



Telecommunications (Numbering Charges) Act 1997

No. 51, 1997

Compilation No. 9

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Telecommunications (Numbering Charges) Act 1997* that shows the text of the law as amended and in force on 19 June 2018 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Introduction	1
1 Short title	1
2 Commencement	1
3 Act to bind Crown	1
4 Extension to eligible Territories	1
5 Interpretation	1
5A Meaning of <i>transferred</i>	2
Part 2—Allocation charges	4
Division 1—Allocation in accordance with an allocation system	4
6 Definition of <i>charge</i>	4
7 Imposition of charge	4
8 By whom charge payable	4
9 Amount of charge	4
Division 2—Allocation otherwise than in accordance with an allocation system	5
10 Definition of <i>charge</i>	5
11 Imposition of charge	5
12 By whom charge payable	5
13 Amount of charge	5
14 Maximum charge	5
15 Exemption from charge	5
Part 3—Annual charge	7
16 Definition of <i>charge</i>	7
17 Holder of a number	7
18 Imposition of charge	7
19 By whom charge payable	8
20 Amount of charge	8
21 Maximum charge	8
22 Exemption from charge	8
Endnotes	9
Endnote 1—About the endnotes	9
Endnote 2—Abbreviation key	11
Endnote 3—Legislation history	12

ii

Telecommunications (Numbering Charges) Act 1997

Compilation No. 9

Compilation date: 19/6/18

Registered: 19/6/18

An Act to impose charges in relation to numbers allocated to certain carriage service providers under the *Telecommunications Act 1997*

Part 1—Introduction

1 Short title

This Act may be cited as the *Telecommunications (Numbering Charges) Act 1997*.

2 Commencement

- (1) Parts 1 and 4 commence on the day on which this Act receives the Royal Assent.
- (2) Parts 2 and 3 commence on 1 July 1997.

3 Act to bind Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory and of the Northern Territory.

4 Extension to eligible Territories

- (1) This Act extends to each eligible Territory.
- (2) The operation of this Act in relation to Norfolk Island is not affected by the amendments made by Division 1 of Part 1 of Schedule 5 to the *Territories Legislation Amendment Act 2016*.

5 Interpretation

In this Act:

ACMA means the Australian Communications and Media Authority.

Section 5A

allocation, in relation to a number, means the allocation of the number under the authority of the numbering plan.

allocation system means a system determined under section 463 of the *Telecommunications Act 1997*.

carriage service provider has the same meaning as in the *Telecommunications Act 1997*.

eligible Territory has the same meaning as in the *Telecommunications Act 1997*.

number has the same meaning as in Division 2 of Part 22 of the *Telecommunications Act 1997*.

numbering plan has the same meaning as in the *Telecommunications Act 1997*.

standard telephone service has the same meaning as in the *Telecommunications Act 1997*.

surrendered, in relation to a number, means surrendered in accordance with the numbering plan.

transferred has the meaning given by section 5A.

withdrawn, in relation to a number, means withdrawn in accordance with the numbering plan.

5A Meaning of *transferred*

- (1) A number is **transferred** between 2 carriage service providers when the number is ported from one of the providers to the other provider.
- (2) Two carriage service providers may enter into a binding written agreement that provides that a number is **transferred** from one of them to the other. The carriage service providers must jointly give the ACMA written notice of the transfer. The transfer takes effect on the later of the following:
 - (a) the day on which the notice is given to the ACMA;

- (b) another day specified in the notice.
- (3) A number is transferred at the time worked out under subsection (1), and not at the time worked out under subsection (2), if the number is ported from one carriage service provider to another when:
 - (a) an agreement described in subsection (2) and relating to the number is in force; or
 - (b) a notice relating to the number has been given as described in that subsection.

Part 2 Allocation charges

Division 1 Allocation in accordance with an allocation system

Section 6

Part 2—Allocation charges

Division 1—Allocation in accordance with an allocation system

6 Definition of *charge*

In this Division:

charge means charge imposed by this Division.

7 Imposition of charge

If a number is allocated to a carriage service provider in accordance with an allocation system, charge is imposed on the allocation of the number to the provider.

8 By whom charge payable

Charge imposed on the allocation of a number to a carriage service provider is payable by the provider.

9 Amount of charge

The amount of charge imposed on the allocation of a number is equal to the amount that is the eligible amount in relation to the allocation of the number for the purposes of section 463 of the *Telecommunications Act 1997*.

Division 2—Allocation otherwise than in accordance with an allocation system

10 Definition of *charge*

In this Division:

charge means charge imposed by this Division.

11 Imposition of charge

If a number is allocated to a carriage service provider otherwise than in accordance with an allocation system, charge is imposed on the allocation of the number to the provider.

12 By whom charge payable

Charge imposed on the allocation of a number to a carriage service provider is payable by the provider.

13 Amount of charge

- (1) 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.
- (2) A determination under subsection (1) is a legislative instrument.

14 Maximum charge

The amount of charge imposed on the allocation of a number must not exceed \$100,000.

15 Exemption from charge

- (1) A number is exempt from charge if the number is a geographic number allocated to a carriage service provider for the purposes of providing a standard telephone service to a customer.

Part 2 Allocation charges

Division 2 Allocation otherwise than in accordance with an allocation system

Section 15

- (2) The ACMA may, by written determination, exempt a specified number from charge.

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

- (3) A determination under subsection (2) is a legislative instrument.

Part 3—Annual charge

16 Definition of *charge*

In this Part:

charge means charge imposed by this Part.

17 Holder of a number

- (1) For the purposes of this Part, if a number is allocated or transferred to a carriage service provider at a particular time, the provider holds the number throughout the period:
 - (a) beginning at that time; and
 - (b) ending when:
 - (i) the number is subsequently withdrawn; or
 - (ii) the number is subsequently surrendered; or
 - (iii) the number is subsequently transferred from the provider to another carriage service provider; whichever first happens.
- (2) For the purposes of this section, the renumbering of a number in accordance with the numbering plan does not affect the continuity of the holding of the number.

18 Imposition of charge

- (1) If a carriage service provider holds an allocated number at the beginning of a day determined under subsection (2), charge is imposed on the number.
- (2) Before 16 February in each year, the ACMA must determine in writing a day in April in that year.
- (3) The ACMA must publish the determination in the *Gazette* before the day determined.

Section 19

19 By whom charge payable

Charge imposed on a number is payable by the carriage service provider who holds the number.

20 Amount of charge

- (1) The amount of charge imposed on a number held at a particular time is the amount ascertained in accordance with a written determination made by the ACMA.
- (2) A determination under subsection (1) is a legislative instrument.

21 Maximum charge

The amount of charge imposed on a number held at a particular time must not exceed \$100,000.

22 Exemption from charge

- (1) A number is exempt from charge if the number is a geographic number allocated to a carriage service provider for the purposes of providing a standard telephone service to a customer.
- (2) The ACMA may, by written determination, exempt a specified number from charge.
- (3) A determination under subsection (2) is a legislative instrument.

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnotes

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Telecommunications (Numbering Charges) Act 1997	51, 1997	22 Apr 1997	s 6–22: 1 July 1997 (s 2(2)) Remainder: 22 Apr 1997 (s 2(1))	
Telecommunications (Numbering Charges) Amendment Act 2000	51, 2000	3 May 2000	3 May 2000 (s 2)	Sch 1 (item 5)
Telecommunications (Numbering Charges) Amendment Act 2005	47, 2005	1 Apr 2005	Sch 1 and 2: 1 July 2005 (s 2(1) item 2)	Sch 2
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (items 1141, 1142) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 11, 12)	Sch 3 (items 10, 11)
Statute Law Revision Act 2013	103, 2013	29 June 2013	Sch 3 (items 335, 343): 29 June 2013 (s 2(1) item 16)	Sch 3 (item 343)
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 628): 5 Mar 2016 (s 2(1) item 2)	—
Telecommunications (Numbering Charges) Amendment Act 2016	8, 2016	25 Feb 2016	<u>Awaiting commencement (s 2(1) item 1)</u>	—
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 5 (items 94, 95): 1 July 2016 (s 2(1) item 7)	—
Statute Update (Autumn 2018) Act 2018	41, 2018	22 May 2018	Sch 4 (item 20): 19 June 2018 (s 2(1) item 4)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 3	am No 41, 2018
s 4	am No 33, 2016
s 5	am No 51, 2000; No 47, 2005; <u>No 8, 2016</u>
s 5A	ad No 51, 2000 am No 47, 2005; <u>No 8, 2016</u>
Part 2	
Division 2	
s 13	am No 47, 2005; No 103, 2013
s 15	am No 47, 2005; No 46, 2011; No 103, 2013; No 126, 2015
Part 3	
s 17	am No 51, 2000; <u>No 8, 2016</u>
s 18	rs No 51, 2000 am No 47, 2005
s 20	am No 47, 2005; No 103, 2013
s 22	am No 47, 2005; No 46, 2011; No 103, 2013; No 126, 2015
Part 4	rep No 47, 2005
s 23	rep No 47, 2005