



# Telecommunications Numbering Plan Variation 2016 (No. 1)

*Telecommunications Act 1997*

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The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Instrument under subsection 455(1) of the *Telecommunications Act 1997*.

Dated 18 March 2016

*Richard Bean*  
Member

*Brendan Byrne*  
Member/General Manager

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**1 Name of Instrument**

This Instrument is the *Telecommunications Numbering Plan Variation 2016 (No. 1)*.

**2 Commencement**

This Instrument commences on 21 March 2016.

*Note:* All legislative instruments and compilations are registered on the Federal Register of Legislation kept under the *Legislation Act 2003*. See <http://www.legislation.gov.au>.

**3 Amendment of the *Telecommunications Numbering Plan 2015***

Schedule 1 amends the *Telecommunications Numbering Plan 2015* [F2015L00319].

## Schedule 1                      Amendments

### [1]     **After subsection 34(10)**

*Insert a new subsection:*

- (11) If the ACMA does not make a decision within the period required under subsection (4), the ACMA is taken to have made a decision to refuse the application.

### [2]     **After subsection 35(7)**

*Insert a new subsection:*

- (8) If the ACMA does not make a decision within the period required under subsection (3), the ACMA is taken to have made a decision to refuse the application.

### [3]     **After subsection 36(5)**

*Insert a new subsection:*

- (5A) If the ACMA does not make a decision within the period required under subsection (3), the ACMA is taken to have made a decision under subsection (4) that the carriage service provider has not complied with the direction.

### [4]     **After subsection 48(7)**

*Insert two new subsections:*

- (8) Subject to subsection (9), if the ACMA does not inform the applicant of its decision within 60 business days of an application made under section 47, the ACMA is taken to have made a decision under subsection 48(7) to refuse the application.
- (9) The ACMA may seek further information from the applicant about an application made under section 47, and if the ACMA does not inform the applicant of the ACMA's decision on the application within 60 business days of receiving the further requested information, the ACMA is taken to have made a decision under subsection 48(7) to refuse the application.

### [5]     **After subsection 51(7)**

*Insert two new subsections:*

- (8) Subject to subsection (9), if the ACMA does not inform the applicant of its decision within 60 business days of an application made under section 50, the ACMA is taken to have made a decision under subsection 51(7) to refuse the application.
- (9) The ACMA may seek further information from the applicant about an application made under section 50, and if the ACMA does not inform the applicant of the ACMA's decision on the application within 60 business days of receiving the further requested information, the ACMA is taken to have made a decision under subsection 51(7) to refuse the application.

**[6] After subsection 56(3)**

*Insert a new subsection:*

- (4) If the ACMA does not inform the applicant of its decision in the manner required by subsection (1) within the period required under section 55, the ACMA is taken to have made a decision under section 55 to refuse the application.

**[7] Subsection 64(2)**

*Omit, substitute:*

- (2) Unless subsection 64(2A) applies, the ACMA may approve an application if the ACMA is satisfied that it is appropriate to do so in all the circumstances.
- (2A) Subject to subsection (3), if the application relates to a freephone or local rate number and is made:
  - (a) by the registered carriage service provider that was the last registered carriage service provider who held the number; and
  - (b) for the purpose of issuing the number to the customer that was the last customer to whom the number was issued;the ACMA must approve the application.

**[8] Subsection 64(4)**

*Omit, substitute:*

- (4) If the ACMA receives more than one request for allocation of the same number, the ACMA must make a decision on the requests in the order that the requests were received, unless the circumstances in subsection (2A) apply.
- (5) Despite subsections 63(6) and (7), the ACMA may regard an application as complete for the purposes of subsection (1) if the circumstances in subsection 64(2A) apply and:

- (a) the ACMA has determined in writing that this subsection applies to the registered carriage service provider; and
  - (b) the ACMA has not revoked the determination.
- (6) If the ACMA does not make a decision within the period required under subsection (1), the ACMA is taken to have made a decision to refuse the application under subsection (1).

**[9] Subsection 65(1)**

*After the words “In considering” insert the words “under subsection 64(2)”*

**[10] Subsection 71(3)**

*Omit “(1)”, substitute “(2)”*

**[11] After subsection 71(4)**

*Insert a new subsection:*

- (4A) If the ACMA does not make a decision within the period required under subsection (1), the ACMA is taken to have made a decision to refuse the application.

**[12] After subsection 82(3)**

*Insert a new subsection:*

- (4) If the ACMA does not inform the applicant of its decision in the manner required by subsection (1) within the period referred to in section 81, the ACMA is taken to have made a decision under section 81 to refuse the application.

**[13] Subsection 89(2)**

*Omit, substitute:*

- (2) If the units of the numbers to which the application relates are not a multiple of standard units for the type of number, the ACMA must decide not to approve the application unless it is satisfied of each of the following:
- (a) that the surrender of the numbers is consistent with the current number analysis capabilities of telecommunications networks operated in Australia; and
  - (b) that the carriage service provider is unable to surrender numbers as a multiple of standard units, or would be significantly disadvantaged or inconvenienced by being required to surrender the numbers as a multiple of standard units; and

- (c) that it is appropriate to allow the surrender of the numbers in all the circumstances.
- (2A) In considering whether it is appropriate to allow the surrender of the numbers for the purposes of paragraph (2)(c) the ACMA may take into account any matter that it considers relevant and may, in writing, ask the carriage service provider who lodged the application to give the ACMA further information about the matters to which application relates.
- (2B) The period mentioned in subsection (1) does not include a period:
  - (a) starting when the ACMA asks the carriage service provider for further information; and
  - (b) ending when the ACMA receives the information.
- (2C) If the applicant does not give the ACMA the information within a period of 30 business days after the request, the applicant is taken to have withdrawn the application at the end of that period.

**[14] After subsection 90(3)**

*Insert a new subsection:*

- (4) If the ACMA does not inform the applicant of its decision in the manner required by subsection (1) within the period referred to in subsection 89(1), the ACMA is taken to have made a decision under subsection 89(1) to refuse the application on the eleventh business day after receiving the application under section 88.

**[15] After subsection 94(6)**

*Insert a new subsection:*

- (6A) If the ACMA does not make a decision within the period required under subsection (4), the ACMA is taken to have made a decision under subsection (1) to withdraw the number.

**[16] After subsection 98(8)**

*Insert a new subsection:*

- (9) If the ACMA does not make a decision within the period required under subsection (3), the ACMA is taken to have made a decision to refuse the application under subsection (3).

**[17] After subsection 104(9)**

*Insert a new subsection:*

- (10) If the ACMA does not make a decision within the period required under subsection (4), the ACMA is taken to have made a decision to refuse the application under subsection (4).

**[18] Paragraph 114(2)(a)**

*Omit, substitute:*

- (a) if the number is a freephone number or a local rate number – notify the ACMA that the service to which the number relates has been cancelled;

**[19] After subsection 114(3)**

*Insert a new subsection:*

- (4) If a carriage service provider gives notice in accordance with paragraph (2)(a):
- (a) the number is taken to have been surrendered by the holder of the number to which the notice relates immediately after the ACMA receives the notice; and
- (b) if the ACMA is not the designated authority, the ACMA must notify the designated authority of the surrender of the number.

**[20] After subsection 118(8)**

*Insert a new subsection:*

- (9) If the ACMA does not make a decision within the period required under subsection (1), the ACMA is taken to have made a decision not to grant the exemption under subsection (1).

**[21] Subsection 125(1)**

*Omit, substitute:*

- (1) This section applies to a carriage service provider (the **reporting carriage service provider**) who holds (within the meaning of this instrument) a digital mobile number.

**[22] Section 127, paragraph (n)**

*Omit paragraph (n)*