

EXPLANATORY STATEMENT

Issued by the authority of the Australian Communications and Media Authority

Telecommunications Act 1997

Telecommunications Numbering Plan Variation 2011 (No.2)

STATUTORY BASIS

Under subsection 455(1) of the *Telecommunications Act 1997* (the Act), the Australian Communications and Media Authority (ACMA) must, by written instrument, make a plan for the numbering of carriage services in Australia and the use of numbers in connection with the supply of such services. This is known as the *Telecommunications Numbering Plan 1997* (the Numbering Plan).

The ACMA has varied the Numbering Plan, by written instrument, titled the *Telecommunications Numbering Plan Variation 2011 (No.2)* (the instrument). The instrument has been made in accordance with subsection 455(10) of the Act (which sets out the matters the ACMA must have regard to in varying the Numbering Plan).

PURPOSE OF THE VARIATION

The purpose of this variation is to make amendments which:

- streamline the Numbering Plan and remove references that have become redundant
- provide clarity and standardise terminology used
- adjust the timeframes set for the ACMA to perform certain functions
- correct minor drafting errors.

This variation recognises that since the current rules were put in place in 1997, the services offered by carriage services providers and the technologies used to deliver them have changed considerably and become more complex.

BACKGROUND

Paragraph 455(5)(e) of the Act, provides that the Numbering Plan may set rules relating to 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 (CSPs) to customers.

During 2010 and 2011 the ACMA undertook a work program to examine the current arrangements for telephone numbers. The aim of the work program was to consider whether the arrangements were efficient and effective and what, if any, transitional arrangements might be necessary to implement to ensure they are suitable for the future.

On 11 October 2011, the ACMA announced its decision to take action on five

matters which were explored through the course of the numbering work program and the Numbering Advisory Committee. Three of those matters—removal of schedule 12, removal/consolidation of service types and amendment to the definition of *country code* – are addressed in this variation. The remainder of the amendments in this variation have been identified separately to the numbering work program.

CONSULTATION

A consultation paper '*Variation 2011– understanding its effect on numbering*' discussing the amendments contained in this variation was released on 9 November 2011 inviting comment by 30 November 2011. The paper was distributed to members of the Numbering Advisory Committee and to 108 other industry members, including holders of numbers and people who have engaged with the Numbering Work Program. The consultation paper was also made available on the ACMA website. Respondents generally supported the amendments. However, in relation to a proposed amendment to consolidate the prefixes specified for use with internal network services, consultation revealed that some of the prefixes were being used and therefore this amendment was refined.

Note: Items 1-4, 6-16, 19-27 and 47-50 of Schedule 1 to the instrument were excluded from this consultation process. These items are minor or machinery in nature and do not alter existing arrangements.

Subsection 460(3) of the Act requires that the public be consulted about any variations to the Plan, if the ACMA is of the opinion that:

- the variation will affect a number issued to a customer; or
- it is in the public interest that the public should be consulted about a variation.

It is the ACMA's opinion that the variation does not affect a number issued to a customer and that there are no public interest considerations that would warrant public consultation.

As required under section 461 of the Act, the ACMA also consulted with the Australian Competition and Consumer Commission (ACCC) before making this variation.

REGULATORY IMPACT

The Office of Best Practice Regulation granted an exemption from the requirement to prepare a Regulation Impact Statement in relation to this variation to the Numbering Plan.

NOTES ON SECTIONS

Section 1 provides that the variation may be cited as the *Telecommunications Numbering Plan Variation 2011 (No.2)*.

Section 2 provides that the instrument commences on the day after it is registered.

Section 3 specifies that the Numbering Plan is amended as set out in Schedule 1.

Section 4 provides a transitional provision to explain that the omission of Chapter 13 of the Numbering Plan, made by the variation, does not affect the declaration of numbers taken to have been allocated to specified persons on the Numbering Plan's commencing day (31 December 1997). That is, those numbers remain declared.

Schedule 1 Variations

Items 1-4 update the outline of the Numbering Plan to include chapters 5A and 7A which were inserted in previous variations and remove Chapter 13 which is omitted in this variation.

Item 5 removes ENUM trial numbers from section 2.2. ENUM trial numbers were specified for use on a temporary basis until 6 June 2007 and have no ongoing use.

Items 6 and 23 correct minor drafting errors to clarify the boxed notes in sections 6.2 and 7.18.

Items 7- 16, 19-22, 24-27 and 47-50 remove redundant references to pooled and non-pooled numbers. A number pool referred to a declaration made under section 11.10 of the Numbering Plan for the purpose of number portability. No declarations were ever made under section 11.10 which was omitted from the Numbering Plan in October 2000 pursuant to the *Telecommunications Numbering Plan Amendment 2000 (No. 6)*.

As a consequence of removing Division 1 (Chapter 6, Part 2) subdivisions 2 to 6 have been renumbered and become Divisions 1 to 5.

Item 17 increases the period of time the ACMA has to decide whether to approve a complex application. Complex applications are not common. However, as they typically involve new entrants to the market who wish to introduce new services, considering these applications raises legal and policy questions that can require extensive consultation. This variation increases the consideration period from 44 to 60 business days.

Item 18 reduces the period of time the ACMA has to make its decision to approve or refuse an application to vary an allocation of geographic numbers. In practice, the time taken to consider applications to vary allocations is consistently fewer than the 15 business days allowed under section 6.34. This variation reduces the consideration period to 10 business days.

Items 28 and 51 remove Chapter 13 and Schedule 12 from the Numbering Plan. Chapter 13 declared the numbers in Schedule 12 which was a snapshot

of the allocation of numbers as at 31 December 1997 — the day the Numbering Plan commenced. Any subsequent transfer, surrender or withdrawal of numbers, and any new allocations of numbers were not reflected. As such, Schedule 12 served only as a historical document with limited use. The removal of Chapter 13 and Schedule 12 streamlines the Numbering Plan by reducing its length by over 300 pages.

Items 29 - 46 either remove services or consolidate the prefixes that can be used for services in Schedules 1, 4 and 8.

The following services have been removed; call information service, mass calling service, public interest service, supplementary control service, universal personal telecommunications service, universal personal telecommunications profile access service and ENUM trial.

These services are either not being provided by CSPs or are being provided using other numbers. As CSPs are not holding any numbers that are specified for use with these service types, they have been removed from the Numbering Plan.

The following services have had the number of prefixes specified for use for them reduced; community service, analogue amps service, testing service, internal network service, paging service and data network access service.

Of these services, only data network access services have had any new numbers allocated in recent years. The last application for internal network service numbers was in 2005. The remaining services have not had any new number allocations made to CSPs in over 15 years. It is anticipated that any further demand from CSPs for numbers for these services is unlikely. These service types have been retained but the quantity of numbers specified for use for them has been reduced.

The service that is specified as both a premium rate service and a paging service (prefix 1906) has no numbers allocated from its range and no further demand is anticipated. The range has therefore been respecified to expand the prefixes available to be used with premium rate services.

Items 52 and 54-58 remove definitions relating to service types that are removed from the Numbering Plan by this instrument.

Item 53 amends the definition of *country code* to remedy an inconsistency with the definition used by the International Telecommunication Union (the ITU). The Numbering Plan previously defined a country code to be 'a set of digits that indicates the country to which an international call is made'. This was inconsistent with the ITU's broader definition of a country code, which also includes global services and networks, and may also refer to a geographic area or group of countries rather than a single country.

Item 59 reduces, from six months to three months, the time a numbering charge or late payment penalty can remain unpaid before the ACMA can impose sanctions such as refusing applications and withdrawing numbers. When these charges or penalties are not paid by their due date, the ACMA instigates debt recovery processes, which are generally exhausted after 60 days (payment plans may be employed in cases of genuine hardship). This leaves a four-month period between the ACMA completing its pursuit of the debt and it being able to impose restrictive measures on CSPs.

These changes will provide an incentive to CSPs to pay outstanding charges and penalties promptly. In cases where amounts remain unpaid after three months, the ACMA will be able to impose sanctions in a more timely manner.

Item 60 replaces all references to 'working days' that appear outside Division 7A of the plan with 'business days'. There is currently no definition for 'working days' referred to outside of Division 7A. This amendment provides clarity and standardises the terminology used in the Numbering Plan.