

EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Telecommunications (Numbering Charges) Act 1997

Telecommunications (Numbering Charges) (Allocation Charge) Determination 2025

Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Telecommunications (Numbering Charges) (Allocation Charge) Determination 2025* (the **instrument**) under subsection 13(1) of the *Telecommunications (Numbering Charges) Act 1997* (the **Numbering Charges Act**) and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (**AIA**).

Subsection 13(1) of the Numbering Charges Act provides that the amount of charge imposed on the allocation of a number is the amount ascertained in accordance with a written determination made by the ACMA.

Subsection 33(3) of the AIA relevantly provides that, where an Act confers a power to make a legislative instrument, the power shall be construed as including a power exercisable in the like manner, and subject to the like conditions (if any), to repeal, rescind, revoke, amend or vary any such instrument.

Purpose and operation of the instrument

The purpose of the instrument is to continue the established arrangements for imposing charges on the allocation of numbers to carriage service providers (**CSPs**), with some minor alterations to ensure that the instrument reflects the terminology and number types which are specified in the Telecommunications Numbering Plan 2025 (the **Numbering Plan**).

Part 2 of the Numbering Charges Act provides that charges are imposed on the allocation of a number and sets out how charges may be imposed in accordance with an allocation system, or otherwise than in accordance with an allocation system.

Division 1 of Part 2 of the Numbering Charges Act sets out how numbering allocation charges are to be imposed where numbers are allocated to CSPs in accordance with an allocation system, including by whom the charge is payable and the amount to be charged, as determined under section 463 of the *Telecommunications Act 1997* (the **Act**). Division 2 sets out how numbering allocation charges can be imposed where that allocation occurs otherwise than in accordance with an allocation system. It provides that the amount of the allocation charge is to be imposed in accordance with a determination made by the ACMA, but is not to exceed \$100,000. Geographic numbers are exempt from charges.

Section 463 of the Act gives the ACMA powers to determine an allocation system for allocating specified numbers to carriage service providers.

Subsection 463(8) of the Act provides that the ACMA may delegate all or any of the powers conferred on the ACMA to the numbering scheme manager or another person.

The ACMA has delegated powers relating to number allocation and administration to ZOAK Pty Ltd (**ZOAK**). ZOAK commenced providing number allocation and administration services in August 2015.

The instrument replaces the *Telecommunications (Numbering Charges) (Allocation Charge) Determination 2015 (the 2015 instrument)* and continues the arrangements in the 2015 instrument for imposing a charge for the allocation of numbers in accordance with a numbering allocation system. The instrument has been made, in part, because the 2015 instrument was due to “sunset” under Part 4 of Chapter 3 of the *Legislation Act 2003 (the LA)* on 1 October 2025. The instrument includes minor updates to reflect updated terms used in the Numbering Plan and imposes charges for the allocation of numbers specified for use with an internet of things (IoT) service, and for public safety numbers. The Numbering Plan introduces a number range for IoT services and public safety numbers. Charges in the 2015 instrument for calling card, paging and premium rate numbers have been removed from the current instrument, as these number types have been removed from the Numbering Plan.

The ACMA considered that there is an ongoing requirement for an instrument to facilitate the imposition of charges for the allocation of numbers as intended by the Numbering Charges Act.

The instrument sets the amount of charge imposed on the allocation of numbers under the Numbering Plan.

The instrument commences on the day after it is registered.

A provision-by-provision description of the instrument is set out at **Attachment A**.

The instrument is a disallowable instrument under Part 2 of Chapter 3 of the LA and is subject to the sunset provisions in Part 4 of Chapter 3 of the LA.

Documents incorporated by reference

Under section 14 of the LA, unless there is a contrary intention, a legislative instrument may incorporate by reference, as in force from time to time, the provisions of an Act or of a legislative instrument which is not subject to disallowance.

The instrument incorporates the following Acts or otherwise refers to them:

- the Act;
- the AIA;
- the LA; and
- the Numbering Charges Act.

The Acts listed above may be obtained, free of charge, from the Federal Register of Legislation (www.legislation.gov.au).

The instrument also incorporates by reference the Numbering Plan as in force from time to time. The Numbering Plan may be obtained, free of charge, from the Federal Register of Legislation.

Consultation

Subsection 17(1) of the LA requires that, before the ACMA makes a legislative instrument, it must be satisfied that any consultation that the ACMA considers is appropriate and reasonably practicable to undertake, has been undertaken.

The ACMA consulted publicly between 16 December 2024 and 12 February 2025 by means of a consultation paper published on its website. The consultation paper was also provided to the Numbering Advisory Committee (NAC), which includes representatives from government, consumer

organisations, the peak communications organisation (Communications Alliance) and telecommunications carriers and CSPs, and advises the ACMA on numbering policy issues.

The ACMA received 4 written submissions in response to the consultation paper and all relevant issues were considered when making the instrument. There was support for the proposed changes, with most respondents noting that these were minor and consequential. Two respondents noted that they considered there should be a review of the numbering charging framework in the near future. Copies of the submissions can be found on the ACMA website. Following closure of the initial consultation, the ACMA published submissions and opened a brief reply-to-comment period. No further submissions were provided to the ACMA.

Statement of compatibility with human rights

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule-maker in relation to a legislative instrument to which section 42 (disallowance) of the LA applies to cause a statement of compatibility with human rights to be prepared in respect of that legislative instrument.

The statement of compatibility set out below has been prepared to meet this requirement.

Overview of the instrument

The instrument set the amount of charge imposed on the allocation of numbers to CSPs under the Numbering Charges Act.

Human rights implications

The ACMA has assessed whether the instrument is compatible with human rights, being the rights and freedoms recognised or declared by the international instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* as they apply to Australia.

Having considered the likely impact of the instrument and the nature of the applicable rights and freedoms, the ACMA has formed the view that the instrument does not engage any of those rights or freedoms.

Conclusion

The instrument is compatible with human rights as it does not raise any human rights issues.

Notes to the *Telecommunications (Numbering Charges) (Allocation Charge) Determination 2025*

Section 1 Name of Determination

This section provides that the name of the instrument is the *Telecommunications (Numbering Charges) (Allocation Charge) Determination 2025*.

Section 2 Commencement

This section provides that the instrument commences at the start of the day after the day that it is registered on the Federal Register of Legislation.

Section 3 Authority

This section identifies the provision which authorise the making of the instrument, namely subsection 13(1) of the Numbering Charges Act.

Section 4 Repeal of the *Telecommunications (Numbering Charges) (Allocation Charge) Determination 2015*

This section repeals the *Telecommunications (Numbering Charges) (Allocation Charge) Determination 2015* (F2015L01152).

Section 5 Definitions

This section defines key terms used in the instrument. It also adopts the definition of terms used by the Numbering Plan, for use in the instrument.

Section 6 References to other instruments

This section provides that in the instrument, unless the contrary intention appears, a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time. A reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force or existing at the commencement of the instrument.

Section 7 Determination of charges

Subsection (1) gives effect to Table 1. Table 1 sets out the allocation charge for freephone (7 or 10 digits, with the prefix 180), and local rate numbers (6, 8 or 10 digits, with the prefix 13). In each case, the amount of charge is \$57 per number.

Table 1 specifically excludes freephone and local rate numbers specified as smartnumbers under the Numbering Plan. The amount of allocation charge for smartnumbers is set in Table 3 of the instrument.

Subsection (2) gives effect to Table 2. Table 2 sets the charges to be imposed on various access codes, special services numbers, and international numbering resources. It also sets the charge imposed on the allocation of assigned unallocated smartnumbers, which are those smartnumbers which are not allocated to a CSP, but for which the enhanced rights of use (EROU) are held by a person, as permitted by the Numbering Plan (see Chapter 7 of the Plan).

The table provides that \$57 is the base amount for allocation and it is noted that, consistent with the Numbering Plan, numbers are generally allocated in multiples of standard units. Depending on the

type of number, a standard unit may involve anywhere between 100 or 10,000 numbers (see Schedule 7 of the Numbering Plan). The table contemplates that there may be applications for multiple standard units. The allocation charge for each individual number in the application is calculated by dividing \$57 by the quantity of numbers in the application.

For example, if a standard unit for a particular type of number is 100, then an application for one standard unit will involve an allocation charge on each number in that standard unit of \$0.57. The total allocation charge, in relation to the entire application, will be \$57.00.

Subsection (3) explains that a special service number is specified for use with a type of service if the type of service is mentioned for the number in column 3 of a table in Schedule 5 to the Numbering Plan. Certain special services numbers may only be used for certain purposes under the Numbering Plan.

Subsection (3) further explains that an access code is specified for use with a type of service if the type of service is mentioned for the number in column 3 of a table in Schedule 6 to the Numbering Plan. Certain access codes may only be used for certain purposes under the Numbering Plan.

Subsection (4) gives effect to Table 3, which specifies the amount of allocation charge for an unassigned unallocated smartnumber. These are those smartnumbers not allocated to a CSP, and in relation to which no person holds the EROU.

Table 3 sets out the amount of allocation charge for an unassigned allocated smartnumber, according to the relevant smartnumber classification (platinum, diamond, gold, opal, silver, and standard). For an unassigned unallocated smartnumber that is:

- mentioned in column 1 of Table 3; and
- has the prefix set out in column 2 of Table 3; and
- has the digit length specified in column 3 of Table 3;

the allocation charge for that number is the amount imposed by column 4 of Table 3.

Subsection (5) provides that, for any number not mentioned in subsections (1) to (4) of section 7, the amount of charge imposed on the allocation of the number is zero.

Section 8 Transitional

This section sets out the transitional arrangements that apply to an application made for the allocation of a number where section 127 of the Numbering Plan requires the application to be dealt with in accordance with the preceding version of the Numbering Plan. In that case the 2015 instrument applies to the allocation rather than the instrument.