



Telecommunications Numbering Plan Variation 2007 (No. 1)

Telecommunications Act 1997

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

Dated 22nd February 2007

CHRIS CHAPMAN
Chair

LYN MADDOCK
Member

Australian Communications and Media Authority

1 Name of Variation

This Variation is the *Telecommunications Numbering Plan Variation 2007 (No. 1)*.

2 Commencement

This Variation commences on the day after it is registered.

3 Variation of *Telecommunications Numbering Plan 1997*

Schedule 1 varies the *Telecommunications Numbering Plan 1997*.

Schedule 1 Variations

(section 3)

[1] After section 3.12

insert

3.12A Using special services number 12 23 for national and international operator connected call service or operator service

In addition to subsection 3.12 (1), the special services number 12 23 may be used in connection with the supply of:

- (a) a national and international operator connected call service; or
- (b) an operator service;

only in accordance with the table and sections 3.12B, 3.12C and 3.12D.

Table

Item	If the special services number is used to make a call using ...	then ...
1	a public mobile telecommunications service	the carriage service provider may, at its discretion, supply the national and international operator connected call service or operator service
2	a carriage service (other than a public mobile telecommunications service) that is not subject to the price control arrangements specified in a determination made by the Minister under subsection 154 (1), 155 (1) or 157 (1) of the <i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	the carriage service provider may, at its discretion, supply the national and international operator connected call service or operator service

Item	If the special services number is used to make a call using ...	then ...
3	a carriage service (other than a public mobile telecommunications service) that is subject to the price control arrangements specified in a determination made by the Minister under subsection 154 (1), 155 (1) or 157 (1) of the <i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	<p>(a) the carriage service provider must not supply the national and international operator connected call service or operator service unless an approved implementation operation plan is in effect for the carriage service provider; and</p> <p>(b) the carriage service provider must supply the national and international operator connected call service or operator service in accordance with the approved implementation operation plan</p>

Note Implementation operation plans are explained in section 3.12B.

3.12B Implementation operation plan

- (1) If a carriage service provider wishes to use the special services number 12 23 in connection with the supply of a national and international operator connected call service or an operator service (an ***optional service***) in response to calls made using a carriage service that:
 - (a) is not a public mobile telecommunications service; and
 - (b) is subject to the price control arrangements specified in a determination made by the Minister under subsection 154 (1), 155 (1) or 157 (1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*;

the provider must apply to ACMA for approval of an implementation operation plan relating to how the provider will use the number to supply the optional service.

- (2) The application must be made in a form approved by ACMA.
- (3) The application form must require the applicant to consult with consumer organisations about the provision of optional services, and to provide a documented record of the consultations as part of the application.

Note The applicant is expected to consult consumer organisations that are appropriate to the circumstances in which, and the clients to whom, the applicant proposes to supply the optional services. The opinion of each organisation that has been consulted will be taken into account under subsection (5).

- (4) The application must be accompanied by a draft implementation operation plan that sets out arrangements to ensure that:
 - (a) the provider will continue to supply a directory assistance service when the special services number is used to supply optional services; and

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- (b) the supply of optional services will not diminish access to, or the supply of, a directory assistance service when the special services number is used to supply optional services; and
 - (c) consumers will be adequately informed about the availability of the optional service and any charges applicable to the supply of the optional service.
- (5) ACMA must consider the application within 60 business days after receiving it, having regard to:
- (a) whether the draft implementation operation plan will ensure the outcomes mentioned in subsection (4); and
 - (b) whether the draft implementation operation plan is consistent with the objects of the Act; and
 - (c) the opinion of each appropriate consumer organisation that the carriage service provider has consulted about the provision of optional services; and
 - (d) any other matter that ACMA considers relevant.
- (6) Within the 60 business days mentioned in subsection (5), ACMA may ask the carriage service provider, in writing, to give it further information about matters mentioned in the application to allow it to consider the application.
- (7) The 60 business days mentioned in subsection (5) do not include a period:
- (a) starting when ACMA asks the carriage service provider under subsection (6) for further information; and
 - (b) ending when ACMA receives the information.
- (8) If ACMA is satisfied:
- (a) that the draft implementation operation plan sets out appropriate arrangements for subsection (4); and
 - (b) the draft implementation operation plan is consistent with the objects of the Act; and
 - (c) that the carriage service provider has given it adequate records of all consultations it has had with appropriate consumer organisations about the provision of optional services; and
 - (d) as to any other matter that ACMA considered relevant for paragraph (5) (d);
- ACMA must approve the draft implementation operation plan and notify the carriage service provider of its decision.
- (9) If ACMA is not satisfied as described in subsection (8), ACMA must:
- (a) refuse to approve the draft implementation operation plan; and
 - (b) notify the carriage service provider of its decision.

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

3.12C Amendment or replacement of implementation operation plan at ACMA's direction

- (1) If ACMA has approved an implementation operation plan, ACMA may direct the relevant carriage service provider, in writing:
 - (a) to amend the approved plan in a way set out in the direction; or
 - (b) to replace the approved plan with a plan set out in the direction.
- (2) However, ACMA must not give a direction unless it is satisfied that the arrangements in:
 - (a) the approved plan, as amended; or
 - (b) the replacement plan;will be more effective in ensuring the outcomes mentioned in subsection 3.12B (4).

- (3) If ACMA gives a carriage service provider a direction, the provider must not supply an optional service unless ACMA notifies the provider that ACMA has decided that the provider has complied with the direction.

Note A carriage service provider is not required to comply with the direction, and may instead decide to cease supplying optional services.

- (4) If the carriage service provider gives ACMA an amended plan, or a replacement plan, that the provider believes complies with the direction, ACMA must decide, within 60 business days after receiving the plan, whether the provider has complied with the direction.
- (5) Within the 60 business days mentioned in subsection (4), ACMA may ask the carriage service provider, in writing, to give it further information to allow it to consider the plan.
- (6) The 60 business days mentioned in subsection (4) do not include a period:
 - (a) starting when ACMA asks the carriage service provider under subsection (5) for further information; and
 - (b) ending when ACMA receives the information.
- (7) If ACMA is satisfied that the carriage service provider has complied with the direction, ACMA must approve the plan and notify the provider of its decision.
- (8) If ACMA is not satisfied that the carriage service provider has complied with the direction, ACMA must notify the provider of its decision.

Note A decision that ACMA is not satisfied that a carriage service provider has complied with its direction is reviewable by the Administrative Appeals Tribunal: see Schedule 11.

3.12D Amendment or replacement of implementation operation plan on application by carriage service provider

- (1) In addition to section 3.12C, a carriage service provider may apply to ACMA for approval of:
 - (a) an amendment of the approved implementation operation plan set out in the application; or
 - (b) a replacement implementation operation plan set out in the application.
- (2) The application must be made in a form approved by ACMA.
- (3) ACMA must consider the application within 60 business days after receiving it, having regard to whether the arrangements in the amended plan or the replacement plan will be more effective than the current approved implementation operation plan in ensuring the outcomes mentioned in subsection 3.12B (4).
- (4) Within the 60 business days mentioned in subsection (3), ACMA may ask the carriage service provider, in writing, to give it further information about matters mentioned in the application to allow it to consider the application.
- (5) The 60 business days mentioned in subsection (3) do not include a period:
 - (a) starting when ACMA asks the carriage service provider under subsection (4) for further information; and
 - (b) ending when ACMA receives the information.
- (6) The carriage service provider must supply optional services in accordance with the provider's current approved implementation operation plan until ACMA notifies the provider of its decision.
- (7) If ACMA is satisfied:
 - (a) that the amended plan or the replacement plan will be more effective than the current approved plan in ensuring the outcomes mentioned in subsection 3.12B (4); and
 - (b) the amended plan or the replacement plan will be consistent with the objects of the Act; and
 - (c) as to any other matter that ACMA considered relevant for paragraph 3.12B (5) (d);ACMA must approve the amendment or the replacement plan and notify the carriage service provider of its decision.
- (8) If ACMA is not satisfied as described in subsection (7), ACMA must:
 - (a) refuse to approve the amendment or the replacement plan; and
 - (b) notify the carriage service provider of its decision.

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

3.12E Cessation of supply of service under implementation operation plan

- (1) If a carriage service provider:
 - (a) uses the special services number 12 23 in connection with the supply of a national and international operator connected call service or an operator service; and
 - (b) intends to cease the supply of the service;
 the provider must notify ACMA of its intention, in writing, as soon as practicable before ceasing to supply the service.
- (2) The carriage service provider must include in the notification the likely date on which the provider will cease to supply the service.

[2] Schedule 4, Part 1, item beginning with number 12 23

substitute

12 23	Directory assistance service within the meaning of the Act, provided on a national basis <i>Call charge limited to low charge</i>	4 digit number	No <i>Shared non-selectable</i>
	National and international operator connected call service to which section 3.12A applies <i>No limit on level of call charge</i>	4 digit number	No <i>Shared non-selectable</i>
	Operator service to which section 3.12A applies <i>No limit on level of call charge</i>	4 digit number	No <i>Shared non-selectable</i>

[3] Schedule 4, Part 1, item beginning with number 12 36

substitute

12 36	Directory assistance service within the meaning of the Act, provided on a national basis	4 digit number	No <i>Shared non-selectable</i>
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[4] Schedule 11, after item 2

insert

- 2A. A decision under subsection 3.12B (9) to refuse to approve an implementation operation plan submitted by a carriage service provider.

- 2B. A decision under subsection 3.12C (1) to direct a carriage service provider:
- (a) to amend the provider's approved implementation operation plan; or
 - (b) to replace the provider's approved implementation operation plan.
- 2C. A decision under subsection 3.12C (8) that ACMA is not satisfied that a carriage service provider has complied with a direction given under subsection 3.12C (1).
- 2D. A decision under subsection 3.12D (8) to refuse to approve:
- (a) an amendment of an implementation operation plan submitted by a carriage service provider; or
 - (b) a replacement implementation operation plan submitted by a carriage service provider.

[5] Dictionary, note at the end

after

- content service

insert

- directory assistance service