



Telecommunications (Numbering Charges) Act 1997

No. 51, 1997

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

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

[Assented to 22 April 1997]

The Parliament of Australia enacts:

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, of the Northern Territory and of Norfolk Island.

4 Extension to eligible Territories

This Act extends to each eligible Territory.

5 Interpretation

In this Act:

ACA means the Australian Communications Authority.

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, in relation to a number, means transferred between carriage service providers in accordance with the numbering plan.

withdrawn, in relation to a number, means withdrawn in accordance with the numbering plan.

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 ACA.
- (2) A determination under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

14 Maximum charge

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

Part 2 **Allocation charges**

Division 2 Allocation otherwise than in accordance with an allocation system

Section 15

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

Note: For specification by class, see subsection 46(2) of the *Acts Interpretation Act 1901*.

- (3) A determination under subsection (2) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

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;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) a carriage service provider holds an allocated number at the beginning of a relevant anniversary; and
 - (b) the relevant anniversary occurs after 1 July 1997;charge is imposed on the number.
- (2) For the purposes of subsection (1), a *relevant anniversary* is an anniversary of the commencement of the *Telecommunications (Numbering Fees) Amendment Act 1997*.

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 ACA.
- (2) A determination under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

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 ACA may, by written determination, exempt a specified number from charge.
- (3) A determination under subsection (2) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Note: For specification by class, see subsection 46(2) of the *Acts Interpretation Act 1901*.

Part 4—Transitional

23 Exercise of powers by AUSTEL before 1 July 1997—Division 2 of Part 2

- (1) This section applies if:
 - (a) an eligible provision confers, or will confer, a power on the ACA; and
 - (b) assuming that Part 3 of the *Australian Communications Authority Act 1997* had commenced at the commencement of this section, section 4 of the *Acts Interpretation Act 1901* would have authorised the ACA to:
 - (i) exercise that power; or
 - (ii) do a particular thing in relation to the exercise of that power;before 1 July 1997.
- (2) Section 4 of the *Acts Interpretation Act 1901* is taken to authorise AUSTEL to exercise that power, or do that thing, before 1 July 1997 as if a reference in that eligible provision to the ACA were a reference to AUSTEL.
- (3) Anything done by AUSTEL in accordance with this section before 1 July 1997 has effect, on and after 1 July 1997, as if it had been done by the ACA.

- (4) In this section:

AUSTEL means the Australian Telecommunications Authority.

eligible provision means a provision of Division 2 of Part 2.

Section 23

*[Minister's second reading speech made in—
House of Representatives on 5 December 1996
Senate on 25 February 1997]*

(173/96)

I HEREBY CERTIFY that the above is a fair print of the Telecommunications (Numbering Charges) Bill 1997 which originated in the House of Representatives as the Telecommunications (Numbering Charges) Bill 1996 and has been finally passed by the Senate and the House of Representatives.

Clerk of the House of Representatives

IN THE NAME OF HER MAJESTY, I assent to this Act.

Governor-General
1997