  - (b) for which the call charge for the call is worked out as if the call were terminated at a location in the relevant charging district.

### **3.8 Use of local numbers**

- (1) If a local number only is dialled to make a call between 2 locations having the same area code, the number:
  - (a) may be used as a geographic number; and
  - (b) must be accepted as the geographic number by the originating access service provider for the call.
- (2) This section does not apply to a call mentioned in section 9.8 until the date when a carriage service provider must ensure that the call can be made without dialling the area code.

*Note:* For renumbering arrangements for geographic numbers see section 9.4 and Schedule 9.



## Part 2—Special services numbers

### *Division 1—Information about special services numbers*

#### **Information about special services numbers**

This Part and Schedule 4 explain:

- the form of special services numbers
- that special services numbers must be used in connection with the supply of carriage services specified for the numbers
- the broad level of charge for calls to special services numbers
- which special services numbers are shared selectable numbers, or shared non-selectable numbers, and how they may be used
- which special services numbers are access codes, and how they may be used
- other ways that special services numbers can be used.

A special services number does not show the geographic location of the number being called.

A number in the form identified in Schedule 4 is recognised as a special services number. A number that does not have that form is not recognised as a special services number, and must not be used as a special services number.

The arrangements for special services numbers are as consistent as practicable with the International Telecommunication Union document ITU-T Recommendation E.164, *Numbering Plan for the ISDN Era*.

### 3.9 Outline of Schedule for special services numbers

A telephone number that is a special services number is identified in items of Schedule 4 in the following way:

<b>Column 1</b>	Shows the number, or the first digits of the number (the <i>prefix</i> )
<b>Column 2</b>	Describes the carriage service to which the prefix relates and explains (in italics) whether the level of call charge for the number is limited to a low charge
<b>Column 3</b>	Describes the structure for the number and explains (in italics) special arrangements (if any) for use of the number
<b>Column 4</b>	Explains whether an incoming call from outside Australia may be routed to the number and also explains (in italics) whether the number is a type of shared number

### 3.10 Application of Part 2

- (1) This Part applies to the use of a special services number in connection with the supply of carriage services to the public.
- (2) However, this Part does not apply to the use of a special services number in a private numbering scheme.

### 3.11 Special services numbers

- (1) A number with the components in columns 1 and 3 of an item of Schedule 4 is a *special services number*.
- (2) However, if the special arrangements mentioned in italics in column 3 of Schedule 4 for a number state that the number is not for use before a particular day, the number is not a special services number until that day.

- (3) However, if the special arrangements mentioned in italics in column 3 of Schedule 4 for a number state that the number is not for use after a particular day, the number is not a special services number after that day.
- (4) A number with 4 to 13 digits (inclusive), and with the prefix '10', '11' or '12', is also a *special services number*.

### 3.12 Using special services numbers

- (1) A special services number must not be used except in connection with the supply of the type of carriage service mentioned for the number in column 2 of Schedule 4.
- (2) However, a special services number with 4 to 13 digits (inclusive), and with the prefix '10', '11' or '12', must not be used except:
  - (a) in connection with the supply of an incoming only international service; or
  - (b) in accordance with arrangements for the number mentioned in section 3.18; or
  - (c) in accordance with arrangements for the number mentioned in other provisions of this Part.
- (3) This section does not prevent another number being used in connection with the supply of carriage services mentioned in column 2 of Schedule 4.

*Note:* Sections 3.16 and 3.17 explain whether the number is a shared number that must be used in connection with the supply of a selectable or non-selectable carriage service.

### 3.13 Call charge

- (1) Column 2 of an item of Schedule 4 also explains (in italics) whether the level of call charge for the number in the item is limited to a low charge (*a low charge number*).
- (2) Subsection (3) only applies to calls made to a low charge number using a standard telephone service (other than a public mobile telecommunications service).
- (3) A low charge number is for use only in connection with the supply of carriage services for which the call charge for calls to the number:
  - (a) is worked out by reference to the number of calls made during a particular period, regardless of how long each call lasted; and
  - (b) is not more than the low charge amount.

- (4) The ***low charge amount*** is the highest call charge for an eligible local call made using a standard telephone service, other than a public mobile telecommunications service, supplied by the national universal service provider.
- (5) ***Call charge*** is the charge (if any) that a customer would incur for using a carriage service to make a call, disregarding optional discounts and surcharges (if any) applied to the charge.

### **3.14 Incoming international access**

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

*Division 2—Special services numbers that are shared numbers***Information about shared numbers**

Shared numbers are used in connection with the supply of either a selectable or non-selectable carriage service.

'1234' is a shared number used in connection with the supply of a selectable carriage service, as it is a number available to be shared by carriage service providers to supply the service mentioned for the number in Schedule 4. Callers to the number can choose to use the services of a carriage service provider by pre-selecting to that carriage service provider or, on a call by call basis, by use of a pre-selection over-ride code before the shared number. Section 349 of the Act allows for the ACA to make written determinations about pre-selection.

'1831' is a shared number used in connection with a calling number display over-ride service that is also a non-selectable carriage service.

See Dictionary for the meaning of:

- ***pre-selection over-ride code***
- ***pre-selection over-ride service***
- ***non-selectable carriage service***
- ***selectable carriage service.***

**3.15 Shared numbers**

Column 4 of an item of Schedule 4 also states (in italics) whether the number in the item is a type of shared number.

### 3.16 Shared numbers used on a selectable basis

- (1) If column 4 of an item in Schedule 4 includes a reference to '*shared selectable*', the number in the item is a ***shared number*** that must not be used except in connection with the supply of a selectable carriage service.
- (2) A shared number may be used without being allocated.
- (3) This section does not prevent another number being used in connection with the supply of a selectable carriage service.

### 3.17 Shared numbers used on a non-selectable basis

- (1) If column 4 of an item in Schedule 4 includes a reference to '*shared non-selectable*', the number in the item is a ***shared number*** that must not be used except in connection with the supply of a non-selectable carriage service.
- (2) A private number is also a ***shared number*** that must be used in connection with the supply of a non-selectable carriage service.
- (3) A shared number may be used without being allocated.
- (4) This section does not prevent another number being used in connection with the supply of a non-selectable carriage service.

*Division 3—Special services numbers that are access codes***Information about access codes**

Access codes are numbers used only as prefixes to other numbers. Examples of the other numbers are:

- international numbers
- private numbers
- geographic numbers
- special services numbers.

Access codes generally indicate that a particular kind of carriage service or function is applied to a call to the number following the access code.

'0011' is an access code used as a prefix to an international number or a private number. The access code indicates that the number is used in connection with the supply of a carriage service of an international character.

**3.18 International access codes**

- (1) A special services number in Part 2 of Schedule 4 may be used as a prefix to an international number or a private number.
- (2) When the special services number is used in that way:
  - (a) it is an ***access code***; and
  - (b) it may be used in conjunction with access codes that are shared numbers.
- (3) This section does not prevent a local number, geographic number, international number or private number being used without the relevant access code.

**3.19 Pre-selection over-ride access codes**

- (1) A special services number in Part 3 of Schedule 4 is an ***access code*** that must not be used except:
  - (a) as a prefix to a local number, geographic number, international number or a shared number that is used in connection with the supply of a selectable carriage service; or

- (b) as a prefix to a number in connection with a facility to interconnect between carriage service providers' networks.
- (2) When the special services number is used in either of those ways, it may be used in conjunction with access codes that are shared numbers.
- (3) This section does not prevent another number being used in connection with the supply of a selectable carriage service.

### **3.20 Virtual private network access codes**

- (1) A special services number in Part 4 of Schedule 4 is an ***access code*** that must not be used except as a prefix to a local number, geographic number, international number, special services number (other than an access code), internal number or private number.
- (2) When the special services number is used in that way, it may be used in conjunction with access codes that are shared numbers.
- (3) An internal number must not be used without the relevant access code.
- (4) This section does not prevent a local number, geographic number, international number, special services number or private number being used without the relevant access code.

### **3.21 Facsimile access codes**

- (1) A special services number in Part 5 of Schedule 4 is an ***access code*** that must not be used except as a prefix to a local number, geographic number, international number or private number.
- (2) When the special services number is used in that way, it may be used in conjunction with access codes that are shared numbers.
- (3) This section does not prevent a local number, geographic number, international number or private number being used without the relevant access code.

### **3.22 Incoming only international access codes**

- (1) A special services number in Part 6 of Schedule 4 is an ***access code*** that must not be used except as a prefix to a local number, geographic number, special services number or private number.
- (2) This section does not prevent a local number, geographic number, special services number or private number being used without the relevant access code.



**3.23 Miscellaneous access codes**

- (1) A special services number in Part 7 of Schedule 4 is an *access code* that must not be used except as a prefix to a local number, geographic number, international number or special services number.
- (2) When the special services number is used in that way, it may be used in conjunction with access codes that are shared numbers.
- (3) This section does not prevent a local number, geographic number, international number or special services number being used without the relevant access code.

## Part 3—Emergency service numbers

### Information about emergency service numbers

This Part deals with the form of an emergency service number.

Emergency service numbers are used in connection with emergencies that are likely to require the assistance of an emergency service organisation. Subsection 466 (1) of the Act describes the organisations that are emergency service organisations.

### 3.24 Emergency service numbers

- (1) For subsection 466 (2) of the Act, the following numbers are emergency service numbers:
  - (a) the primary emergency service number is ‘000’;
  - (b) the secondary emergency service numbers are ‘100’ and ‘112’.
- (2) However, the secondary emergency service number ‘100’ is not for use in connection with the supply of a carriage service until 1 July 1998.

### 3.25 Using emergency service numbers

No other number must be:

- (a) used as an emergency service number; or
- (b) accepted as an emergency service number by the network on which a call to the number originates.

*Note:* Section 265 of the Act requires the ACA to make a determination for the provision of emergency call services having regard to the objective that a carriage service provider who supplies a standard telephone service should provide each end-user of that standard telephone service with access, free of charge, to an emergency call service, unless the ACA considers that it would be unreasonable for such access to be provided.

## Part 4—Private numbers

### 3.26 Private numbers

A *private number* is any number that satisfies this Part.

### 3.27 Use in private numbering schemes

The number must be:

- (a) used in a private numbering scheme that uses an escape code; or
- (b) used in a private numbering scheme that does not use an escape code.

### 3.28 Private numbering scheme with no escape code

- (1) This section applies to a number used in a private numbering scheme that uses an escape code.
- (2) The number must not begin with the escape code, unless the entire number is the escape code.

*Note:* See the Dictionary for the meaning of *private numbering scheme*.

### 3.29 Private numbering scheme without an escape code—numbers starting with ‘0’ or ‘1’

- (1) This section applies to a number:
  - (a) used in a private numbering scheme that does not use an escape code; and
  - (b) starting with ‘0’ or ‘1’.
- (2) The originating access carriage service provider for a call to the number must not treat the call as a call to a special services number.

### 3.30 Private numbering scheme without an escape code—numbers starting with ‘2’ to ‘9’

- (1) This section applies to a number:
  - (a) used in a private numbering scheme that does not use an escape code; and
  - (b) starting with ‘2’, ‘3’, ‘4’, ‘5’, ‘6’, ‘7’, ‘8’ or ‘9’.

- (2) During the period starting on the commencing day and ending on 8 November 1998, the number must not have more than 6 digits.
- (3) At any time after 8 November 1998, the number must not have more than 8 digits.

### **3.31 Exceptions to private numbering schemes without an escape code**

Sections 3.29 and 3.30 do not apply to a number issued to a customer if:

- (a) the number was issued at the customer's request; and
- (b) before the number was issued, the carriage service provider holding the number told the customer, in writing, that use of the number in a private numbering scheme would be likely to affect the ability of end-users in the scheme to use the number in connection with the supply of other carriage services specified for the number in this plan; and
- (c) the number is not an emergency service number; and
- (d) the number is not a special services number that must, under this plan, be used in connection with supply of a calling number display over-ride service; and

*Note:* See the Dictionary for the meaning of ***calling number display over-ride service***.

- (e) the number is not a number that has been issued to an emergency service organisation.

*Note:* All private numbers are shared numbers used in connection with the supply of non-selectable carriage services, see subsection 3.17 (2).

## Chapter 4—Data numbers

### Information about data numbers

Chapter 4 and Schedule 5 explain:

- the different forms of data numbers available for use in connection with the supply of data network services
- how they may be used
- the components of data numbers.

A number in one of those forms is recognised as a data number. A number not in any of those forms is not recognised as a data number, and cannot be used successfully as a data number.

The arrangements for data numbers are as consistent as practicable with the international numbering plan described in International Telecommunication Union Recommendation X.121.

### 4.1 Outline of Schedule for data numbers

Part 1 of Schedule 5 sets out the form of data number components.

### 4.2 Application of Chapter 4

This Chapter does not apply to the use of a number in a private numbering scheme.

### 4.3 Data numbers

- (1) A number with the components in Part 1 of Schedule 5 is a *data number*.
- (2) A number with the components, other than a geographic routing code, is a *data number*.

- (3) A network terminal number, used on its own, is a ***data number*** only if:
  - (a) it is used solely in the data network uniquely identified by the data network identification code corresponding to the network terminal number; and
  - (b) it is not preceded by an address format prefix.
- (4) A private network terminal number, used on its own, is a ***data number*** only if:
  - (a) it is used solely in the data network uniquely identified by the combination of the data network identification code, and the private network identification code corresponding to that private network terminal number; and
  - (b) it is not preceded by an address format prefix.
- (5) An escape code is a ***data number***.

#### **4.4 Use of data numbers**

A data number must be used in connection with the supply of a carriage service:

- (a) that allows the number to be transmitted by a terminal, for addressing purposes, to the data network to which the terminal is connected; and
- (b) that is a data service having a data terminal address other than a telephone or telex number.

#### **4.5 Using data network identification codes**

A data network identification code may be used as a prefix for a collection of private network identification codes.

## Chapter 5—Telex numbers

### Information about telex numbers

Chapter 5 explains the form of a telex number.

Schedule 6 lists:

- telex numbers and their structures
- the carriage services in connection with which telex numbers may be used, or the geographic areas in which they may be used.

A number in the correct form is recognised as a telex number. A number not in that form is not recognised as a telex number, and cannot be used successfully as a telex number.

The arrangements for telex numbers are as consistent as practicable with International Telecommunication Union Recommendation F.69, *International Telex Numbering*.

### 5.1 Outline of schedule for telex numbers

The type of number that is a telex number is identified in items of Parts 1 and 2 of Schedule 6 in the following way:

<b>Column 1</b>	Shows the number, or the first digits of the number (the <i>prefix</i> )
<b>Column 2</b>	Part 1 describes the carriage service to which the prefix relates  Part 2 describes the area in which a call to the number will terminate
<b>Column 3</b>	Describes the structure of the number

## 5.2 Application of Chapter 5

This Chapter does not apply to the use of a number in a private numbering scheme.

## 5.3 Telex numbers

A number with the components in columns 1 and 3 of an item of Schedule 6 is a *telex number*.

## 5.4 Using telex numbers

- (1) A telex number must be used in connection with the supply of a carriage service that allows a person to send a message using telex equipment.
- (2) A telex number in Part 1 of Schedule 6 must also be used in connection with the supply of the type of carriage service mentioned for the number in column 2 of the Part.
- (3) A telex number in Part 2 of Schedule 6 must also be used in connection with the supply of a carriage service that terminates a call, made in Australia to the number, at a location in a charging area mentioned for the number in column 2 of the Part.



## Chapter 6—Allocation of numbers

### Part 1—Preliminary matters

#### 6.1 Purpose of Chapter 6

- (1) Under paragraph 455 (5) (a) of the Act, this plan may set out rules about the allocation of numbers to carriage service providers.
- (2) This Chapter sets out rules for allocating numbers.

*Note:* This Chapter does not apply to shared numbers because they are not allocated by the ACA: see section 6.15.

#### 6.2 Allocation

- (1) The ACA must allocate numbers in a way that gives effect to the provisions of this plan for the use of numbers in connection with the supply of carriage services.
- (2) In allocating numbers, the ACA must also comply with this Chapter.
- (3) In allocating numbers otherwise than in accordance with an allocation system, the ACA must decide each application fairly, and in a way that is consistent with decisions made about other applications of a similar character.

#### Information about allocations

Under subsection 455 (6) of the Act, rules about the allocation of numbers to carriage service providers may authorise the allocation of specified numbers in accordance with an allocation system determined under section 457 of the Act, or otherwise.

The rules in this Division deal with “over the counter”, or administrative, allocations of numbers for use in connection with the supply of carriage services. They do not deal with allocation in accordance with an allocation system.

### **6.3 Interpretation**

- (1) A **pooled number** is a number declared, in writing by the ACA, to be in a number pool.
- (2) A **number pool** is a set of pooled numbers that are administered, in units of 1 number, under similar rules and procedures.
- (3) For this Chapter, a declaration that a number is in a number pool refers to a declaration made by the ACA under section 11.10.

### **6.4 Outcomes of allocation**

- (1) The allocation must give effect to:
  - (a) the objects of this plan mentioned in sections 1.4 to 1.15; and
  - (b) the provisions of this plan for the use of numbers in connection with the supply of carriage services.
- (2) The allocation of a number must, if practicable:
  - (a) be an efficient use of a number, to enable future requirements for numbers to be met at the least cost to carriage service providers and customers; and
  - (b) promote access by end-users to a range of carriage services and carriage service providers; and
  - (c) promote flexible management by carriage service providers of any expansion in the use of numbers in connection with the supply of the carriage service for which the number is to be allocated.
- (3) The allocation of a number must also, if practicable:
  - (a) protect the interests of consumers, including the convenience of customers, and ease of customer understanding and use of numbers; and
  - (b) help competitive service provision and encourage investment by carriage service providers in the development of diverse and innovative carriage services.

### **6.5 Notification of changes in names etc**

- (1) This section applies to a carriage service provider to which a number is allocated.
- (2) While the carriage service provider holds the number, it must notify the ACA as soon as practicable of changes to its name, Australian Company Number or Australian Registered Business Number (if applicable), postal address and facsimile number.

## Part 2—Allocation procedures

### *Division 1—Non-pooled numbers*

#### **Information about Division 1**

This Division sets out the procedures that a carriage service provider must follow to apply for allocation of a number that is not a pooled number. The procedures include the payment of application charges.

### *Subdivision 1—Application of Division*

#### **6.6 Application of Division**

This Division applies to numbers that are not pooled numbers.

### *Subdivision 2—Application for allocation of numbers*

#### **6.7 Application for allocation**

- (1) A carriage service provider that wishes to have a number allocated may apply to the ACA for an allocation.
- (2) The application must contain the information mentioned in Schedule 7.
- (3) The ACA must, within 7 days of receiving the application, acknowledge it and tell the applicant whether it is a routine or complex application.

**6.8 Application charges**

- (1) The application must be accompanied by the charge (if any) for the application fixed by a determination under section 53 of the *Australian Communications Authority Act 1997*.
- (2) The applicant must tender the amount of charge (if any) imposed on the allocation of the numbers by Part 2 of the *Telecommunications (Numbering Charges) Act 1997*.

**6.9 Confidentiality of application**

- (1) This section applies if a carriage service provider claims that its information about the allocation and use of numbers is commercially sensitive, and the ACA considers the claim to be reasonable.
- (2) The ACA must keep the information secure.
- (3) The ACA must not disclose the information, unless:
  - (a) the disclosure is for the ACA; or
  - (b) the disclosure is required by the Act or another Act; or
  - (c) the disclosure is authorised by the applicant; or
  - (d) the disclosure is to the ACCC because:
    - (i) this plan requires the ACA to consult the ACCC about the numbers; and
    - (ii) the information is relevant to the consultations; or
  - (e) the disclosure is to the ACCC because the ACA believes the allocation of the numbers would have implications for competition in the telecommunications industry; or
  - (f) the information is relevant to a complex application, and:
    - (i) the disclosure is to an advisory committee assessing the application; and
    - (ii) the carriage service provider has been consulted about the disclosure.

*Subdivision 3—Assessment of application***Information about Subdivision 3**

This subdivision sets out rules that the ACA must follow when dealing with an application. It includes provisions about:

- how the ACA must decide whether an application is routine or complex
- how the ACA must deal with these kinds of applications
- when the ACA must consider the recommendation of an advisory committee.

**6.10 Routine and complex applications**

- (1) An application is a ***routine application*** only if the ACA believes that:
  - (a) the allocation would have no adverse implications for competitive service provision; and
  - (b) the allocation would have no adverse implications for the interests of end-users of carriage services; and
  - (c) no other matters relevant to the outcomes specified in section 6.4 need special examination.
- (2) A ***complex application*** is an application that is not a routine application.

**6.11 ACA may ask for further information**

The ACA may ask an applicant, in writing, to give it further information on matters mentioned in the application to allow it to consider an application.

**6.12 Dealing with application**

- (1) The ACA must consider the application quickly to minimise delay in the start of carriage services.
- (2) The ACA must be responsive in giving information and assistance, as required, to the applicant.
- (3) The ACA must be consistent in applying the matters mentioned in this Subdivision.

**6.13 Dealing with complex application**

In deciding whether to allocate numbers to an applicant making a complex application, the ACA may consider any recommendation of its advisory committee.

**6.14 Numbers to be in service within reasonable time**

The numbers allocated must be in service within a reasonable time after the allocation.

*Notes:*

1. The ACA considers 12 months to be a reasonable time in most circumstances.
2. The ACA may withdraw the numbers if it is satisfied that they will not be used for a substantial period, see section 7.23.

**6.15 Numbers not to be allocated**

- (1) A number that is not a public number must not be allocated.
- (2) A shared number must not be allocated.
- (3) An emergency service number must not be allocated.
- (4) A local number must not be allocated otherwise than as part of a geographic number.

**6.16 Withholding allocation**

- (1) A number must not be allocated to a carriage service provider if other numbers are held by the carriage service provider, and the ACA considers that:
  - (a) the other numbers have been issued, transferred or used in a way inconsistent with this plan, or with a condition on the use of the numbers; and

- (b) any numbers it might allocate to the carriage service provider would be issued, transferred or used in the same way.
- (2) A number must not be allocated to a carriage service provider if:
  - (a) other numbers have been allocated to the carriage service provider; and
  - (b) a charge is due, and has been unpaid for at least 6 months after its due date, in respect of the numbers, under 1 of the following Acts:
    - (i) the *Telecommunications (Numbering Charges) Act 1991*;
    - (ii) the *Telecommunications (Numbering Charges) Act 1997*.
- (3) A number must not be allocated if the ACA believes that:
  - (a) the number is similar to an emergency services number; and
  - (b) its use may adversely affect an emergency call service.

#### **6.17 Numbers of broad geographic significance**

Numbers of broad geographic significance must be allocated only:

- (a) to meet the needs of customers who wish to make or keep common internal numbering arrangements across multiple geographically dispersed sites; or
- (b) to improve numbering efficiency for carriage service providers with limited requirements for geographic numbers.

*Note:* For paragraph (a), the ACA may allocate a carriage service provider a series of contiguous blocks of numbers of broad geographic significance, each block being made available for use exclusively within a single standard zone unit.

#### **6.18 Incoming only international numbers**

- (1) The ACA must allocate an incoming only international number only if the ACA has evidence of an agreement between the applicant and at least 1 foreign telecommunications operator.
- (2) The agreement must be for international interconnection between a foreign public telecommunications network and the applicant's network that would allow routing of incoming only international calls.

#### **6.19 Data network identification codes**

- (1) The ACA must allocate a data network identification code only if the ACA has evidence of an agreement between the applicant and at least 1 foreign telecommunications operator.
- (2) The agreement must be for international interconnection between a foreign public telecommunications network and the applicant's network that would allow routing of data calls.

**6.20 Number of network identification codes to be allocated**

- (1) If the applicant's network has a projected take-up of at least 1,500 X.25 DTE/DCE interfaces or X.28 PAD interfaces, each with its own unique terminal number, the ACA must allocate no more than one data network identification code.
- (2) If the applicant's network has a projected take-up of at least 1,000, but not more than 1499, X.25 DTE/DCE interfaces or X.28 PAD interfaces, each with its own unique terminal number, the ACA must allocate no more than one 2-digit private network identification code.
- (3) If the applicant's network has a projected take-up of at least 500, but not more than 999, X.25 DTE/DCE interfaces or X.28 PAD interfaces, each with its own unique terminal number, the ACA must allocate no more than one 3-digit private network identification code.
- (4) If the applicant's network has a projected take-up of at least 100, but not more than 499, X.25 DTE/DCE interfaces or X.28 PAD interfaces, each with its own unique terminal number, the ACA must allocate no more than one 4-digit private network identification code.

**6.21 Allocation of data terminal numbers to a carriage service provider**

The ACA is not required to allocate to a carriage service provider every data terminal number that has the same data network identification code.

*Subdivision 4—Allocation procedures***Information about Subdivision 4**

This subdivision sets out information about how the ACA must carry out an allocation, including provisions about:

- how the ACA will deal with a situation where there is more than 1 request for the allocation of a particular number
- the unit size for allocation of numbers that are not pooled numbers
- when a carriage service provider may apply to the ACA for allocation of a unit of numbers that is smaller than the unit size.



**6.22 Allocation on request (more than 1 request)**

- (1) This section applies if:
  - (a) more than 1 carriage service provider applies for the allocation of a particular number; and
  - (b) the ACA decides to approve 1 of the requests.
- (2) The ACA must allocate the number to the provider that made the first request.
- (3) However, the ACA may allocate, to more than 1 carriage service provider, a special service number beginning with any of the prefixes '12 61', '12 62', '12 63', '12 64', '12 65', '12 66', '12 67' or '12 68'.
- (4) If it is not apparent to the ACA which request was made first, the ACA must decide which request is taken to be made first in accordance with procedures determined by the ACA under subsection (5).
- (5) The ACA must determine, in writing, procedures for deciding which request is taken to be made first when it is not apparent to the ACA which request was made first.
- (6) If subsection (4) applies, the ACA must tell the other carriage service providers how it determined which request was taken to be made first.

**6.23 Unit size**

- (1) The units in which numbers that are not pooled numbers will be allocated to carriage service providers are:

<b>Geographic numbers</b>	For numbers mentioned in Schedule 3—a block of 10,000 numbers  For numbers not mentioned in Schedule 3—a block of 1,000 numbers
<b>Access codes</b>	Individually
<b>Special services numbers of 10 digits</b>	See Schedule 8 for individual cases  For numbers not mentioned in Schedule 8—a block of 10,000 numbers
<b>Special services numbers not of 10 digits</b>	See Schedule 8 for individual cases
<b>Data numbers</b>	Any unit size

- (2) If a unit size has not been mentioned in subsection (1) for the allocation of a type of number, the ACA may determine, in writing:
- (a) a unit size for the number; or
  - (b) a unit size that is appropriate for the number in circumstances mentioned in the determination.
- (3) A unit size determined under subsection (2) for a number must be consistent with the number analysis capabilities of telecommunications networks operated in Australia.

**6.24 Units for allocation**

- (1) The ACA must allocate the numbers in the appropriate unit mentioned in, or determined under, section 6.23.
- (2) However, the ACA is not required to allocate the numbers in the appropriate unit if it approves an application made under subsection (3) for the allocation of fewer numbers.
- (3) A carriage service provider may apply to the ACA, in writing, for allocation of fewer numbers than the unit size.
- (4) The application must include reasons.
- (5) The ACA:
  - (a) must decide the application not later than 21 days after receiving it; and
  - (b) may approve the application only if:
    - (i) it is satisfied that the allocation of fewer numbers will not hinder a later allocation of the numbers; and
    - (ii) it is satisfied that it is likely the carriage service provider would be disadvantaged or significantly inconvenienced by an allocation in the appropriate unit; and
    - (iii) the allocation of fewer numbers is consistent with the number analysis capabilities of telecommunications networks operated in Australia.

**6.25 Allocation arrangements**

- (1) The ACA may decide to allocate a number with effect from, or until, a date mentioned in the decision.
- (2) Before allocating a number to a carriage service provider until a date mentioned in the decision, the ACA must tell the provider, in writing:
  - (a) that the ACA intends to allocate the number until that date; and
  - (b) that the number will be withdrawn on that date unless the allocation is extended.

**6.26 Extending, or making permanent, an allocation**

- (1) This section applies to the allocation of a number with effect until a particular date (the *expiry date*).
- (2) Not later than 28 days before the expiry date, the carriage service provider holding the number may apply to the ACA:
  - (a) to extend the allocation of the number to another date; or
  - (b) to extend the allocation of the number indefinitely.
- (3) The ACA must decide the application before the expiry date.

*Subdivision 5—Conditional allocation***Information about Subdivision 5**

This Subdivision allows the ACA to make an allocation subject to certain conditions.

**6.27 Conditions—general**

- (1) The ACA may allocate a number subject to conditions about:
  - (a) issuing, transferring, surrendering or using the number; or
  - (b) the number's portability.
- (2) Before imposing a condition, the ACA may consult with either or both of:
  - (a) an advisory committee; or
  - (b) the ACCC.
- (3) Before imposing a condition relating to the portability of a number, the ACA must consult with the ACCC.
- (4) Before allocating a number to a carriage service provider, subject to conditions, the ACA must tell the provider, in writing:
  - (a) that the ACA intends to allocate the number subject to conditions;  
and
  - (b) the general content of the conditions.

- (5) The ACA:
  - (a) must give a copy of the conditions, to the carriage service provider that is subject to the conditions, within 7 days after imposing the condition; and
  - (b) may give a copy of the conditions to a person who asks for it.

## **6.28 Conditions—information program**

- (1) This section applies to:
  - (a) a geographic number if no other geographic number, with the same component in column 1 of Schedule 2 as the number to be allocated, has previously been used in accordance with the Schedule; and
  - (b) a special services number if no other special services number, with the same component in column 1 of Schedule 4 as the number to be allocated, has previously been used in accordance with the Schedule.
- (2) The ACA may allocate the number to a carriage service provider subject to a condition about the provider developing and implementing an information program for end-users that are likely to use the number.
- (3) The condition must provide for the program to tell end-users about:
  - (a) the potential limitations on access of customer equipment to the number, and how these limitations can be addressed; and
  - (b) for a geographic number—the general location where calls to the number will terminate; and
  - (c) for a special services number:
    - (i) the structure of call charging; and
    - (ii) the services that are to be supplied using the number.
- (4) Before allocating a number subject to the condition to a carriage service provider, the ACA must tell the provider, in writing:
  - (a) that the ACA intends to allocate the number subject to the condition; and
  - (b) the general content of the condition.
- (5) The condition ceases to apply for a carriage service provider when the ACA registers an industry code, in the Register of Industry Codes kept under section 136 of the Act, that:
  - (a) sets out information to be included in the program; and
  - (b) applies to the provider.

*Subdivision 6—Making the decision***6.29 Approval or refusal of routine application**

- (1) The ACA must decide whether to approve or refuse a routine application within 14 days after receiving it.
- (2) The 14 days do not include a 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.

**6.30 Approval or refusal of complex application**

- (1) The ACA must decide whether to approve or refuse a complex application within 60 days after receiving it.
- (2) The 60 days do not include a 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.

*Division 2—Pooled numbers***Information about Division 2**

This Division sets out the procedures that a carriage service provider must follow to apply for allocation of a pooled number, including the payment of application charges.

The allocation of pooled numbers, and other matters dealing with the management of pooled numbers, is expected to be administered, using automated procedures, by a body corporate to which the ACA has delegated powers under section 467 of the Act.

*Subdivision 1—Application of Division***6.31 Application of Division**

- (1) This Division applies to pooled numbers.
- (2) Section 6.33 ceases to apply to a carriage service provider when the ACA registers an industry code, in the Register of Industry Codes kept under section 136 of the Act, that:
  - (a) in the ACA's opinion, has substantially the same effect as section 6.36; and
  - (b) applies to the carriage service provider.

*Subdivision 2—Application for numbers***6.32 Application for allocation**

A carriage service provider that wishes to have a number allocated to it may apply to the ACA for an allocation.

**6.33 Preliminaries to applying for an allocation in the first day of a pool**

A carriage service provider must not apply for an allocation of a number, in the 24 hours starting when a declaration that the number is in a number pool takes effect, unless:

- (a) the provider has complied with the procedures mentioned in section 6.36; and
- (b) the ACA has approved the procedure for resolving competing claims mentioned in paragraph 6.36 (2) (a).

**6.34 Application charges**

- (1) The application must be accompanied by the charge (if any) for the application fixed by a determination under section 53 of the *Australian Communications Authority Act 1997*.
- (2) The applicant must tender the amount of charge (if any) imposed on the allocation of the numbers by Part 2 of the *Telecommunications (Numbering Charges) Act 1997*.

*Subdivision 3—Assessment of application***6.35 Assessment criteria**

The allocation must give effect to:

- (a) the objects of this plan mentioned in sections 1.4 to 1.15; and
- (b) the provisions of this plan for the use of numbers in connection with the supply of carriage services.

*Subdivision 4—Prerequisites for allocation on first day of number pool***Information about Subdivision 4**

This subdivision sets out administrative procedures for carriage service providers to follow when dealing with applications from prospective customers, including the development of a procedure, to be approved by the ACA, to resolve competing claims.

**6.36 Procedures for carriage service provider**

- (1) The carriage service provider must set up procedures for dealing with applications from prospective customers for the issue of the number.
- (2) As soon as possible, but not later than 14 business days before the declaration takes effect, the provider must:
  - (a) give the ACA a description of the procedure it will use to resolve competing claims where more than 1 application for the same number is received; and
  - (b) ask the ACA to approve the procedure.
- (3) The ACA must decide whether or not to approve the procedure for resolving competing claims within 14 business days after the provider asked the ACA to approve it.
- (4) At least 30 days before the declaration takes effect, the provider must publish a notice in a newspaper circulating in each State, including the Northern Territory and the Australian Capital Territory:
  - (a) inviting potential customers to apply for issue of the number; and
  - (b) giving details of the procedures customers should follow in applying for issue of the number; and
  - (c) giving details of the application period; and



- (d) giving details of the period in which multiple requests for the number will be resolved.
- (5) The provider must:
  - (a) receive and verify all applications from potential customers; and
  - (b) treat all valid requests received in the application period as having been received at the same time, to ensure that all applicants are treated equitably; and
  - (c) use the procedure for resolving competing claims to decide which applicant would be issued the number if the number were allocated to the provider.

### *Subdivision 5—Allocation procedures*

#### **Information about Subdivision 5**

This Subdivision includes provisions about allocation procedures, including how the ACA will deal with a situation where there is more than 1 request for the allocation of a particular number and the unit size for allocation of pooled numbers.

#### **6.37 Allocation on request (more than 1 request)**

- (1) This section applies if:
  - (a) more than 1 carriage service provider applies for the allocation of a particular number; and
  - (b) the ACA decides to approve 1 of the requests.
- (2) The ACA must allocate the number to the provider that made the first request.
- (3) However, the ACA may allocate, to more than 1 carriage service provider, a special service number beginning with any of the prefixes '12 61', '12 62', '12 63', '12 64', '12 65', '12 66', '12 67' or '12 68'.
- (4) If it is not apparent to the ACA which request was made first, the ACA must decide which request is taken to be made first in accordance with procedures determined by the ACA under subsection (5).

- (5) The ACA must determine, in writing, procedures for deciding which request is taken to be made first when it is not apparent to the ACA which request was made first.
- (6) If subsection (4) applies, the ACA must tell the other carriage service providers how it determined which request was taken to be made first.

#### **6.38 Unit size**

Pooled numbers will be allocated individually to carriage service providers.

#### **6.39 Allocation arrangements**

- (1) The ACA may decide to allocate a number with effect from, or until, a date mentioned in the decision.
- (2) Before allocating a number to a carriage service provider until a date mentioned in the decision, the ACA must tell the provider, in writing:
  - (a) that the ACA intends to allocate the number until that date; and
  - (b) that the number will be withdrawn on that date unless the allocation is extended.

#### **6.40 Extending, or making permanent, an allocation**

- (1) This section applies to the allocation of a number with effect until a particular date (*expiry date*).
- (2) No later than 28 days before the expiry date, a carriage service provider holding the number may ask the ACA:
  - (a) to extend the allocation of the number to another date; or
  - (b) to extend the allocation of the number for an indefinite period.
- (3) The ACA must decide the request before the expiry date.

*Subdivision 6—Conditional allocation***Information about Subdivision 6**

This Subdivision allows the ACA to make an allocation subject to certain conditions. It includes provisions about when the ACA may allocate a reserved number to a carriage service provider.

**6.41 Conditions—general**

- (1) The ACA may allocate a number subject to conditions about:
  - (a) issuing, transferring, surrendering or using the number; or
  - (b) the number's portability.
- (2) Before deciding a condition, the ACA may consult with either or both of:
  - (a) an advisory committee; or
  - (b) the ACCC.
- (3) Before deciding a condition relating to the portability of a number, the ACA must consult with the ACCC.
- (4) Before allocating a number subject to conditions to a carriage service provider, the ACA must tell the provider, in writing:
  - (a) that the ACA intends to allocate numbers subject to conditions; and
  - (b) the general content of the conditions.
- (5) The ACA:
  - (a) must supply a copy of the condition, to a carriage service provider that is subject to the condition, within 7 days after imposing the condition; and
  - (b) may supply a copy of the condition to any person who asks for it.

**6.42 Conditions—information program**

- (1) This section applies to:
  - (a) the allocation of a geographic number if no other geographic number, with the same component in column 1 of Schedule 2 as the number to be allocated, has previously been used in accordance with the Schedule; and

- (b) the allocation of a special services number if no other special services number, with the same component in column 1 of Schedule 4 as the number to be allocated, has previously been used in accordance with the Schedule.
- (2) The ACA may allocate the number to a carriage service provider subject to a condition about the provider developing and implementing an information program for end-users that are likely to use the number.
- (3) The condition must provide for the program to tell end-users about:
  - (a) the potential limitations on access of customer equipment to the numbers, and how these limitations can be addressed; and
  - (b) for geographic numbers—the general location where calls to the numbers will terminate; and
  - (c) for special services numbers:
    - (i) the structure of call charging; and
    - (ii) the services that are to be supplied using the numbers.
- (4) Subsection (3) ceases to apply for a carriage service provider when the ACA registers an industry code, in the Register of Industry Codes kept under section 136 of the Act, that:
  - (a) sets out information to be included in the program; and
  - (b) applies to the provider.
- (5) Before allocating a number subject to the condition to a carriage service provider, the ACA must tell the provider, in writing:
  - (a) that the ACA intends to allocate the number subject to the condition; and
  - (b) the general content of the condition.

#### **6.43 Conditions—reservation**

- (1) A carriage service provider that wishes to reserve a pooled number may request the allocation of the number, subject to a condition that the number will be withdrawn after a specified time unless the provider confirms the allocation.
- (2) The ACA may allocate the number subject to a condition providing for the reservation.
- (3) A number allocated subject to the condition is a *reserved number*.
- (4) For a decision about the condition, the ACA is not required to comply with section 6.41.

**6.44 Maximum allowable proportion**

- (1) However, the ACA must not allocate a pooled number to a carriage service provider as a reserved number if the proportion of pooled numbers allocated to the provider as reserved numbers would be greater than the maximum allowable proportion.
- (2) The *maximum allowable proportion* is a proportion determined, in writing, by the ACA for subsection (1).
- (3) Before the ACA makes its first declaration of a pooled number, it must determine the maximum allowable proportion.

**Regulation of pooled numbers subject to a condition about reservation**

The allocation of a pooled number subject to a condition relating to reservation of the number is expected to be administered by a body corporate to which the ACA delegates powers under section 467 of the Act, possibly under automated arrangements.

A code of practice dealing with the use of pooled numbers subject to a condition relating to reservation of the number may be developed by a body representing a particular section of the telecommunications industry.

*Subdivision 7—Deciding applications***6.45 Approval or refusal**

The ACA must approve or refuse an application by a carriage service provider for allocation of a number within 1 hour after receiving the application.

*Note:* The designated authority is required to maintain a Register in which the designated authority includes particulars of numbers that have been allocated, see section 465 of the Act.

## **Chapter 7—Transfer, surrender or withdrawal of numbers**

### **Part 1—Purpose**

#### **7.1 Purpose of Chapter 7**

- (1) Under paragraph 455 (5) (b) of the Act, this plan may set out rules about the transfer of allocated numbers between carriage service providers.
- (2) Under paragraph 455 (5) (c) of the Act, this plan may set out rules about the surrender or withdrawal of allocated numbers.
- (3) This Chapter sets out rules for transferring, surrendering or withdrawing numbers.

*Note:* This Chapter does not apply to shared numbers because they are not allocated by the ACA: see section 6.15.

## Part 2—Rules for transfer of numbers

### 7.2 Purpose of Part 2

This Part sets out rules about the way in which an allocated number may be transferred between carriage service providers.

*Note:* Under section 87 of the Act, a **carriage service intermediary** described in the section is a form of carriage service provider. Therefore, an allocated number can be transferred:

- from a carriage service provider to another carriage service provider; or
- from a carriage service provider to a carriage service intermediary; or
- from a carriage service intermediary to another carriage service intermediary.

#### Information about transferring numbers

The rules in this Part are intended to ensure that:

- the transfer of numbers is effected in a timely manner
- a customer's right to use a number is not infringed by a transfer
- carriage service providers make and keep records about the allocated numbers they transfer or receive
- information on transfers is given to the ACA to allow it to support the administration of annual numbering charge under the *Telecommunications (Numbering Charges) Act 1997*
- the ACA makes and keeps a register of carriage service providers who hold allocated numbers.

### 7.3 Numbers eligible to be transferred

A number allocated to a carriage service provider may only be transferred from that carriage service provider, or another carriage service provider holding the number, in accordance with this Part.

**7.4 Numbers to be transferred to carriage service providers**

- (1) A carriage service provider that holds a number must transfer it only to another carriage service provider.
- (2) The carriage service provider must only transfer the number with the agreement of the receiving carriage service provider.

**7.5 Advising ACA of carriage service providers transferring numbers**

- (1) This section applies if:
  - (a) a carriage service provider (**provider 1**) transfers a number to another carriage service provider (**provider 2**); and
  - (b) provider 2 is not included in the ACA's transfer register kept under section 7.7.

*Note:* Under section 87 of the Act, a **carriage service intermediary** described in the section is a form of carriage service provider.

- (2) Provider 1 must tell the ACA, in writing, that a number has been transferred.
- (3) Provider 1 must also tell the ACA, in writing:
  - (a) provider 2's ACN or ARBN number (if any); and
  - (b) provider 2's postal address; and
  - (c) provider 2's facsimile number (if available).
- (4) Provider 1 must tell the ACA by the earlier of:
  - (a) 30 days after the transfer; or
  - (b) the first 22 May occurring after the transfer.

*Note:* 22 May in each year is the anniversary of the commencement of the *Telecommunications (Numbering Fees) Amendment Act 1997*. The commencement date is used as the **relevant anniversary** on which numbering charge is imposed on allocated numbers under section 18 of the *Telecommunications (Numbering Charges) Act 1997*.



## 7.6 Records of transferred numbers

- (1) This section applies if:
- (a) a carriage service provider (***provider 1***) transfers a number to another carriage service provider (***provider 2***); and
  - (b) the number is not a number (an ***exempt number***) that is exempt from numbering charge in accordance with a determination under section 22 of the *Telecommunications (Numbering Charge) Act 1997*.

*Note:* Under section 87 of the Act, a ***carriage service intermediary*** described in the section is a form of carriage service provider.

- (2) Provider 1 must make and keep records of the quantity of allocated numbers it still holds.
- (3) However:
- (a) provider 1 is not required to keep the records if all of the numbers it has transferred have been transferred back to it; and
  - (b) provider 1 is not required to include exempt numbers in the records.
- (4) Provider 2 must make and keep records of the quantity of transferred numbers it holds.
- (5) However:
- (a) provider 2 is not required to include exempt numbers in the records; and
  - (b) provider 2 is not required to make or keep the records if the only transferred numbers it holds are exempt numbers.

*Note:* The ACA may have access to a carriage service provider's records kept under section 7.6 in accordance with sections 521 and 522 of the Act. The information is used to administer the collection of numbering charge under section 468 of the Act.

## 7.7 Register of transferred numbers

- (1) The ACA must make and keep a register (the ***transfer register***) of carriage service providers who are allocated numbers, which it will use to record carriage service provider holding allocated numbers.

*Note:* Under section 87 of the Act, a ***carriage service intermediary*** described in the section is a form of carriage service provider.

- (2) The ACA must also include in the transfer register a carriage service provider if:
- (a) the ACA is told under section 7.5 that a number has been transferred to the carriage service provider; and

- (b) the carriage service provider is not already in the transfer register.
- (3) The ACA may remove a carriage service provider from the transfer register if the ACA believes that the carriage service provider does not hold any allocated numbers.
- (4) The ACA may also remove a carriage service provider from the transfer register if the carriage service provider tells the ACA, in writing, that it does not hold any allocated numbers.

*Note:* A carriage service provider that makes an untrue representation to the ACA may contravene section 578 of the Act or section 29B of the *Crimes Act 1914*.

- (5) The ACA must make the transfer register available for inspection by the public at reasonable times.

## **7.8 Notification of changes in name etc**

- (1) This section applies to a carriage service provider to which a number is transferred.
- (2) While the carriage service provider holds the number, it must notify the ACA as soon as practicable of changes to its name, ACN or ARBN number (if any), postal address and facsimile number.

## **7.9 Transfer not to affect customer's right of use of number**

If an allocated number is transferred from a carriage service provider to another carriage service provider, the providers must ensure that the transfer does not affect a customer's right to use the number.

*Note:* Under section 87 of the Act, a *carriage service intermediary* described in the section is a form of carriage service provider.

## **7.10 Inconsistency with Chapter 10**

If the transfer of a number would be inconsistent with a carriage service provider's obligations to customers about use of numbers:

- (a) the number must not be transferred; and
- (b) any attempt to transfer it has no effect for this plan.

*Note:* Chapter 10 deals with the carriage service provider's obligations.

**7.11 Transfer of numbers allocated conditionally**

- (1) If a carriage service provider is allocated a number subject to a condition that the number will be withdrawn after a specified time unless the provider confirms the allocation, the provider must not transfer the number unless it has confirmed the allocation.
- (2) If a carriage service provider is allocated a number subject to any other condition, the provider must not transfer the number unless the ACA has approved the transfer.
- (3) A carriage service provider may request the ACA to approve the transfer of a number.
- (4) The ACA may decide to approve the transfer only if it is satisfied that the transfer will not prevent compliance with the condition.
- (5) To provide for compliance with the condition, the ACA may approve the transfer subject to further conditions that give effect to the condition.
- (6) The ACA must decide the request within 21 days after receiving it.

## Part 3—Rules for surrender of numbers

### 7.12 Purpose of Part 3

This Part sets out rules about the way in which an allocated number may be surrendered by a carriage service provider.

#### Information about surrender

The rules in this Part are intended to ensure that:

- carriage service providers can surrender numbers they do not require
- carriage service providers do not surrender numbers as a way of avoiding annual numbering charges
- numbers surrendered to the ACA may be re-allocated to other carriage service providers
- the designated authority updates the register, maintained under section 465 of the *Telecommunications Act 1997*, to reflect the surrender of numbers.

The rules in this Part explain:

- when numbers may be surrendered
- the unit size in which numbers may be surrendered
- procedures for surrendering fewer numbers than the unit size.

### 7.13 Surrender of numbers

- (1) A carriage service provider may surrender numbers received by allocation, or taken to have been allocated by declaration in this plan.
- (2) The carriage service provider must tell the ACA, in writing, about the surrender.
- (3) The ACA must acknowledge, in writing, that the number has been surrendered, within 7 days after being told about the surrender.

**7.14 Time for surrendering numbers**

- (1) The carriage service provider must not surrender a number within 1 year after its allocation, or within 1 year after it is taken to be allocated under Chapter 13, unless the ACA approves, in writing, an application to surrender the number within the period.
- (2) Subsection (1) does not apply to the surrender of portable numbers that are also pooled numbers.
- (3) The application must include reasons for surrendering the numbers.
- (4) The ACA:
  - (a) must decide the application not later than 21 days after receiving it; and
  - (b) may approve the application only if it is satisfied that the main reason for the surrender is not to avoid paying a charge under Part 3 of the *Telecommunications (Numbering Charges) Act 1997*.

*Note:* The effect of this section on holding numbers is described in section 17 of the *Telecommunications (Numbering Charges) Act 1997*.

**7.15 Unit size**

- (1) The units in which numbers, other than pooled numbers, will be surrendered by carriage service providers are:

<b>Geographic numbers</b>	For numbers listed in Schedule 3—a block of 10,000 numbers  Otherwise—a block of 1,000 numbers
<b>Access codes</b>	Individually
<b>Special services numbers</b>	For numbers not mentioned in Schedule 8—a block of 10,000 numbers  Otherwise—see Schedule 8
<b>Data numbers</b>	Same block size as the numbers were allocated

- (2) Pooled numbers will be surrendered individually by carriage service providers.
- (3) If a unit size has not been mentioned in subsections (1) and (2) for the surrender of a type of number, the ACA may determine, in writing:
  - (a) a unit size for the number; or
  - (b) a unit size that is appropriate for the number in circumstances mentioned in the determination.
- (4) A unit size determined under subsection (3) for a number must be consistent with the number analysis capabilities of telecommunications networks operated in Australia.

#### **7.16 Units for surrender of numbers**

- (1) The carriage service provider must surrender the numbers in the appropriate unit mentioned in, or determined under, section 7.15.
- (2) However, the provider may surrender fewer numbers if the ACA approves, in writing, an application for surrender of fewer numbers.
- (3) The carriage service provider may apply to the ACA, in writing, for approval to surrender fewer numbers than the unit size.
- (4) The application must include reasons.
- (5) The ACA:
  - (a) must decide the application not later than 21 days after receiving it; and
  - (b) may approve the application only if:
    - (i) it is satisfied that the surrender of fewer numbers will not hinder the later allocation of the numbers; and
    - (ii) it is satisfied that it is likely the carriage service provider would be disadvantaged or significantly inconvenienced by surrendering numbers in the appropriate unit; and
    - (iii) the surrender of fewer numbers is consistent with the number analysis capabilities of telecommunications networks operated in Australia.

#### **7.17 Register**

The designated authority must update the Register, maintained under section 465 of the Act, to reflect the surrender of numbers.

## **Part 4—Rules for withdrawal of numbers**

### **7.18 Purpose of Part 4**

This Part sets out the way in which an allocated number may be withdrawn from a carriage service provider.

#### **Information about withdrawal**

The rules in this Division are intended to ensure that the ACA will withdraw numbers allocated to carriage service providers in accordance with clear procedures.

### **7.19 Withdrawal of numbers allocated in accordance with allocation system**

The ACA may withdraw from a carriage service provider numbers allocated in accordance with an allocation system only in accordance with section 7.20 or 7.21.

### **7.20 Inconsistency with this plan**

- (1) The ACA may withdraw the numbers if they were allocated, issued, transferred or used in a way inconsistent with this plan.
- (2) In deciding to withdraw the numbers, the ACA must be 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.
- (3) A decision to withdraw the numbers must be in writing.
- (4) The ACA must give a written notice to the carriage service provider, specifying:
  - (a) the decision and reasons; and
  - (b) the date of withdrawal.

- (5) The minimum time between giving the notice and the date of withdrawal must be the shorter of:
  - (a) the total period of 60 days and the period for which the carriage service provider has had the numbers; and
  - (b) 14 months.

#### **7.21 Non-payment of numbering charge**

- (1) The ACA may withdraw the numbers if:
  - (a) charge is due in respect of the numbers 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.
- (2) In deciding to withdraw the numbers, the ACA must be satisfied that:
  - (a) the carriage service provider is aware of the liability; and
  - (b) the withdrawal of numbers will produce no significant adverse consequences for end-users.
- (3) A decision to withdraw the numbers must be in writing.
- (4) If the ACA decides to withdraw the numbers, it must give a written notice to the carriage service provider, specifying:
  - (a) the decision and reasons; and
  - (b) the date of withdrawal.
- (5) The minimum time between giving the notice and the date of withdrawal must be 28 days.

#### **7.22 Withdrawal of numbers allocated otherwise than in accordance with allocation system**

The ACA may withdraw from a carriage service provider numbers allocated otherwise than in accordance with an allocation system only in accordance with section 7.20, 7.21, 7.23 or 7.24.



**7.23 Numbers not in use**

- (1) The ACA may withdraw the numbers if it is satisfied that they will not be used for at least 1 year.
- (2) A decision to withdraw the numbers must be in writing.
- (3) If the ACA decides to withdraw the numbers, it must give a written notice to the carriage service provider, specifying:
  - (a) the decision and reasons; and
  - (b) the date of withdrawal.
- (4) The minimum time between giving the notice and the date of withdrawal must be:
  - (a) for portable numbers that are also pooled numbers—7 days; and
  - (b) in any other case—90 days.
- (5) For numbers other than portable numbers that are also pooled numbers, the carriage service provider may, not later than 28 days before the date of withdrawal, apply in writing, to the ACA for a revocation of its decision to withdraw the number.
- (6) The application must set out:
  - (a) plans for use of the numbers; or
  - (b) the technical and financial consequences of withdrawal for end-users.
- (7) The ACA may decide to revoke its decision to withdraw the numbers only if it is satisfied that:
  - (a) the information in the statement is genuine; and
  - (b) the decision not to withdraw would have greater benefit than withdrawal.
- (8) The ACA must decide the application within 90 days of receiving it.

**7.24 Inconsistency with conditions on issue, transfer or use**

- (1) The ACA may withdraw the numbers if they have been issued, transferred or used in a way inconsistent with conditions placed by the ACA on the allocation of the numbers.
- (2) In deciding to withdraw the numbers, the ACA must be satisfied that the benefits or problems to be avoided by withdrawal are more significant than the technical and financial consequences of withdrawal for end-users and carriage service providers.
- (3) A decision to withdraw the numbers must be in writing.

- (4) If the ACA decides to withdraw the numbers, it must give a written notice to the carriage service provider, specifying:
  - (a) the decision and reasons; and
  - (b) the date of withdrawal.
- (5) The minimum time between giving the notice and the date of withdrawal must be the shorter of:
  - (a) the period for which the carriage service provider has had the numbers; and
  - (b) 1 year.

#### **7.25 Expiry of allocation period**

- (1) If the ACA allocates a number until a specified day and does not extend the allocation, the number is withdrawn at the end of that day.
- (2) If the ACA allocates a number until a specified day and extends the allocation to a later day, the number is withdrawn at the end of the later day.

#### **7.26 Reservation—allocation not confirmed**

- (1) This section applies to a number that is allocated to a carriage service provider subject to a condition the number will be withdrawn after a specified time unless the provider confirms the allocation.
- (2) The number is withdrawn at the end of the time if the provider has not confirmed the allocation.

#### **7.27 Pooled numbers that are not issued**

- (1) This section applies to a pooled number that, immediately before the declaration that the number is in a number pool takes effect:
  - (a) was held by a carriage service provider; and
  - (b) was not issued to a customer of the provider.

*Note:* Declaration of a number as a pooled number may be made under section 11.10.

- (2) The number is withdrawn when the declaration takes effect.

**7.28 Telling the ACA whether pooled numbers are issued**

- (1) Not later than 5 days before a declaration takes effect, declaring that a number is in a number pool, the carriage service provider holding the number must tell the ACA whether the number has been issued at that time.
- (2) If the number has been issued, the carriage service provider must tell the ACA, on the day the declaration takes effect, whether the customer issued with the number has terminated the service for the number after that time.
- (3) If the number has not been issued, the carriage service provider must tell the ACA, on the day the declaration takes effect, whether the number has been issued after that time.

**7.29 Decisions on withdrawal**

Before making a decision under this Part, the ACA may consult with either or both of:

- (a) an advisory committee; or
- (b) the ACCC.

**7.30 Register**

The designated authority must update the Register, maintained under section 465 of the Act, to reflect the withdrawal of numbers.

## **Chapter 8—Use of numbers and network activation**

### **Part 1—Purpose**

#### **8.1 Purpose of Chapter 8**

- (1) Under paragraph 455 (1) (b) of the Act, the ACA must make a plan for the use of numbers in connection with supply of carriage services in Australia.
- (2) Under paragraph 455 (5) (e) of the Act, this plan may set out rules about the use of allocated numbers in connection with the supply of carriage services to the public in Australia (including rules about the issue of allocated numbers by carriage service providers to customers for use in connection with the supply of carriage services).
- (3) This Chapter sets out rules for:
  - (a) issuing and using shared numbers, emergency service numbers, local numbers and numbers in a number pool; and
  - (b) network activation of numbers.

## **Part 2—Rules for issuing and using shared numbers, emergency service numbers, local numbers, and numbers in a number pool**

### **8.2 Purpose of Part 2**

This Part sets out rules for issuing and using shared numbers, emergency service numbers, local numbers and numbers in a number pool.

### **8.3 Who may use shared number on non-selectable basis**

The only carriage service providers that may use a shared number in connection with the supply of a non-selectable carriage service are:

- (a) originating access carriage service providers; and
- (b) carriage service intermediaries that have arranged for the supply of the non-selectable carriage service by originating access carriage service providers.

*Notes:*

- 1. *Carriage service intermediary* see section 87 (5) of the Act.
- 2. A shared number that is also a special services number in an item in Schedule 4 may only be used to supply the type of carriage service mentioned in column 2 of the item, see section 3.12.

### **8.4 Emergency service numbers not to be issued**

A carriage service provider must not issue an emergency service number.

### **8.5 Local numbers**

A carriage service provider must not issue a local number otherwise than as part of issuing a geographic number.

### **8.6 Issue of a number in a pool**

- (1) This section applies if:
  - (a) section 6.33 and Subdivision 4 of Division 2 of Part 2 of Chapter 6 apply for a carriage service provider; and
  - (b) the provider makes a valid application for allocation of a number within 24 hours after a declaration that the number is in a number pool takes effect; and

- (c) the number is allocated to the provider; and
  - (d) there is more than 1 request for issue of the number.
- (2) The provider must issue the number to the prospective customer identified in accordance with the procedure for resolving competing claims that was approved by the ACA for the provider under the Division.

## Part 3—Rules for network activation of numbers

### Information about Part 3

This Part sets out rules to be followed by carriage service providers when carrying out network activation on behalf of another carriage service provider.

The network activation rule set out in this Part will cease to apply when an industry code is registered, or 12 months after the commencement of the plan, whichever is the earlier.

This Part applies only to numbers used in connection with the supply of services other than declared services, which are dealt with by Part XIC of the *Trade Practices Act 1974*.

This Part imposes several obligations on carriage service providers that arrange network activation of numbers for another carriage service provider, for example obligations to:

- document procedures used when carrying out the activation
- observe quality assurance practices
- provide progress reports
- keep confidential information about a network activation request.

This Part allows the ACA, in certain circumstances, to issue a notice to a carriage service provider carrying out a network activation.

## 8.7 Application of Part 3

- (1) This Part sets out rules for the network activation of numbers.

*Note:* Network activation of numbers is normally arranged between carriage service providers on a commercial basis.

- (2) This Part applies only to numbers used in connection with the supply of carriage services that are not declared services for section 152AL of the *Trade Practices Act 1974*.
- (3) This Part ceases to apply for a carriage service provider when the ACA registers an industry code, in the Register of Industry Codes kept under section 136 of the Act, that:
  - (a) in the ACA's opinion, has substantially the same effect as the procedures mentioned in this Part dealing with network activation; and
  - (b) applies to the carriage service provider.
- (4) However, this Part ceases to apply for all carriage service providers 12 months after the commencing day.

## 8.8 Interpretation

- (1) An ***originator*** is a carriage service provider who gives a network activation request to another carriage service provider.
- (2) A ***receiving carriage service provider*** is a carriage service provider who receives a network activation request from another carriage service provider.

## 8.9 Purpose of Part 3

- (1) This Part is intended to prevent a receiving carriage service provider from gaining a competitive advantage solely because:
  - (a) an originator must give it information about the originator's new service to allow network activation work to start; and
  - (b) a network activation request may show a competing carriage service provider's plans.
- (2) This Part is also intended to reduce uncertainty about the date of completion of network activation work, and to ensure that network activation of numbers does not take an excessive amount of time, because uncertainty and delay in fulfilling network activation requests may:
  - (a) detract from the market strategies of an originator; and
  - (b) expose an originator to unforeseen costs.



- (3) This Part is also intended to ensure that a carriage service provider's arrangements for network activation of numbers are adequately understood by other carriage service providers, to enable them to use the arrangements effectively.
- (4) This Part is also intended to ensure that a receiving carriage service provider deals consistently with network activation requests from all sources.
- (5) This Part is also intended to ensure that:
  - (a) the scheduling of tasks associated with network activation of numbers is fair and equitable; and
  - (b) changes to schedules are avoided, except in unforeseen circumstances or with the agreement of the originator.
- (6) This Part is also intended to ensure that information about a network activation request made by a receiving carriage service provider's competitor is not accessible outside the parts of the provider's organisation responsible for network activation.
- (7) This Part is also intended to ensure that:
  - (a) if an originator asks for an assessment of the costs of complying with the request—the originator is given the information within an agreed time; and
  - (b) if an originator asks for an assessment of costs and committed delivery dates—the originator is given the information within an agreed time; and
  - (c) the costs and dates are agreed between an originator and a receiving carriage service provider.
- (8) This Part is also intended to ensure that an originator is informed of the progress of work on the request.
- (9) This Part is also intended to ensure that adequate resources are assigned to allow a receiving carriage service provider to finish work on a competitor's network activation request by the agreed completion date or earlier.

### **8.10 Network activation procedures**

A receiving carriage service provider working on the network activation of numbers must:

- (a) document the procedures which it uses in the work; and
- (b) make the documentation available to the public, or to carriage service providers that request it; and
- (c) use appropriate quality assurance practices.

*Example of quality assurance practices*

Practices mentioned in the AS 9000 series of standards published by Standards Australia.

### **8.11 Committing resources**

A receiving carriage service provider must make resources available to comply with the request by the agreed completion date.

*Note:* Although the ACA recognises that there is a range of technical and other considerations affecting the completion of network activation requests, the ACA expects that 6 months will be the maximum period needed to complete a network activation.

### **8.12 Progress report to requesting carriage service provider**

- (1) A receiving carriage service provider must provide progress reports on the network activation if:
  - (a) asked to do so by the originator; or
  - (b) it is unlikely that the network activation will be completed within 28 days.
- (2) The progress reports must be given:
  - (a) at times agreed by the originator and the receiving carriage service provider; or
  - (b) if there is no agreement—at reasonable times.

### **8.13 ACA may give notice to receiving carriage service provider**

- (1) An originator may ask the ACA, in writing, to give the receiving carriage service provider a written notice, asking the receiving carriage service provider to give a report about its progress in completing the network activation.
- (2) The ACA must give the notice only if:
  - (a) it is satisfied that the receiving carriage service provider has not given the originator progress reports at the agreed times, or, if there is no agreement, at reasonable times; or

- (b) the progress reports are, in the ACA's opinion, substantially deficient.
- (3) The notice must state:
  - (a) the information to be provided by the receiving carriage service provider, consistent with this section; and
  - (b) the date by which the receiving carriage service provider must give the ACA the report.
- (4) The date for giving the report must be at least 28 days after the ACA gave the notice.
- (5) The receiving carriage service provider must comply with the notice.

#### **8.14 Progress report to ACA**

- (1) A progress report mentioned in subsection 8.13 (1) must contain a description of each task associated with the request.
- (2) The progress report must also show:
  - (a) if the originator and the receiving carriage service provider agreed on the cost of complying with the request and a completion date—details of the cost and date; and
  - (b) the estimated completion date or, if the receiving carriage service provider has complied with it, the completion date.
- (3) The progress report must also give:
  - (a) information about progress in completing the request; and
  - (b) general information about the progress made on other network activation requests by the receiving carriage service provider (including requests that it has initiated).

#### **8.15 Protection of information**

- (1) A receiving carriage service provider must treat information received from the originator as commercial in confidence.
- (2) The receiving carriage service provider must also ensure that the information is only given to, and used by, people working in those parts of the provider's organisation that are responsible for completing the network activation.

*Example of protection of information*

Information received from an originator should not be given to, or used by, sales and marketing staff employed or contracted by the receiving carriage service provider.

*Note:* The ACA expects that arrangements for protection of information will be reflected in the quality assurance practices used by carriage service providers working on network activation requests.

## Chapter 9—Renumbering and notice of new numbers

### Part 1—Purpose

#### 9.1 Purpose of Chapter 9

- (1) Under paragraph 455 (5) (e) of the Act, this plan may set out rules about the use of allocated numbers in connection with the supply of carriage services to the public in Australia (including rules about the issue of allocated numbers by carriage service providers to customers for use in connection with the supply of carriage services).
- (2) This Chapter sets out rules about a carriage service provider's responsibilities when changing a number or issuing a new number.

*Note:* Under section 87 of the Act, a *carriage service intermediary* described in the section is a kind of carriage service provider.

#### Information about renumbering

Numbering policy requires changes to geographic numbers and some special services numbers. The Schedules to this plan include details of the changes, with dates for implementation.

The rules in Chapter 9 are intended to ensure that customers experience minimum disruption while a number is being changed, or a new number is being issued, under these arrangements.

The rules include:

- an obligation on carriage service providers to give reasonable notice to customers in advance of changing numbers
- an obligation on carriage service providers to ensure that calls can be made to “old” and “new” numbers for a reasonable period before the old numbers can no longer be used
- arrangements for customers to receive an explanatory message if they dial an old number after it has been changed.

## Part 2—Rules for renumbering of telephone numbers

### *Division 1—Purpose*

#### **9.2 Purpose of Part 2**

This Part sets out rules about the renumbering of geographic and certain special services numbers, and changes to the form of numbers.

### *Division 2—Renumbering of geographic numbers*

#### **9.3 Purpose of Division 2**

This Division sets out rules for renumbering certain geographic numbers.

*Note:* After the completion of these changes, all geographic numbers will have a 2-digit area code and an 8-digit local number.

#### **9.4 Renumbering of geographic numbers**

Schedule 9 sets out the following arrangements about changing geographic numbers:

<b>Column 1</b>	Sets out a current prefix used for a geographic number (the <i>old prefix</i> )
<b>Column 2</b>	Sets out the prefix to which the old prefix is to be changed (the <i>new prefix</i> )
<b>Column 3</b>	Sets out information indicating the general area where the number can be used with the new prefix

**Column 4**

Sets out the following key dates:

- the latest date by which numbers with the new prefix must be available for use
- when a message is to start to advise callers that the old prefix is no longer available for use
- when the message is to stop
- the date by which local number dialling must be available using numbers with the new prefix.

**9.5 Routing to geographic numbers with new prefix**

A carriage service provider that routes calls to a geographic number with an old prefix must route calls to the number with its new prefix on and after the start date for the new prefix mentioned in column 4 of Schedule 9.

**9.6 Availability of changed number**

- (1) This section applies to a carriage service provider (other than a carriage service intermediary) that supplies a carriage service in connection with which a geographic number is used.
- (2) The carriage service provider must make the number, with its new prefix, available for use starting on the start date for the new prefix mentioned in column 4 of Schedule 9.
- (3) However, the carriage service provider may make the number, with its new prefix, available for use before the start date for the new prefix.
- (4) The carriage service provider must ensure that a geographic number can be dialled for the same purpose, using the old or new prefix, for at least 6 months after the start date for the new prefix.

**9.7 Advice about changed numbers**

- (1) Subsections (2) and (3) apply to:
  - (a) a carriage service provider that is a carriage service intermediary holding a geographic number; or
  - (b) if there is no carriage service intermediary—another carriage service provider that supplies a carriage service in connection with which the geographic number is used.
- (2) At least 1 year before the start date for the new prefix mentioned in column 4 of Schedule 9, the carriage service provider must take reasonable steps to tell a customer issued with a geographic number affected by the change that the change will happen.
- (3) However, the carriage service provider may tell the customer about the change less than 1 year before the start date for the new prefix if the customer is issued with the number less than 1 year before that date.
- (4) Subsection (5) applies to the carriage service provider that supplies the carriage service in connection with which the geographic number is used, whether or not a carriage service intermediary holds the geographic number.
- (5) Calls to a geographic number with the old prefix must be directed by the carriage service provider to an explanatory message, containing information that a change of number has happened, between:
  - (a) the day mentioned in column 4 of Schedule 9 for the start of the message; and
  - (b) the day mentioned in column 4 of Schedule 9 for the end of the message.

*Note:* The explanatory message could be a recorded message.

**9.8 Availability of local number dialling**

- (1) This section applies to a call between 2 locations that:
  - (a) have the same area code mentioned at the beginning of the new prefix; and
  - (b) had different area codes immediately before 1 July 1994.
- (2) The carriage service provider must ensure that the call can be made, without dialling the area code, by no later than the date for availability of local number dialling mentioned for the new prefix in column 4 of Schedule 9.



*Division 3—Renumbering of special services numbers***9.9 Purpose of Division 3**

This Division sets out rules for renumbering certain special services numbers.

**9.10 Renumbering of special services numbers**

Schedule 10 sets out the following arrangements about changing special services numbers:

<b>Column 1</b>	Sets out information indicating the type of service associated with special services numbers having the old or new prefix
<b>Column 2</b>	Sets out the current prefix used for a special services number (the <i>old prefix</i> )
<b>Column 3</b>	Sets out the prefix to which the old prefix is to be changed (the <i>new prefix</i> )
<b>Column 4</b>	<p>Sets out the following key dates:</p> <ul style="list-style-type: none"> <li>• the latest date by which numbers with the new prefix must be available for use</li> <li>• when a message is to start to advise callers that the old prefix is no longer available for use</li> <li>• when the message is to stop.</li> </ul>

**9.11 Routing to special services numbers with new prefix**

A carriage service provider that routes calls to a special services number with an old prefix must route calls to the number with its new prefix on and after the date for start of the new prefix mentioned in column 4 of Schedule 10.

**9.12 Availability of changed number**

- (1) This section applies to a carriage service provider (other than a carriage service intermediary) that supplies a carriage service in connection with which a special services number is used.
- (2) The carriage service provider must make the number, with its new prefix, available for use on and after the start date for the new prefix mentioned in column 4 of Schedule 10.
- (3) The carriage service provider must ensure that a number can be dialled for the same purpose, using the old or new prefix, for at least 1 year after the start date for the new prefix mentioned in column 4 of Schedule 10.
- (4) However, subsection (3) does not apply to a number, for a premium rate service, with an old prefix of '0051', '0055', '019725', '019726' or '019727'.

**9.13 Advice about changed numbers**

- (1) Subsection (2) applies to:
  - (a) a carriage service provider that is a carriage service intermediary holding a special services number; or
  - (b) if there is no carriage service intermediary—another carriage service provider that supplies a carriage service in connection with which the special services number is used.
- (2) At least 1 year before the start date for the new prefix mentioned in column 4 of Schedule 10, the carriage service provider must take reasonable steps to tell a customer issued with a special services number affected by the change in the prefix that the change will happen.
- (3) However, the carriage service provider may tell the customer about the change less than 1 year before the start date for the new prefix if the customer is issued with the number less than 1 year before that date.
- (4) Subsection (5) applies to the carriage service provider that supplies the carriage service in connection with which the special services number is used, whether or not a carriage service intermediary holds the special services number.

- (5) Calls to a special services number with the old prefix must be directed by the carriage service provider to an explanatory message, containing information that a change of number has happened or that a number is no longer available, between:
- (a) the day mentioned in column 4 of Schedule 10 for the start of the message; and
  - (b) the day mentioned in column 4 of Schedule 10 for the end of the message.

*Note:* The explanatory message could be a recorded message.

## **Chapter 10—Carriage service provider’s obligations to customers about use of numbers**

### **Part 1—Purpose**

#### **10.1 Purpose of Chapter 10**

- (1) Under paragraph 455 (5) (e) of the Act, this plan may set out rules about the use of allocated numbers in connection with the supply of carriage services to the public in Australia (including rules about the issue of allocated numbers by carriage service providers to customers for use in connection with the supply of carriage services).
- (2) This Chapter sets out rules for the terms and conditions on which customers and carriage service providers may use numbers.
- (3) The Chapter also sets out the obligations of a carriage service provider if a carriage service provider recovers a number issued to a customer.
- (4) The rules are based on the following principles:
  - (a) telephone numbers are a national resource, and not owned by a person to whom they are allocated or issued;
  - (b) a customer to whom a telephone number has been legitimately issued may enjoy the beneficial use of the number, freely and without hindrance;
  - (c) a customer to whom a telephone number has been legitimately issued is entitled to continued use of the number while an appropriate service is provided using the number.

## **Part 2—Who is a customer**

### **10.2 Who is a customer**

For this Chapter, a *customer* is a person (other than a carriage service intermediary) to whom a carriage service provider issues a number.

## **Part 3—Carriage service provider’s obligations: recovering and replacing numbers**

### **Information about Part 3**

This Part limits the circumstances in which a carriage service provider can recover and replace a number issued to a customer.

### **10.3 Application of Part 3**

This Part ceases to apply for a carriage service provider when the ACA registers an industry code in the Register of Industry Codes, kept under section 136 of the Act, that:

- (a) sets out procedures that, in the ACA’s opinion, have substantially the same effect as procedures mentioned in this Part dealing with recovery and replacement of numbers and with notification of changes; and
- (b) applies to the carriage service provider.

### **10.4 Carriage service provider must not recover and replace numbers**

- (1) A carriage service provider must not recover and then replace a number issued to a customer unless subsection (2), (3), (4) or (5) applies.
- (2) The carriage service provider may recover and replace the number if this plan requires the recovery and replacement of the number.
- (3) The carriage service provider may recover and replace the number if the customer, in writing, asks for, or agrees to, the recovery and replacement of the number.
- (4) The carriage service provider may recover and replace the number if it would avoid modifying or replacing plant or equipment in a way that would:
  - (a) have significant technical and financial consequences for the carriage service provider or customers; or
  - (b) cause significant difficulties for the customer.
- (5) The carriage service provider may apply, in writing and giving reasons for the application, to the ACA to recover and replace the number.

**10.5 Deciding the application**

- (1) The ACA must consider any matters it considers relevant when deciding the application.
- (2) The ACA must decide the application within 90 days of receiving it.
- (3) The 90 days do not include a 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 information.

**10.6 ACA may ask for further information**

The ACA may ask an applicant, in writing, to give it further information on matters mentioned in the application to enable it to decide the application.

**10.7 ACA may ask for advice from advisory committee or ACCC**

In deciding whether to grant the application, the ACA may consider a recommendation of its advisory committee or of the ACCC.

**10.8 Carriage service provider must tell customer about recovery and replacement**

A carriage service provider wishing to recover and replace a customer's number must tell the customer that the provider wishes to change the number.

**10.9 Notification period**

- (1) The period of notice for recovering and replacing a number must be the shorter of:
  - (a) the time for which the customer has had the number; and
  - (b) 1 year.
- (2) However, the period of notice may be a reasonable period, shorter than the period mentioned in subsection (1), if subsection (3), (4) or (5) applies.
- (3) The period may be shorter if the customer asks for the number to be recovered.

- (4) The period may be shorter if the customer was told of the proposed recovery when the number was issued to the customer.
- (5) The period may be shorter if the customer has not used the number for a continuous period, ending immediately before notification, that is at least as long as the period of notice under subsection (1).



## **Part 4—Carriage service provider’s obligations: recovering numbers without replacing them**

### **Information about Part 4**

This Part sets out the circumstances in which a carriage service provider can recover (without replacement) a number issued to a customer.

This Part also sets out the obligations imposed on a carriage service provider that issues a recovered number to a new customer.

### **10.10 Application of Part 4**

This Part ceases to apply for a carriage service provider when the ACA registers an industry code in the Register of Industry Codes, kept under section 136 of the Act, that:

- (a) sets out procedures that, in the ACA’s opinion, have substantially the same effect as procedures mentioned in this Part dealing with recovery (without replacement) of numbers; and
- (b) that applies to the carriage service provider.

### **10.11 Carriage service provider must not recover numbers without replacing them**

- (1) A carriage service provider must not recover a number issued to a customer (without replacement) unless an event mentioned in this section happens.
- (2) The carriage service provider may recover the number (without replacement) if the customer, in writing, asks for, or agrees to, the recovery of the number.
- (3) The carriage service provider may recover the number (without replacement) if the customer and the carriage service provider agree, in writing, to transfer the number to another customer.
- (4) The carriage service provider may recover the number (without replacement) if the customer asks the carriage service provider, in writing, to transfer the number to another customer.

- (5) Subsections (3) and (4) do not require the carriage service provider to transfer the number to another customer.

*Note:* It is in customers' interests to make arrangements with their carriage service provider before asking that a number be transferred to another customer.

- (6) The carriage service provider may recover the number (without replacement) if the carriage service provider ceases to offer:
  - (a) the kind of carriage service associated with the number; or
  - (b) the kind of carriage service to customers in the same location as the customer.

- (7) The carriage service provider may recover the number (without replacement) if the customer does not subscribe, within a reasonable time, to the carriage service for which the number was issued.

- (8) The carriage service provider must recover the number (without replacement) if the ACA directs the carriage service provider to recover the number.

*Note:* The ACA may give written directions to a carriage service provider: see section 581 of the Act.

- (9) The carriage service provider may recover the number (without replacement) if the supply of the carriage service to the customer is terminated, but not because of an event mentioned in another subsection.

- (10) The carriage service provider may recover the number (without replacement) if:
  - (a) it was issued on a temporary basis; and
  - (b) a condition of issue was that the number would be recovered on or by a specified date.

#### **10.12 Carriage service provider's obligations if issuing recovered number to another customer**

- (1) This section applies if a customer asks for, or agrees to, the recovery of a number by a carriage service provider.
- (2) If the customer asked for the recovery of the number because of nuisance calls, the number must not be issued to another customer, by any carriage service provider, for at least 1 year after the number is recovered.
- (3) In any other case, a carriage service provider must not issue the number to another customer for at least 6 months after the number is recovered.

- (4) However, a carriage service provider may issue the number to another customer after a shorter period if:
  - (a) the number was recovered for a reason other than nuisance calls; and
  - (b) subsection (5), (6), (7) or (8) applies.
- (5) The carriage service provider may issue the number after a shorter period if:
  - (a) the carriage service provider has no other suitable numbers for issue; and
  - (b) the customer to whom the number would be issued agrees to have the number.
- (6) The carriage service provider may issue the number after a shorter period if:
  - (a) a customer moves into premises at which calls to a given geographic number previously terminated; and
  - (b) the customer does not ask for an equivalent new number when the service is established.
- (7) The carriage service provider may issue the number after a shorter period if:
  - (a) the number was issued for a business that is still operating; and
  - (b) the ownership of the business has changed.
- (8) The carriage service provider may issue the number after a shorter period if:
  - (a) the number is to be moved from a customer to another customer; and
  - (b) the new customer and the carriage service provider agree to the issue.

*Example of moving a number*

A company's mobile phone number no longer needed by the company may be moved "intact" to a staff member or other person.

## **Part 5—Publicising carriage service provider's obligations**

### **10.13 Application of Part 5**

This Part ceases to apply for a carriage service provider when the ACA registers an industry code in the Register of Industry Codes, kept under section 136 of the Act, that:

- (a) sets out procedures that, in the ACA's opinion, have substantially the same effect as procedures mentioned in this Part dealing with publicising carriage service provider's obligations; and
- (b) that applies to the carriage service provider.

### **10.14 Publicising carriage service provider's obligations**

- (1) If a carriage service provider issues a number to a customer, the provider must tell the customer, in writing, within 6 months:
  - (a) that the carriage service provider has obligations to the customer in relation to that number; and
  - (b) that the customer can obtain information about the obligations; and
  - (c) how to obtain the information.
- (2) However, the carriage service provider is not required to tell the customer about the matters mentioned in subsection (1) if:
  - (a) the number issued is additional to numbers previously issued to the customer by the provider; and
  - (b) the carriage service provider's obligations in relation to the number issued do not differ from the obligations applicable when the provider last issued a number to the customer.
- (3) The information given to a customer under paragraph (1) (b):
  - (a) must explain the carriage service provider's obligations mentioned in this Chapter; and
  - (b) may include details of other conditions imposed by the carriage service provider on using numbers issued by the provider.
- (4) The carriage service provider must also set out the information in any telephone directory published by the provider.

## **Part 6—Use of numbers not to be subject to certain conditions**

### **10.15 Application of Part 6**

This Part ceases to apply for a carriage service provider when the ACA registers an industry code in the Register of Industry Codes, kept under section 136 of the Act, that:

- (a) sets out procedures that, in the ACA's opinion, have substantially the same effect as the procedures mentioned in this Part dealing with the conditions to which the use of numbers must not be subject; and
- (b) that applies to the carriage service provider.

### **10.16 Use of numbers not to be subject to certain conditions**

A carriage service provider must not make the use of a number by a customer subject to any of the following conditions:

- (a) that the customer must discharge a debt owed to the carriage service provider by a customer who was previously issued the number, and for whose debts the present customer is not liable;
- (b) that the customer must not request the transfer of the number to another carriage service provider;
- (c) that the customer must not change carriage service providers.

## Part 7—Exemptions

### Information about Part 7

This Part sets out circumstances in which a carriage service provider can apply to the ACA for an exemption from obligations set out in this Chapter.

#### 10.17 Carriage service provider may ask for exemption

- (1) A carriage service provider may, in writing, ask the ACA to grant an exemption from complying with an obligation in this Chapter.
- (2) The ACA may exempt the carriage service provider from complying with an obligation:
  - (a) for all customers; or
  - (b) for a class of customers.

#### 10.18 Deciding an application for exemption

- (1) The ACA must consider any matters it considers relevant when deciding the application.
- (2) The ACA must decide the application within 90 days of receiving it.
- (3) The 90 days do not include a 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 information.

#### 10.19 ACA may ask for further information

The ACA may ask an applicant, in writing, to give it further information on matters mentioned in the application to enable it to the application.

#### 10.20 ACA may ask for advice from advisory committee or ACCC

In deciding whether to grant the application, the ACA may consider any recommendation of its advisory committee or of the ACCC.

## Chapter 11—Portability of numbers, and number pools

### Information about Chapter 11

This Chapter consists of the following Parts:

- Part 1—Preliminary
- Part 2—Providing portability
- Part 3—Declaration of pooled numbers
- Part 4—Rules for routing to portable numbers
- Part 5—Other portability obligations for carriage service providers
- Part 6—Exemptions from obligations
- Part 7—Management of portable numbers, and reporting

### Part 1—Preliminary

#### 11.1 Purpose of Chapter 11

- (1) Under paragraph 455 (5) (d) of the Act, this plan may set out rules about portability of allocated numbers (including rules about the maintenance of, and access to, databases that facilitate portability).
- (2) Under subsection 458 (1) of the Act, the ACA must not make a numbering plan that sets out rules about portability of allocated numbers unless the ACA is directed to do so by the ACCC under subsection 458 (2).
- (3) Under subsection 458 (4) of the Act, the ACA must exercise its powers under section 455 of the Act in a manner consistent with any directions given by the ACCC under subsection (2).
- (4) The ACCC has directed the ACA to make a numbering plan setting out rules about portability of allocated numbers in a written direction dated 22 September 1997.
- (5) This Chapter sets out rules for:
  - (a) portability of allocated numbers; and
  - (b) making declarations about numbers that are in number pools.

## 11.2 Definitions

*equivalent service* see section 11.4.

*implementation date* see subsection 11.6 (1).

*interim date* see subsection 11.7 (4).

*limited portability*, for a local service, means a level of service for ported numbers that:

- (a) is not an equivalent service under section 11.4; and
- (b) is acceptable to the ACA under section 11.7.

*non-ported number* means an allocated number other than a ported number.

*number portability* means the right of a customer to:

- (a) change from 1 carriage service provider to another carriage service provider within particular number ranges and retain the same telephone number; and
- (b) receive equivalent service after porting the number.

*portable number* means an allocated number that is used in connection with the supply of a portable service.

*portable service* means any of the following services:

- (a) a local service other than a paging service;
- (b) a freephone service;
- (c) a local rate service.

*ported number* means an allocated number used in connection with the supply of a portable service that has been transferred under this plan after the implementation date or interim date, from one carriage service provider to another.



## Part 2—Providing portability

### Information about Part 2

Part 2 sets out rules about portability for portable services. It sets out procedures which carriage service providers must follow to ensure that customers receive number portability or limited portability, as the case may be.

This Part also includes provisions about when number portability or limited portability must be provided.

### 11.3 Providing number portability

- (1) A carriage service provider that holds a portable number on or after the implementation date or interim date for portability of the number must immediately provide number portability or limited portability, as the case may be, for the number in connection with the use of which it supplies services to its customers.
- (2) In providing number portability or limited portability, a carriage service provider holding a portable number issued to a customer must transfer the number to the customer's new carriage service provider if:
  - (a) the customer asks the carriage service provider to do so; or
  - (b) the customer's new carriage service provider, at the customer's request, asks the former carriage service provider to do so.
- (3) The carriage service provider asked to transfer a portable number must:
  - (a) transfer it to the new carriage service provider as soon as practicable, or at a time agreed with the customer or the customer's new carriage service provider; and
  - (b) ensure that no action or inaction of the carriage service provider prevents the customer from keeping the same portable number in changing to the new carriage service provider; and
  - (c) ensure that a customer, when using or calling the ported number, is not prevented from receiving a carriage service that is an equivalent service by its action or inaction.

- (4) Paragraph (3) (a) ceases to apply for a carriage service provider when the ACA registers an industry code, in the Register of Industry Codes kept under section 136 of the Act, that:
  - (a) in the ACA's opinion, has substantially the same effect as that paragraph dealing with the time within which a portable number must be transferred; and
  - (b) applies to the carriage service provider.

#### **11.4 Equivalent service**

A carriage service provided in relation to a ported number is an *equivalent service*, if (and only if) any differences, in quality, reliability, services or features, between it and a carriage service provided 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.

#### **11.5 Portable services**

The list of portable services in section 11.2 must not be varied under this plan unless the ACA is directed to do so by the ACCC.

#### **11.6 Implementation dates for number portability**

- (1) Subject to section 11.7, the ACA must, by notice in writing, fix *implementation dates* for number portability.
- (2) Before fixing an implementation date, the ACA must consult with the ACCC.
- (3) The ACA must fix the earliest practicable date having regard to:
  - (a) whether it is technically feasible for carriage service providers to provide number portability by that date; and
  - (b) any other matters the ACA considers relevant.
- (4) If the ACA fixes an implementation date, it must, in writing, tell those carriage service providers holding numbers that will be subject to the implementation date.

**11.7 Limited portability and interim dates**

- (1) If the implementation date for local services is later than 1 July 1998, the ACA must require carriage service providers to provide limited portability for local services in accordance with this section.
- (2) Nothing in this section prevents a carriage service provider from providing number portability for local services.
- (3) In determining an acceptable level of service for limited portability, the ACA must have regard to:
  - (a) the technical feasibility of requiring limited number portability for local services by the interim date; and
  - (b) any other matters the ACA considers relevant.
- (4) If the implementation date for local services is later than 1 July 1998, the ACA must, by notice in writing, fix an *interim date* by which limited portability must be provided, for local services, by each carriage service provider to customers of each other carriage provider.
- (5) Before fixing an interim date, the ACA must consult with the ACCC.
- (6) The ACA must fix the earliest practicable date having regard to:
  - (a) whether it is technically feasible for carriage service providers to provide limited portability for local services by that date; and
  - (b) any other matters the ACA considers relevant.
- (7) If the ACA declares an interim date, it must, in writing, tell those carriage service providers holding numbers that will be subject to the interim date.

**11.8 Public notice period of implementation date or interim date**

- (1) At least 60 days before the 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) At least 28 days before the interim 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.
- (3) In this section, *State* includes the Northern Territory and the Australian Capital Territory.

## Part 3—Declaration of pooled numbers

### Information about Part 3

This Part allows the ACA to declare certain numbers as pooled numbers. The ACA may declare numbers to be pooled numbers in connection with the provision of number portability on these numbers, to achieve coordinated management of portable numbers.

### 11.9 Purpose of Part 3

This Part identifies which numbers are pooled numbers.

### 11.10 Declaration

- (1) The ACA may, in writing, declare an eligible number to be in a number pool.

*Note:* See section 6.3 for the definition of a *pooled number*.

- (2) An *eligible number* is a number that is used in connection with a portable service.
- (3) Before making the declaration, the ACA:
  - (a) must consult with the ACCC; and
  - (b) may consult with an advisory committee.
- (4) The declaration must specify:
  - (a) its date and time of effect; and
  - (b) its period of operation; and
  - (c) the numbers or class of numbers to which it applies.
- (5) The date of effect must be at least 90 days after the date when the declaration is made.
- (6) At least 90 days before the date of effect of the declaration, the ACA must, in writing, tell those carriage service providers holding numbers affected by the declaration, about the declaration.

- (7) The ACA may also tell any other person it considers may have an interest in the declaration, about the declaration.
- (8) The ACA must:
  - (a) establish and maintain a register of declarations made for pooled numbers; and
  - (b) make the register available for public inspection.

#### **11.11 Matters to consider in making declaration**

- (1) The ACA must ensure that a declaration made under section 11.10:
  - (a) is consistent with any direction given by the ACCC under subsection 458 (2) of the Act; and
  - (b) 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 numbers that are subject to the declaration, the ACA must consider any matters it considers relevant.

## Part 4—Rules for routing to portable numbers

### Information about Part 4

This Part sets out obligations, imposed on carriage service providers, about routing calls to portable numbers. The object of these obligations is to achieve any-to-any connectivity for customers using the numbers; in particular, to enable calls to portable numbers to be completed successfully and efficiently.

### 11.12 Purpose of Part 4

This Part sets out rules and arrangements about routing of calls to portable numbers on and after the implementation dates for the numbers, by establishing the principal responsibilities of carriage service providers responsible for routing calls.

### Role of carriage service providers

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

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

### 11.13 Routing arrangements

- (1) The responsibilities in subsections (2) and (3) are the ***routing responsibilities***.

*Note:* Subsections (4) to (7) explain which carriage service provider has the routing responsibilities.

- (2) On and after the implementation date for a portable number, the carriage service provider must enable call completion to the portable number by:
  - (a) routing the call appropriately; or
  - (b) ensuring correct routing of the call to the appropriate carriage service provider of calls to the number.
- (3) The originating access carriage service provider has the routing responsibilities unless one of subsections (5) to (8) applies.
- (4) If pre-selection of a carriage service provider, or use of a pre-selection over-ride code, has been applied to a call, the calling party's pre-selected carriage service provider has the routing responsibilities.
- (5) If a call to a portable number is an incoming call originating outside Australia, the first carriage service provider in Australia receiving the incoming overseas call to the number has the routing responsibilities.
- (6) If a 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 providing the translation service has the routing responsibilities.
- (7) If a call is being diverted from a number to another, the carriage service provider providing the diversion service has the routing responsibilities.

#### **Information about routing records**

The transfer of a portable number from one carriage service provider to another carriage service provider may mean that an access, transit or terminating carriage service provider has to carry out a number analysis. The analysis allows the identification of the service provider responsible for accessing, transiting or terminating a call to the ported number.

Accurate records of numbers in use in ranges for which carriage service provider portability is implemented will make it easier to route a call to a ported number, and will help to audit portable numbers.

## **Part 5—Other portability obligations for carriage service providers**

### **Information about Part 5**

This Part sets out obligations, imposed on carriage service providers, to ensure that a customer who ports a number receives an equivalent service in connection with the ported number.

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

### **11.14 Equivalent services between ported and non-ported numbers**

- (1) This section applies to a carriage service provider that held, or holds, a portable number on or after the implementation date for the number.
- (2) To the extent that the carriage service provider has control over routing a call to the number after it has been transferred between carriage service providers, the provider must ensure that the number can be used in connection with the supply of carriage services that provide equivalent service.

### **11.15 Cancellation of service**

- (1) This section applies if:
  - (a) a customer cancels a carriage service for which a portable number has been transferred from a carriage service provider; and
  - (b) the transfer occurred on or after the implementation date for the number.
- (2) The carriage service provider last holding the number must transfer it to the carriage service provider that first held it on or after the implementation date.
- (3) However, if the portable number is also a pooled number, the carriage service provider last holding the number must surrender the number to the ACA.



## Part 6—Exemptions from obligations

### Information about Part 6

This Part allows a carriage service provider to apply to the ACA for an exemption from the obligations in this Chapter and sets out procedures that the ACA must follow in deciding whether or not to grant an exemption.

#### 11.16 Purpose of Part 6

This Part empowers the ACA to grant exemptions to carriage service providers from requirements in this Chapter about portability.

#### 11.17 Applications for exemptions

- (1) A carriage service provider that expects not to be able to meet its obligations under Part 2, 4, or 5 may give the ACA an application, in writing, for an exemption from the obligations.
- (2) The application must include a statement of:
  - (a) the period for which the carriage service provider would like the exemption to be granted; and
  - (b) the obligations in Parts 2, 4 and 5 for which the provider would like the exemption to be granted.
- (3) The application must also include reasons (supported by documented evidence, if practicable) why the carriage service provider is unable to meet its obligations by the action date.
- (4) The application must also include a detailed statement of the actions the carriage service provider 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 carriage service provider believes it can complete any network or other requirements to meet its obligations, including a list of proposed key dates before that time.

**11.18 ACA may grant exemptions**

- (1) The ACA may, in writing, grant exemptions for a carriage service provider, or for classes of carriage service providers.
- (2) An exemption may exempt a carriage service provider, or class of carriage service providers, from:
  - (a) a requirement in this Chapter to provide number portability or limited portability; and
  - (b) any other requirement in this Chapter about portable numbers.
- (3) 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 the 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) Before making a decision the ACA must consult with the ACCC.

- (4) In deciding the application the ACA must have regard to:
  - (a) whether the ACCC is satisfied that the exemption is necessary to promote the long-term interest of end-users; and
  - (b) whether it is technically feasible for a carriage service provider to provide number portability; and
  - (c) any other matters the ACA considers relevant.

#### **11.20 Compliance with the Chapter after applying for an exemption**

If a carriage service provider gives the ACA an application for an exemption, the carriage service provider does not have to comply with the requirements of this Chapter about portability until the ACA tells the carriage service provider of its decision on the application.

#### **11.21 Notice of decision about exemption**

- (1) If the ACA decides to grant the exemption, it must, as soon as practicable, cause to be published in a newspaper circulating in each State and Territory, a notice stating:
  - (a) that the ACA has made a decision on an application for an exemption; and
  - (b) how a copy of the text of the decision can be obtained.
- (2) If the ACA decides to grant the exemption, it must give a copy of the exemption to any person whom the ACA believes may have an interest in the decision.

## **Part 7—Management of portable numbers, and reporting**

### **11.22 Carriage service provider’s management of portable numbers**

- (1) A carriage service provider that holds a portable number must comply with this section.
- (2) The carriage service provider must:
  - (a) make and keep a register of the carriage service providers to which numbers have been allocated or transferred after the relevant implementation dates for the numbers; and
  - (b) make the register available for inspection by other carriage service providers.
- (3) The register must identify:
  - (a) the portable number; and
  - (b) the carriage service provider to which the number has been allocated or transferred.
- (4) The carriage service provider may enter into an agreement or other arrangement with other carriage service providers to make and keep the register mentioned in subsection (2).

### **11.23 Keeping the register up to date**

- (1) The register must be updated at reasonable intervals.
- (2) Subsection (1) ceases to apply for a carriage service provider when the ACA registers an industry code, in the Register of Industry Codes kept under section 136 of the Act, that:
  - (a) in the ACA’s opinion, has substantially the same effect as that subsection; and
  - (b) applies to the carriage service provider.

### **11.24 Notice to ACCC of implementation dates**

As soon as practicable after the ACA fixes an implementation date, or an interim date, for a portable number, it must tell the ACCC, in writing, the date and the portable numbers to which the date applies.

**11.25 Progress reports about number portability**

After the ACA fixes an implementation date or an interim date for a portable number, it must regularly report to the ACCC about the progress of carriage service providers towards providing portability or limited portability by that date.

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

The ACA must tell the ACCC, in writing, about a carriage service provider that:

- (a) holds a portable number on the implementation date, or interim date (as the case may be), for the number; and
- (b) has not provided number portability for the number.

## **Chapter 12—Review of decisions**

### **12.1 Purpose of Chapter 12**

This Chapter sets out the processes for:

- (a) internal reconsideration by the ACA of its decisions under this plan; and
- (b) review by the Administrative Appeals Tribunal of a reconsidered decision of the ACA.

### **12.2 Decisions that may be subject to reconsideration by the ACA**

An application may be made to the ACA for reconsideration of a decision made by the ACA under this plan (other than a decision made by the ACA under this Chapter) and mentioned in Schedule 10.

### **12.3 Deadlines for reaching certain decisions**

- (1) This section applies to a decision of a kind referred to in section 12.2.
- (2) If this plan provides for a person to make an application to the ACA for such a decision, the ACA must make the decision:
  - (a) within the period mentioned in the provision that confers the decision-making power; or
  - (b) if the ACA has, within that time, given the applicant a written request for further information about the application—within 28 days after receiving that further information (unless another period is mentioned in the provision that confers the decision-making power).
- (3) The ACA is taken, for the purposes of this Chapter, to have made a decision to refuse the application if it has not told the applicant of its decision before the end of the period mentioned in paragraph (2) (a) or (b), as the case requires.

### **12.4 Statements to accompany notification of decision**

- (1) If the ACA makes a decision of a kind referred to in section 12.2, it must give written or electronic notice of the decision to a person whose interests it affects.
- (2) A notice given under subsection (1) must include:
  - (a) a statement to the effect that a person affected by the decision may, if he or she is dissatisfied with the decision, seek a reconsideration of the decision by the ACA under subsection 12.5 (1); and

- (b) a statement to the effect that, if a person who has applied for a reconsideration is dissatisfied with the ACA's decision on the reconsideration:
    - (i) subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision on that reconsideration; and
    - (ii) the person may request a statement under section 28 of that Act in relation to the decision on that reconsideration.
- (3) Failure to comply with this section does not affect the validity of a decision.

### **12.5 Applications for reconsideration of decisions**

- (1) A person affected by a decision mentioned in section 12.2 who is dissatisfied with the decision may apply to the ACA for the ACA reconsideration of the decision.
- (2) The application must:
  - (a) be in a form approved in writing by the ACA; and
  - (b) set out the reasons for the application.
- (3) The application must be made within:
  - (a) 28 days after the applicant is informed of the decision; or
  - (b) if, either before or after the end of that period of 28 days, the ACA extends the period within which the application may be made—the extended period for making the application.
- (4) An approved form of an application may provide for verification by statutory declaration of statements in applications.

### **12.6 Reconsideration by the ACA**

- (1) On receipt of an application for reconsideration, the ACA must:
  - (a) reconsider the decision; and
  - (b) affirm, vary or revoke the decision.
- (2) The ACA's decision has effect as if it had been made under the provision under which the original decision was made.
- (3) The ACA must notify the applicant of its decision and the reasons for it.

### **12.7 Deadlines for reconsiderations**

- (1) The ACA must make its decision on reconsideration within 90 days after receiving an application for reconsideration.

- (2) The ACA is taken, for the purposes of this Part, to have made a decision affirming the original decision if it has not informed the applicant of its decision on the reconsideration before the end of the period of 90 days.

## **12.8 Statements to accompany notification of decisions on reconsideration**

- (1) A notice under subsection 12.6 (3) notifying the applicant that a decision has been affirmed or varied must include:
  - (a) a statement to the effect that a person affected by the decision may, subject to the *Administrative Appeals Tribunal Act 1975*, if he or she is dissatisfied with the decision, apply to the Administrative Appeals Tribunal for review of the decision; and
  - (b) a statement to the effect that the person may request a statement under section 28 of that Act in relation to the decision.
- (2) Failure to comply with this section does not affect the validity of a decision.

## **12.9 Review by the Administrative Appeals Tribunal**

Applications may be made to the Administrative Appeals Tribunal to review a decision mentioned in section 12.2 if the ACA has affirmed or varied the decision under section 12.6.



## Chapter 13—Numbers taken to have been allocated

### Information about Chapter 13

Carriage service providers held many number ranges allocated before this numbering plan. Subsection 75 (1) of the *Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997* allows those numbers to be specified and declared to have been allocated.

Chapter 13 declares specified numbers that are taken to have been allocated to specified persons on the commencing day.

The numbers, the persons and additional information are published by the ACA separately as a supplement to the plan.

## Part 1—Purpose of Chapter 13

### 13.1 Purpose of Chapter 13

For subsection 75 (1) of the *Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997*, this Chapter provides for the declaration of specified numbers taken to have been allocated to specified persons on the commencing day.

## Part 2—Declaration numbers

### 13.2 Declaration of numbers

A number, or a class of numbers, (the *prefix*) specified in the document called “Numbers taken to have been allocated, 30 December 1997” (the *document*) is declared to be a number, or a class of numbers, taken to have been allocated to a person on the commencing day.

### 13.3 Person to whom numbers are taken to have been allocated

The person to whom a prefix mentioned in section 13.2 is taken to have been allocated is the carriage service provider (the *organisation*) specified for that prefix in the document.

### 13.4 Other information

The document sets out the following information about a specified prefix taken to have been allocated:

- (a) the length of the number (the digit length of the numbers to be generated from a specified prefix);
  - (b) the type of service in connection with which the number is taken to have been allocated;
  - (c) the date of allocation of the number;
  - (d) the standard zone unit within which a block of geographic numbers must be used, if applicable.
-