



Telecommunications Numbering Plan (Consequential Amendments and Transitional Arrangements) Instrument 2015 (No. 1)

Telecommunications Act 1997, Telecommunications (Numbering Charges) Act 1997

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Instrument under subsections 349(1), 463(1) and 581(1) of the *Telecommunications Act 1997* and subsections 20(1) and 22(2) of the *Telecommunications (Numbering Charges) Act 1997*.

Dated: 24th July 2015

Chris Chapman
[signed]
Member

Richard Bean
[signed]
Member /General Manager

Australian Communications and Media Authority

1 Name of Instrument

This Instrument is the *Telecommunications Numbering Plan (Consequential Amendments and Transitional Arrangements) Instrument 2015 (No. 1)*.

2 Commencement

This Instrument commences on the day that Schedule 8 to the *Telecommunications Numbering Plan 2015* [F2015L00319] commences.

Note All legislative instruments must be registered on the Federal Register of Legislative Instruments required to be maintained under the *Legislative Instruments Act 2003*.

3 Revocations and cessation

- (1) The *Telecommunications (Freephone and Local Rate Numbers) Allocation Determination 2007 (No. 1)* [F2007L01427] is revoked.

Note The *Telecommunications (Freephone and Local Rate Numbers) Allocation Determination 2007 (No. 1)* was made under subsection 463(1) of the *Telecommunications Act 1997*.

- (2) The *Telecommunications (Freephone and Local Rate Numbers) Directions 2004 (No. 1)* [F2005B00220] are revoked.

Note The *Telecommunications (Freephone and Local Rate Numbers) Directions 2004 (No. 1)* were made under subsection 581(1) of the *Telecommunications Act 1997*.

- (3) This Instrument ceases to have effect, as if repealed by another instrument, 12 months after it commences.

Note Section 48C of the *Legislative Instruments Act 2003* may repeal certain provisions of this Instrument before the Instrument ceases to have effect.

4 Amendment – *Telecommunications (Annual Charge) Determination 2014*

Schedule 1 amends the *Telecommunications (Annual Charge) Determination 2014* [F2014L01782].

5 Amendment – *Telecommunications (Provision of Pre-selection) Determination 2015*

Schedule 2 amends the *Telecommunications (Provision of Pre-selection) Determination 2015* [F2015L00326].

6 Transitional arrangements – allocations under the *Telecommunications (Freephone and Local Rate Numbers) Allocation Determination 2007 (No. 1)*

- (1) In this section:

eligible amount means the amount mentioned in paragraph 463(6)(b) of the *Telecommunications Act 1997*.

enhanced rights of use has the meaning given by the *Telecommunications Numbering Plan 2015*.

FLRN has the meaning given by the FLRN Allocation Determination.

FLRN Allocation Determination means the *Telecommunications (Freephone and Local Rate Numbers) Allocation Determination 2007 (No. 1)*, as in force immediately before the commencement of this Instrument.

former successful bidder has the meaning given by the FLRN Allocation Determination.

successful applicant has the meaning given in section 4.1 of the FLRN Allocation Determination.

successful bidder has the meaning given by the FLRN Allocation Determination.

Section 6 Transitional arrangements – allocations under the Telecommunications (Freephone and Local Rate Numbers) Allocation Determination 2007 (No. 1)

- (2) If, immediately before the commencement of this Instrument:
- (a) a person is a successful bidder for a FLRN (*the particular FLRN*); and
 - (b) the amount that is taken, in accordance with paragraph 4.1(b) of the FLRN Allocation Determination, to be the eligible amount in relation to the allocation of the particular FLRN is unpaid (*the unpaid amount*); and
 - (c) the successful bidder is not a former successful bidder in relation to the particular FLRN;
- then:
- (d) the unpaid amount is the eligible amount in relation to the allocation of the particular FLRN; and
 - (e) the eligible amount is payable to the ACMA on behalf of the Commonwealth in accordance with the *Telecommunications (Numbering Charges) Act 1997*, the *Telecommunications Act 1997* and the FLRN Allocation Determination, as if the FLRN Allocation Determination not been revoked; and
 - (f) the eligible amount must be paid within the applicable period determined under the FLRN Allocation Determination as if that instrument had not been revoked.
- (3) If the eligible amount is paid in accordance with subsection (2):
- (a) the ACMA must allocate the particular FLRN to the successful applicant; and
 - (b) the successful bidder acquires the rights of use in accordance with the FLRN Allocation Determination and the *Telecommunications Numbering Plan 1997* as if those instruments had not been repealed.
- Note* The *Telecommunications Numbering Plan 1997* is repealed by Schedule 8 of the *Telecommunications Numbering Plan 2015*.
- (4) For the avoidance of doubt, a successful bidder who acquires the rights of use in accordance with subsection (3) is, for the purposes of the *Telecommunications Numbering Plan 2015*, taken to be the holder of the enhanced rights of use for that particular FLRN.
- (5) For the avoidance of doubt, a successful applicant who is allocated the particular FLRN in accordance with subsection (3) is, for the purposes of the *Telecommunications Numbering Plan 2015*, taken to be allocated the number.

Schedule 1 Amendments to the *Telecommunications (Annual Charge) Determination 2014*

(section 4)

1 Section 4, before the definition of *Act*

insert

access code has the meaning given by section 38 of the plan or in a corresponding provision of a replacement plan.

2 Section 4, definition of *geographic number*

omit

3.3

insert

18

3 Section 4, definition of *incoming only international number*

omit

number

insert

service

4 Section 4, before the definition of *internal network service*

insert

interconnect and routing service has the meaning given in the Dictionary to the plan or in a corresponding provision of a replacement plan.

5 Section 4, before the definition of *plan*

insert

international direct dial service has the meaning given in the Dictionary to the plan or in a corresponding provision of a replacement plan.

international service has the meaning given in the Dictionary to the plan or in a corresponding provision of a replacement plan.

6 Section 4, definition of *plan*

omit

Telecommunications Numbering Plan 1997

insert

Telecommunications Numbering Plan 2015

7 Section 4, definition of *special services number*

omit the definition

8 Section 4, before the definition of *testing service*

insert

specified for use has the meaning given in the Dictionary to the plan or in a corresponding provision of a replacement plan.

9 Section 4, after the definition of *testing service*

insert

virtual private network service has the meaning given in the Dictionary to the plan or in a corresponding provision of a replacement plan.

10 Subsection 5(2), definition of *reduced service type*

omit the definition, substitute

reduced service type, in relation to a number in a chargeable holding, means a number of any of the following kinds:

- (a) number specified for use with an incoming only international service;
- (b) number specified for use with an internal network service;
- (c) number specified for use with a testing service.

11 Subsection 5(2), after the note to the definition of *Revenue Target*

insert

service type means exempt service type, normal service type or reduced service type, as the context requires.

12 Section 6, including the note

omit the section and the note, and substitute

6 Numbers exempt from charge

The following numbers are exempt from charge:

- (a) a number specified for use with a community service;
- (b) a geographic number, other than a number mentioned in subsection 22(1) of the Act;
- (c) a number that is an international signalling point code, within the meaning of section 46 of the plan or in a corresponding provision of a replacement plan;
- (d) a number that is a mobile network code, within the meaning of section 49 of the plan or in a corresponding provision of a replacement plan;
- (e) a number that is an access code specified for use with an international service;
- (f) a number that is an access code specified for use with an international direct dial service;

- (g) a number that is an access code specified for use with an international ring back price service;
- (h) a number that is an access code specified for use with an interconnect and routing service;
- (i) a number that is an access code specified for use with a virtual private network service; and
- (j) a number that is a four or five digit access code specified for use with an incoming only international service.

Example

A carriage service provider has 2 chargeable holdings:

- (a) holding Y, that, on the census date, contains 500 numbers, each of which is:
 - (i) 5 digits in length; and
 - (ii) an international signalling point code; and
- (b) holding Z, that, on the census date, contains 10 000 numbers, each of which is:
 - (i) 10 digits in length; and
 - (ii) a normal service type number.

For the purpose of the example, the base number charge for the year is \$0.90, determined on the basis of a Revenue Target of \$60 000 000 (there being no Budget Papers specifying a different amount).

Calculation of AOC for holding Y:

AOC = quantity of numbers x the lesser of BNC amount and \$100 000;
thus = 500 x the lesser of (\$0.90 x 0 x 10^(10 - 5)) and \$100 000;
thus = 500 x the lesser of (\$0.90 x 0 x 100 000) and \$100 000;
thus = 500 x the lesser of \$0 and \$100 000;
thus = 500 x 0;
thus = \$0.

Calculation of AOC for holding Z:

AOC = quantity of numbers x the lesser of BNC amount and \$100 000;
thus = 10 000 x the lesser of (\$0.90 x 1 x 10^(10 - 10)) and \$100 000;
thus = 10 000 x the lesser of (\$0.90 x 1 x 1) and \$100 000;
thus = 10 000 x the lesser of \$0.90 and \$100 000;
thus = 10 000 x \$0.90;
thus = \$9 000.

Calculation of total AOC for the year for the carriage service provider:

AOC = AOC for holding Y + AOC for holding Z;
thus = \$0 + \$9 000;
thus = \$9 000.

Schedule 2 **Amendments to the *Telecommunications (Provision of Pre-selection) Determination 2015***

(section 5)

1 **Subsection 4(1), definition of *1997 numbering plan***

omit the definition

2 **Subsection 4(1), before the definition of *pre-selectable service***

insert

plan means the *Telecommunications Numbering Plan 2015*.

3 **Subsection 4(1), definition of *pre-selectable service***

substitute

pre-selectable service means a call using a standard telephone service to any of the following:

- (a) a geographic number or local number, that is not a local call;
- (b) an access code specified for use with an international direct dial service;
- (c) a special services number specified for use with an operator service that is a selectable shared number;
- (d) an access code that is specified for use with an international ring back price service;
- (e) a special services number specified for use with a digital mobile service.

4 **Subsection 4(2), including the note**

substitute

- (2) Unless the contrary intention appears, an expression used in this determination and in the plan has the same meaning in this determination as it has in the plan.

Note: Several terms used in this determination are defined in the plan. Those terms include the following:

- digital mobile service
- geographic number
- international direct dial service
- international ring back price service
- local number
- operator service
- selectable shared number
- special services number
- specified for use