



Telecommunications Numbering Plan Variation 2011 (No. 1)¹

Telecommunications Act 1997

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

Dated 24 January 2011

Richard Bean

[signed]

Member

Brendan Byrne

[signed]

~~Member~~/General Manager

Australian Communications and Media Authority

1 Name of Variation

This Variation is the *Telecommunications Numbering Plan Variation 2011 (No. 1)*.

2 Commencement

This Variation commences on 1 February 2011.

3 Variation of *Telecommunications Numbering Plan 1997*

Schedule 1 varies the *Telecommunications Numbering Plan 1997*.

Schedule 1 Variations

(section 3)

[1] Paragraph 3.4 (2) (a)

omit

Schedule 2;

insert

Schedule 2 (the *relevant charging district*);

[2] After subsection 3.4 (4)

insert

(4A) If:

- (a) a carriage service provider offers to supply a carriage service; and
 - (b) the provider issues a geographic number in connection with the supply of the carriage service; and
 - (c) calls made to the carriage service will not terminate at a location in the relevant charging district;
- the provider must comply with subsection (4B).

(4B) For subsection (4A), the carriage service provider must:

- (a) at the time of offering to supply the service, give written notice to all potential customers that:
 - (i) if the customer is located in an area which is not the charging district for the geographic number to be issued to the customer, calls to the number may be charged as if the customer was located within the relevant charging district for the geographic number; and
 - (ii) the customer may not be able to port the number to another carriage service provider; and

Note A carriage service provider generally relies on information contained in a geographic number to find out the location of the service being called for the purpose of working out the charge for a call. Part 4 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* contains requirements about charging for local calls.

- (b) if the internet was used for making the offer, and for allowing customers to enter into an arrangement for supply of the service, ensure:
 - (i) that the notice under paragraph (a) was prominently displayed on each primary webpage the provider used to offer the supply of the service; and
 - (ii) that the notice was in a legible text font with a size of at least 10 points and in plain English; and

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- (c) at the time of entering into an arrangement for supply of the service, obtain a customer acknowledgement that the customer understood the service was limited as mentioned in subparagraphs (a) (i) and (ii).
 - (4C) Subsection (4A) does not apply to a carriage service provider if the ACMA registers an industry code, in the Register of Industry Codes kept under section 136 of the Act that:
 - (a) sets out the information a carriage service provider must provide to a potential customer in relation to the use of a geographic number for services provided at a location outside of the relevant charging district for the geographic number; and
 - (b) applies to the carriage service provider.

[3] After subsection 3.5 (3)

insert

- (4) If:
 - (a) a carriage service provider offers to supply a carriage service; and
 - (b) the provider issues a number of local geographic significance in connection with the supply of the carriage service; and
 - (c) calls made to the carriage service will not terminate at a location in the geographic sector or area mentioned for the number in Part 1 of Schedule 3;the provider must comply with subsection (5).
- (5) For subsection (4), the carriage service provider must:
 - (a) at the time of offering to supply the service, give written notice to all potential customers that:
 - (i) if the customer is located in an area which is not the geographic sector or area for the number of local geographic significance to be issued to the customer, calls to the number may be charged as if the customer was located within the geographic sector or area mentioned for the number in Part 1 of Schedule 3; and
 - (ii) the customer may not be able to port the number to another carriage service provider; and

Note A carriage service provider generally relies on information contained in a number of local geographic significance to find out the location of the service being called for the purpose of working out the charge for a call. Part 4 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* contains requirements about charging for local calls.

- (b) if the internet was used for making the offer, and for allowing customers to enter into an arrangement for supply of the service, ensure:
 - (i) that the notice under paragraph (a) was prominently displayed on each primary webpage the provider used to offer the supply of the service; and
 - (ii) that the notice was in a legible text font with a size of at least 10 points and in plain English; and

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- (c) at the time of entering into an arrangement for supply of the service, obtain a customer acknowledgement that the customer understood that the service was limited as mentioned in subparagraphs (a) (i) and (ii).
 - (6) Subsection (4) does not apply to a carriage service provider if the ACMA registers an industry code, in the Register of Industry Codes kept under section 136 of the Act that:
 - (a) sets out the information a carriage service provider must provide to a potential customer in relation to the use of a number of local geographic significance for services provided at a location outside the geographic sector or area mentioned for the number in Part 1 of Schedule 3; and
 - (b) applies to the carriage service provider.

[4] After subsection 3.7 (2)

insert

- (3) If:
 - (a) a carriage service provider offers to supply a carriage service; and
 - (b) the provider issues a number of broad geographic significance in connection with the supply of the carriage service; and
 - (c) calls made to the carriage service will not terminate at a location in the charging district mentioned for the number in Part 2 of Schedule 3;the provider must comply with subsection (4).
- (4) For subsection (3), the carriage service provider must:
 - (a) at the time of offering to supply the service, give written notice to all potential customers that:
 - (i) if the customer is located in an area which is not the charging district for the number of broad geographic significance to be issued to the customer, calls to the number may be charged as if the customer was located within the charging district mentioned for the number in Part 2 of Schedule 3; and
 - (ii) the customer may not be able to port the number to another carriage service provider; and

Note A carriage service provider generally relies on information contained in a number of broad geographic significance to find out the location of the service being called for the purpose of working out the charge for a call. Part 4 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* contains requirements about charging for local calls.

- (b) if the internet was used for making the offer, and for allowing customers to enter into an arrangement for supply of the service, ensure:
 - (i) that the notice under paragraph (a) was prominently displayed on each primary webpage the provider used to offer the supply of the service; and
 - (ii) that the notice was in a legible text font with a size of at least 10 points and in plain English; and

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- (c) at the time of entering into an arrangement for supply of the service, obtain a customer acknowledgement that the customer understood that the service was limited as mentioned in subparagraphs (a) (i) and (ii).
 - (5) Subsection (3) does not apply to a carriage service provider if the ACMA registers an industry code, in the Register of Industry Codes kept under section 136 of the Act that:
 - (a) sets out the information a carriage service provider must provide to a potential customer in relation to the use of a number of broad geographic significance for services provided at a location outside the charging district mentioned for the number in Part 2 of Schedule 3; and
 - (b) applies to the carriage service provider.

[5] Schedule 7, Part 5

substitute

Part 5 Guidelines — application for geographic numbers or location independent communications service numbers for use in connection with a service using IP technology

These guidelines set out matters to which a carriage service provider (*CSP*) must have regard when providing a statement, under clause 2.7 or 3.7 of this Schedule, in an application for the allocation of geographic numbers or location independent communications service numbers that are to be used in connection with a service using IP technology.

The provision of numbers for carriage services within Australia

Under section 455 of the *Telecommunications Act 1997*, the Australian Communications and Media Authority (*ACMA*) is required to develop and maintain this *Telecommunications Numbering Plan 1997* (the ***Numbering Plan***). The Numbering Plan provides for the specification of numbers for carriage services by service type. Numbers must be allocated to CSPs as specified under the Numbering Plan. Numbers allocated to CSPs must be issued to customers for the supply of carriage services that are consistent with the service type for which they have been specified. CSPs must take reasonable steps to ensure that numbers are used in a manner that complies with the provisions of the Numbering Plan.

Geographic numbers

Geographic numbers are specified in Schedule 2 of the Numbering Plan. The provisions of Chapter 3 of the Numbering Plan stipulate how geographic numbers may be used in connection with the supply of carriage services in Australia. Section 3.4 of the Numbering Plan sets out the manner in which a geographic number must be used. Subsection (1) of section 3.4 prohibits the use of geographic numbers except in connection with the supply of a local service. Subsection (4) of section 3.4 provides that the call on a geographic number must terminate in the standard zone unit (*SZU*) in relation to which the geographic number was allocated to the CSP. This

requirement can also be satisfied if the CSP can establish a location to which call charges can be applied 'as if' the geographic number terminated within the SZU to which it was originally allocated.

Therefore, when requesting an allocation of geographic numbers, a CSP must be able to establish a permanent location to which calls to the number must terminate. The underlying rationale for these requirements in the use of geographic numbers is to provide CSPs with the ability to meet their obligation to provide the untimed local call option to customers in accordance with section 105 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* on eligible local calls.

Section 3.4 provides some flexibility in the use of geographic numbers. Subsections 3.4 (4A) and (4B) provide that if calls terminate at a location that is not in a charging district for the number in Schedule 2, the CSP must advise potential customers of limitations on the provision of the service. The CSP must also obtain an acknowledgement that a customer understands these limitations before entering into an arrangement for supply of the service. However, the CSP will not be required to meet these requirements if the CSP is covered by an industry code, registered by the ACMA under section 117 of the Act and included in the Register of Industry Codes kept under section 136 of the Act, that sets out the information the CSP is required to provide to a potential customer in relation to the use of geographic numbers outside of the relevant charging district for the number. Similar provisions are included in sections 3.5 and 3.7 for numbers of local and broad geographic significance.

When applying for an allocation of geographic numbers a CSP must be able to show that it is able to meet the notification requirements in subsection 3.4 (4B), or demonstrate that it is covered by an appropriate industry code registered by the ACMA.

Furthermore, when applying for geographic numbers, a CSP must have regard to the criteria described in the table at the end of this Part.

Location independent communications services (LICS)

A special services number range 0550 has been specified for use by LICS providers to accommodate nomadic services. This range has been specified in Part 1 of Schedule 4 of the Numbering Plan. The range is for the allocation of numbers for services that will not be charged by reference to a fixed location because they are nomadic. The service will be considered nomadic if it is itinerant in nature or otherwise departs significantly from other service types specified in the Numbering Plan, particularly local services.

The LICS range is also suitable for services that fall below any of the service characteristics of PSTN or equivalent levels.

Geographic numbers will be allocated to CSPs for a service utilising IP telephony if the service meets the requirements of a local service in accordance with Chapter 3 of the Numbering Plan. However, a service where a fixed location cannot be established must be allocated a number from the LICS range. CSPs must not issue a geographic number to a customer to provide a carriage service if this requirement cannot be established.

Selection of numbers

When applying for numbers to be issued to customers for use with IP telephony, CSPs should select a number range that is consistent with the comparable service type described in the following table. Note that PC-PC based services, independent of the PSTN network, are not included because they are not ‘carriage services to the public’ within the meaning of section 455 of the Act.

Item	Type of LICS Service	Type of number	Criteria	Examples	Call Charges
1	Stand-alone voice service on the premises	Geographic	(a) Always on (b) Location dependence (static) (c) Provides location-based information (ie accurate physical address can be provided to the IPND) (d) Service is pre-configured (e) Quality of service is equivalent to that of a PSTN telephone service	Example 1.1 Voice service with an independent handset (PSTN equivalent) Example 1.2 Services provided in fulfilment of the USO	Calls can be terminated in the SZU to which the numbers were allocated
2	Service with the capacity to be nomadic on an occasional basis	Geographic or LICS	(a) Location is virtually fixed (b) Normally available subject to user set-up (c) Provides location-based information (ie reliable location information can be provided to the IPND) (d) Service may be configured by user (e) High quality service (f) Equipment home-based with the capacity to roam	Example 2.1 Independent handset and bundled voice service provided on modem or home PC	Calls can be charged as if they terminated within the SZU and, if applicable, the customer is informed of the limitation of the service as required by subsections 3.4 (4A) and (4B)
3	Nomadic voice service	LICS	(a) Personalised/location independent (b) Intermittently available subject to user set-up and dynamic choices (c) Location based information is not available (number on the IPND to be flagged as 'true') (d) Service may be configured by user choices (e) Variable quality service	Example 3.1 Wireless voice service on Laptop Handset is optional	The service is nomadic to the extent that a permanent fixed location for call charges cannot be established

[6] Dictionary, definition of *local service*

substitute

local service means a carriage service:

- (a) that is capable of voice telephony; and
- (b) that is provided for one or both of the following:
 - (i) receiving incoming calls at a location where that location is in an area identifiable, by the carriage service provider with which the call originates, from the number called;
 - (ii) making outgoing calls at a location where that location is in an area identifiable by the customer's carriage service provider;where that location is:
 - (iii) a switching facility; or
 - (iv) the premises occupied or used by a customer; or
 - (v) in the vicinity of the premises occupied or used by a customer.

[7] Dictionary, definition of *location independent communications service*

omit

calls

insert

calls, or making outgoing calls, (or both),

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.