

## **EXPLANATORY STATEMENT**

Issued by the authority of the Australian Communications and Media Authority

*Telecommunications Act 1997*

*Telecommunications Numbering Plan Variation 2012 (No.1)*

### **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 2012 (No.1)* (the variation). The instrument has been made under subsection 455(1) taking into account the relevant matters listed under 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 the variation is to make amendments which:

1. supplement the supply of digital mobile numbers as the current supply of numbers (starting with '04') may be exhausted as early as 2017;
2. supplement the supply of geographic numbers in areas where the existing supply is expected to be exhausted within 20 years;
3. remove the geographic sectors around capital cities from the Numbering Plan

The amendments made for the purposes of items one and two above provide long term certainty for mobile and geographic number supply. The supplementation of numbers will provide industry (those that supply mobile and geographic carriage services) with sufficient time to plan for new number ranges and consumers time to adjust to new number prefixes not previously seen in the marketplace.

The removal of geographic sectors around capital cities from the Numbering Plan will provide greater flexibility for carriage service providers (CSPs) in offering services to consumers by allowing them to use numbers over a greater area within capital cities. The variation will improve the efficiency of use of geographic numbers and is not expected to have any adverse effects on consumers. In addition, the instrument makes a number of amendments to ensure that where possible, language is used consistently throughout the Numbering Plan.

## **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 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 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 (NAC). Two of those matters—the removal of sector boundaries and consulting on options to increase mobile number capacity—are addressed in the variation. The remaining amendment in the variation has been identified separately to the numbering work program.

The ACMA routinely examines the run-out of numbers to ensure that there is sufficient supply. The supplementation (providing new prefixes) of mobile and geographic numbers occurs when the existing supply of numbers is low. For geographic numbers, the ACMA's previous practice was to provide supply for around ten years; however the analysis undertaken for this variation aims to ensure supply (assuming current demand) for at least 15 years. It is predicted that further supplementation may not be required given the change in networks and technologies delivering communication services.

## **CONSULTATION**

A consultation paper entitled '*Numbering variation 2012—understanding its effect on numbering*' discussed the amendments contained in the variation and was released on 20 December 2011 and invited public comment. A notice was published in The Australian newspaper, as required by the Act to invite comment. The paper was distributed to members of the NAC. The consultation paper was also made available on the ACMA website.

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

## **REGULATORY IMPACT**

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

## NOTES ON SECTIONS

Section 1 names the instrument as the *Telecommunications Numbering Plan Variation 2012 (No.1)*.

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.

### Schedule 1 Variations

Items 1-4 omit references to the term ‘sector’ or make amendments such that the term ‘area’ is used consistently throughout the Numbering Plan

Item 5 omit references to the term sector in a numbering rule which prohibits the ACMA from allocating numbers from an unavailable prefix to a standard zone unit if there is already an available prefix. This amendment also inserts a new subsection 6.25(4), which prohibits the ACMA from allocating numbers for digital mobile services from an unavailable prefix if there is already an available prefix.

Items 6 - 13 omit references to the term ‘sector’ or make amendments such that the term ‘area’ is used consistently throughout the Numbering Plan.

Items 14 – 22 specify new geographic number prefixes for various regional areas listed in Schedule 2. These prefixes are unavailable for allocation until available prefixes have been allocated.

Item 23 re-assigns existing geographic numbering prefixes to standard zone units and new prefixes in areas of local and broad geographic significance. This amendment has the effect of omitting sectors from around capital cities thereby supplementing the existing numbering supply. Maps have been included for each area for illustrative purposes only.

Item 24 specifies the prefix 05 for use with digital mobile services. The prefix 0550 for use with location independent communication services is exempted from this change.

Item 25 omits the requirement to provide information about sectors as part of an application for geographic numbers.

Item 26 specifies the unit size for allocation and surrender of 05 numbers.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### ***Telecommunications Numbering Plan Variation 2012 (No.1)***

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### **Overview of the Legislative Instrument**

The Legislative Instrument varies the *Telecommunications Numbering Plan 1997* (the Numbering Plan) by:

1. supplementing the supply of digital mobile numbers as the current supply of numbers (starting with '04') may be exhausted as early as 2017;
2. supplementing the supply of geographic numbers in areas where the existing supply is expected to be exhausted within 20 years;
3. removing the geographic sectors around capital cities from the Numbering Plan.

The intended impact and effect of the Legislative Instrument is to provide long term certainty for mobile and geographic number supply, to provide greater flexibility for carriage service providers in offering services to consumers and to improve the efficiency of use of geographic numbers.

### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Australian Communications and Media Authority**