



Telecommunications Numbering Plan Variation 2007 (No. 4)

Telecommunications Act 1997

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

Dated 20 December 2007

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Member

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1 Name of Variation

This Variation is the *Telecommunications Numbering Plan Variation 2007 (No. 4)*.

2 Commencement

This Variation commences on the commencement of Parts 1 and 2 of Schedule 1 to the *Communications Legislation Amendment (Content Services) Act 2007*.

3 Variation of *Telecommunications Numbering Plan 1997*

Schedule 1 varies the *Telecommunications Numbering Plan 1997*.

Schedule 1 Variations

(section 3)

[1] Subsection 3.35A (1)

substitute

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

Column 1	Shows the number, or the first digits of the number (the <i>prefix</i>)
Column 2	Describes the structure for the number and explains (in italics) special arrangements (if any) for use of the number
Column 3	Describes the limits on the use of the number <i>Note</i> The supply of age-restricted services is limited to prefixes 195 and 196 only.
Column 4	Explains whether an incoming call from outside Australia may be routed to the number

[2] After section 3.37

insert in Division 2

3.37A Prefixes for age-restricted services

- (1) A mobile carriage service provider must not supply an age-restricted service by way of a premium SMS or MMS service otherwise than on a number with the prefix 195 or 196.
- (2) A mobile carriage service provider is taken not to have contravened subsection (1) if, at the time the age-restricted service was supplied, the carriage service provider:
- (a) did not know; and
 - (b) could not, with reasonable diligence, have found out;
- that it was supplying an age-restricted service by way of a premium SMS or MMS service otherwise than on a number with the prefix 195 or 196.

- (3) For subsection (2), in determining whether a mobile carriage service provider could, with reasonable diligence, have found out that it was supplying an age-restricted service by way of a premium SMS or MMS service otherwise than on a number with the prefix 195 or 196, ACMA must have regard to the following matters:
- (a) whether the content service provider that supplied the age-restricted service by way of the premium SMS or MMS service is under any contractual obligation to notify the mobile carriage service provider of the nature of the content supplied;
 - (b) whether the mobile carriage service provider does any of the following:
 - (i) monitoring, or arranging for the monitoring of, advertisements for premium SMS or MMS services broadcasted on television or radio or appearing in newspapers or magazines where such advertisements are likely to be found;
 - (ii) checking, or arranging for the checking of, those advertisements against the content of the services being advertised;
 - (c) any other matter that ACMA considers relevant.

[3] Schedule 4C

substitute

Schedule 4C Premium rate numbers

(section 3.35A)

Column 1 Number prefix	Column 2 Number structure	Column 3 Limits on use of the number	Column 4 Is incoming international access available?
19 1 19 3 19 4	6-digit number		Yes
19 5 19 6	6-digit number 8-digit number	<i>must be used to supply age-restricted services only</i>	Yes Yes
19 7 19 9	8-digit number		Yes

[4] Dictionary, after definition of *advisory committee*

insert

age-restricted audio-visual service means a service that enables an end-user to access age-restricted content other than material supplied as part of a telephone sex service.

age-restricted content means content that is:

- (a) MA 15+; or

- (b) R 18+;

mentioned in clause 15 of Schedule 7 to the *Broadcasting Services Act 1992*.

age-restricted service means:

- (a) an age-restricted audio-visual service; or
- (b) an age-restricted text service.

age-restricted text service means a service supplied solely or primarily by way of a text service about which it would be concluded that a majority of persons who use the service are likely to do so with the sole or principal object of deriving sexual gratification from the service.

[5] Dictionary, after definition of *message transfer part*

insert

mobile carriage service provider means:

- (a) a carriage service provider that supplies a customer with a public mobile telecommunications service; or
- (b) a carriage service intermediary that arranges for the supply by a carriage service provider to a customer of a public mobile telecommunications service.

[6] Dictionary, after definition of *premium rate service*

insert

premium SMS or MMS service means:

- (a) a carriage service supplied by way of a call to a number with the prefix 191, 193, 194, 195, 196, 197 or 199; or
- (b) a content service supplied by way of a call to a number with the prefix 191, 193, 194, 195, 196, 197 or 199.

[7] Dictionary, after definition of *supplementary control service*

insert

telephone sex service has the same meaning as in section 158J of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.