

EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Telecommunications Act 1997

Telecommunications Numbering Plan 2025

Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Telecommunications Numbering Plan 2025* (the **instrument**) under section 455(1) of the *Telecommunications Act 1997* (the **Act**) and subsection 33(3) of the *Acts Interpretation Act 1901* (the **AIA**).

Subsection 455(1) of Act provides that the ACMA must, by legislative instrument, make a plan for the numbering of carriage services in Australia and the use of numbers in connection with the supply of such services.

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

Part 22 of the Act deals with the numbering of carriage services in Australia. Under section 455 the ACMA must make a plan (the **numbering plan**) for the numbering of carriage services in Australia and the use of numbers in connection with the supply of such services (subsection (1)). This numbering plan must specify the numbers that are for use in connection with the supply of carriage services to the public in Australia, and may specify different numbers for use in connection with the supply of different types of carriage services (subsection (4)). Subsection (5) provides that the numbering plan may set out rules about the allocation of numbers to carriage service providers (**CSPs**), the transfer of allocated numbers between CSPs, the surrender or withdrawal of allocated numbers, the portability of allocated numbers, and the use of allocated numbers in connection with the supply of carriage services to the public (including rules about the issue of allocated numbers to customers). CSP is defined in s 87 of the Act.

Subsection 462(1) of the Act provides that carriers (licensed under s56 of the Act) and CSPs must comply with the numbering plan. Compliance with the Act is a requirement of the service provider rules under Schedule 2 to the Act, and is a condition on a carrier licence under Schedule 1 to the Act. Compliance with the service provider rules is required under section 101 the Act, which is a civil penalty provision. Compliance with a carrier licence condition is required by section 68 of the Act, which is also a civil penalty provision.

Under subsection 458(1) of the Act, the ACMA may only include rules about number portability if it has been directed to do so by the Australian Competition and Consumer Commission (the **ACCC**) under subsection 458(2). The ACMA must exercise its powers under section 455 in a manner consistent with any such directions (subsection 458(4)). The ACCC directed the ACMA to include rules about number portability in March 2025.

Accordingly, the ACMA has included rules about portability in the instrument which are consistent with the ACCC directions. These rules are contained in Chapter 10 - Number Portability of the instrument.

Under section 459 of the Act, the ACMA has the general administration of the numbering plan. The ACMA manages the allocation, transfer and surrender of most numbers via the Numbering System, which is accessible at (<https://www.thenumberingsystem.com.au/>). This enables carriage service providers, individuals and businesses to purchase and manage different types of numbers, including mobile numbers, geographic numbers and smartnumbers. The operation of the Numbering System is consistent with the requirements of the numbering plan, as provided for in the instrument.

The instrument commences on the day after it is registered.

The instrument is a legislative instrument for the purposes of the *Legislation Act 2003* (the LA). 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.

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

Documents incorporated by reference

Subsection 589(1) of the Act provides that an instrument under the Act may make provision in relation to a matter by applying, adopting or incorporating (with or without modifications) provisions of any Act as in force at a particular time, or as in force from time to time.

Subsection 589(2) of the Act provides that an instrument under the Act may make provision in relation to a matter by applying, adopting or incorporating (with or without modifications) matter contained in any other instrument or writing as in force or existing at a particular time, or as in force or existing from time to time, even if the other instrument or writing does not yet exist when the instrument made under the Act is made.

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

- the Act
- the *Administrative Review Tribunal Act 2024* (**ART Act**)
- the AIA
- the *Australian Communications and Media Authority Act 2005* (the **ACMA Act**)
- the *Competition and Consumer Act 2010* (**CC Act**)
- the *Corporations Act 2001*
- the *Criminal Code Act 1995* (which contains, in the Schedule, the **Criminal Code**)
- the LA
- the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (**TCPSS Act**)
- the *Telecommunications (Numbering Charges) Act 1997* (**Numbering Charges Act**).

The Acts listed above may be obtained, free of charge, from the Federal Register of Legislation (www.legislation.gov.au). The Telecommunications Numbering Plan 2015 is incorporated as in place immediately prior to the making of the plan, to support transitional provisions.

Consultation

Public consultation

Section 17 of the LA requires that, before making a legislative instrument, the ACMA must be satisfied that any consultation it considers to be appropriate and that is reasonably practicable to undertake has been undertaken. Prior to making the instrument, the ACMA has undertaken consultation on the proposed changes through a series of consultation papers, workshops, bi-lateral meetings, and at Numbering Advisory Committee (NAC) meetings.

In January 2024, the review commenced with a targeted stakeholder consultation where the ACMA wrote to 49 stakeholders seeking views on what should be the key issues and changes the ACMA should consider in relation to the numbering plan. Twelve responses were received suggesting a range of changes that could be made. These included that the numbering plan should be updated to reflect technological innovations that have an increasing prevalence in the industry such as Voice over Internet Protocol (VoIP) and the Internet of Things (IoT), removal of redundant number types, and that mobile numbers should be a stand-alone number type rather than a special services number type. Some stakeholders also sought clarity on uses such as Australian numbers being used to initiate traffic outside Australia and the multiple service practice (MSP), where numbers held and issued to a customer by one CSP are used to originate traffic on the networks of other CSPs, at the request of the customer.

In June 2024, the ACMA released a public discussion paper including issues raised by stakeholders during the targeted consultation and other changes it considered may be desirable such as cancellation of enhanced rights of use for numbers used for scam and fraud purposes and increasing the supply of numbers in areas where current ranges may be exhausted in the next 10 years. Inclusive of a reply-to-comment period, under this discussion paper consultation, there were 26 submissions provided to the ACMA.

Submissions were generally supportive of potential changes to the numbering plan to introduce a new number range for IoT, classification of mobile numbers as their own number type, an updated definition of 'local service' to reflect that geographic numbers are used for services like VoIP calling and are not tied to specific locations, the removal of redundant or low use number types and ranges and the addition of a provision to cancel the enhanced rights of use for smartnumbers if the number is used for scam calls. Some submissions also suggested the introduction of a new non-geographic number type to accommodate newer cloud-based services.

A number of issues drew disparate views from stakeholders including the use of Australian numbers overseas and the MSP, making the numbering plan principles-based, and the use of mobile numbers for non-mobile services.

Between August and October 2024, the ACMA undertook additional stakeholder consultation, including conducting workshops with industry members and holding several bilateral meetings to gather more information and understand stakeholder views on various issues raised in the review including a potential non-geographic number range, use of Australian numbers overseas and

definition of ‘local service’.

Together these consultations informed the ACMA’s drafting of the proposed numbering plan which it released for public consultation together with an accompanying consultation paper in November 2024, pursuant to subsection 460(1) of the Act which requires that before making a numbering plan, the ACMA must publish a notice on its website stating that it has prepared a draft of the plan, setting out that draft and inviting interested persons to give written comments about the draft to the ACMA within 90 days after publication of the notice. This consultation closed in February 2025. The ACMA received 15 submissions in response to the consultation paper. None of the submissions were opposed to the proposed making of the instrument.

This consultation supported changes in the proposed numbering plan to remove redundant number types, introduce new numbers for public safety services and IoT services, and provisions to enable the ACMA to cancel the enhanced rights of use for a smartnumber where the number is used for scam or fraud activities.

Other changes in the draft proposed numbering plan received mixed feedback from the industry including the proposed use of mobile numbers and the definition of ‘local service’.

Large mobile network operators opposed the new proposed paragraph 19(1)(b) which was introduced to make mobile numbers available for use for new, innovative and legitimate services that otherwise do not have a place in the numbering plan. These stakeholders had made submissions to the ACMA to restrict the use of mobile numbers to mobile services originated on mobile networks claiming that the misuse of mobile numbers has diminished the public’s trust in these numbers and impeded their ability to enact scam controls. They submitted that the proposed use of mobile numbers is overly broad. The ACMA considered that the numbering plan should provide numbers for new, innovative and competitive services that otherwise are not provided for in the numbering plan and that this promotes the long-term interests of end-users. The ACMA did not consider services referred to in paragraph 19(1)(b) of the numbering plan need to be specifically or exhaustively defined. The provision has been drafted in a way that allows and accommodates the emergence of new technologies and services and its application is limited by what is permitted elsewhere in the numbering plan.

In our early consultations, stakeholders suggested the definition for local service in the current numbering plan should be updated to reflect its contemporary application to IP telephony. In consultation, most submissions supported the proposed definition. Two CSPs stated it would be more appropriate to consider the definition for local service at the same time as a potential introduction of a non-geographic number range in the numbering plan. Another stakeholder raised concerns that the updated definition could be confused with number portability and potentially lead to unintended use of geographic numbers diminishing the purpose and intent of having the geographic number ranges. The intent of this definition update is to align with current use; many local services are used in non-fixed locations, for example, changes to work habits allow staff to work remotely but still display their office number when making calls. Geographic numbers aligning to standard zone units were originally put in place to allow for calls to be charged as a local or long-distance call. With the introduction of phone plan bundles, caller location has decreasing relevance for call charging and is likely to be redundant in the longer term. The ACMA decided to proceed with updating the definition but changed ‘portable’ to ‘flexible’, to remove any confusion with number portability.

A key and contested issue considered as part of the review was the MSP. Industry has been significantly divided on whether MSP should be allowed. CSPs opposing the practice have primarily focused on the impact on scam mitigation efforts, while CSPs supporting the practice have focused

on it being an innovative competition measure enabling consumer choice. The numbering plan consultation process has surfaced evidence that MSP is entrenched and widespread, and its prohibition would impact thousands of businesses, including government agencies, small companies, and non-profit organisations. There is evidence that an outright ban on the practice would have wide-reaching impacts across parts of the telecommunications sector and the broader economy. The ACMA does not propose to prohibit the MSP in the numbering plan based on this evidence and feedback. Instead, the ACMA will take forward a program of work under its scam reduction program to explore, and consult on, regulatory controls for MSP that will balance consumer choice and competition against scam reduction objectives.

The ACMA had regard to the views of stakeholders during the finalisation of the instrument.

Other Consultation

The ACMA also consulted the ACCC on several occasions in accordance with subsection 461(1) of the Act before making the instrument, and the ACCC provided submissions to the discussion paper in July 2024 and consultation paper in February 2025. As part of this consultation the ACCC commented on the use of mobile numbers, the definition of local service and smartnumbers and number portability. These issues were considered by the ACMA and also raised at the NAC of which ACCC is a member.

The ACMA convened two NAC meetings during the course of the review. The NAC is established under section 58 of the ACMA Act which allows the ACMA to establish an advisory committee to assist it in performing any of its functions. The NAC consists of industry and consumer bodies, the Telecommunications Industry Ombudsman (TIO), ACCC, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) and representatives from CSPs.

Held in June 2024, the first NAC meeting followed the release of the ACMA's discussion paper. The second, held in February 2025, followed the closure of the 90-day consultation period to further discuss the proposed amendments in the draft Numbering Plan. Following consultation with the NAC, the ACMA added a clarifying note to the definition of IoT services and substituted the word 'portable' with 'flexible' in the definition of local services to avoid potential confusion with number portability rules.

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 with human rights set out below has been prepared to meet that requirement.

Overview of the instrument

The instrument repeals and replaces the previous Telecommunications Numbering Plan 2015, and largely maintains the existing arrangements and rules for the allocation and use of numbers. The instrument specifies numbers that are available for use in connection with the supply of carriage services to the public in Australia, sets out the procedures for allocation, transfer, withdrawal and surrender of numbers, and makes rules about the use and portability of numbers by CSPs.

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 Plan 2025

CHAPTER 1 – PRELIMINARY

This Chapter deals with the provisions of the instrument of general application, such as its objects and when it will come into effect. It also defines key terms used throughout the instrument.

Part 1 – General

Section 1 Name

This section provides that the name of the instrument is the *Telecommunications Numbering Plan 2025*.

Section 2 Commencement

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

Section 3 Authority

This section provides that the instrument is made under subsection 455(1) of the Act.

Section 4 Repeal of the *Telecommunications Numbering Plan 2015*

This section repeals the *Telecommunications Numbering Plan 2015* (F2015L00319).

Section 5 Definitions

This section defines key terms used throughout the instrument. Each term is either defined in the definitions itself or elsewhere in the instrument. Where a term is defined elsewhere, the definition includes a reference to the relevant provision.

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 from time to time.

Section 7 Regard to be had to objects and other matters

This section provides guidance on interpreting and making decisions under the instrument, requiring regard to be had to:

- the objects of the Act; and

- the desirability of ensuring consistency with the object of the telecommunications access regime under Part XIC of the CC Act 2010; and
- the desirability of ensuring that the management of numbers under the instrument is consistent with the requirements of other instruments made under the Act.

CHAPTER 2 – NUMBERS FOR USE

Subsection 455(3) of the Act provides that the instrument must specify numbers that are for use by CSPs in connection with the supply of services to the public in Australia. The purpose of this Chapter is to make a distinction between numbers specified in the instrument for use in connection with the supply of services to the public and numbers that may be used for other purposes. (For the purposes of the instrument, the term *supply to the public* is defined in section 456 of the Act.)

Section 8 Numbers for use - public

This section sets out the numbers that are used in connection with the supply of carriage services to the public in Australia. These include geographic numbers, mobile numbers, some special service numbers (including internet of things numbers), and freephone and local rate numbers. These different types of numbers are defined in the instrument.

A number that is not set out in subsection 8(1) cannot be used in connection with the supply of carriage services to the public in Australia.

Section 9 Numbers for use - non-public

This section explains that numbers that are not listed in section 8 but are otherwise referred to in the instrument, as well as numbers that are not specified in the instrument, may be used in connection with the supply of carriage services other than to the public.

CHAPTER 3 – SPECIFICATION OF TELEPHONE NUMBERS

The purpose of Chapter 3 (when read with Chapter 2) is to specify those telephone numbers that are to be used with specific carriage services and how the numbers may be used in connection with the supply of carriage services in Australia.

Part 1 – Geographic numbers

Section 10 Definition of *geographic number*

This section defines a geographic number to be a 10-digit number consisting of a 2-digit area code set out in column 1 of an item in Schedule 1, followed by an 8-digit local number beginning with the digit(s) listed in the item after the area code.

Schedule 1 identifies all the numbers that are geographic numbers.

Section 11 Use of geographic numbers

This section specifies that geographic numbers must only be used to supply a local service. This does not prevent a number other than a geographic number being used to supply those services.

Geographic numbers are allocated to a standard zone unit (SZU), which is a geographic area for charging purposes. Standard zone units are listed on the ACMA's website. A geographic number allocated to a SZU must only be used to supply carriage services that either terminate calls to the number at a location within the SZU, or that are charged as if the calls were terminated within the SZU. A geographic number is specified for use in a particular SZU if the SZU is mentioned for the number in Schedule 1, or the SZU is in a charging district mentioned for the number. A charging district is a collection of SZUs. Charging districts are listed on the ACMA's website at www.acma.gov.au.

This section also requires consistency in how geographic numbers are used to supply carriage services, particularly for areas where geographic numbers with the same first 6 digits have been issued.

Section 12 Notice of geographic number that may terminate in different locality

This section applies to a carriage service provider when offering to supply a local service using a geographic number in circumstances where:

- calls to that number may not terminate in the SZU for which the number was allocated
- there is no relevant industry code setting out the relevant information the CSP must provide.

At the time of offering to supply the service, the CSP must give written notice to all potential customers of the limitations of the service, namely that:

- even if the customer is located outside the geographic number's specified SZU, calls to the number will be charged as if the customer was located within the SZU
- the customer may not be able to port that number to another carriage service provider.

If the CSP uses the internet to make the offer, the notice must be prominently displayed on the primary webpage used to make the offer in legible text with a font size of at least 10 point and written in plain English.

The CSP must also obtain an acknowledgement from the customer that the customer understands the limitations of the service as set out in the notice.

Section 13 Use of local numbers

This section provides that a CSP must treat a local number (i.e. a geographic number that has been dialled without an area code) dialled from a carriage service as a geographic number having the same area code as the area code of the originating service.

Part 2 – Freephone, local rate and mobile numbers

Division 1 – Freephone numbers

Section 14 Definition of *freephone number*

This section defines a freephone number as a number beginning with the digits set out in an item at column 1 of Schedule 2 and with the number of digits set out in column 2 for that item. These

numbers all commence with the digits 180.

Section 15 Use of freephone numbers

This section specifies that freephone numbers may only be used to supply a freephone service. 'Freephone service' is defined in section 5 of the instrument to mean a carriage service where:

- the customer issued with the number is charged for calls to the number for the service
- the call charge for calls made to the number for the service from a standard telephone service (with some exceptions) is nil.

This section also provides that a freephone number may only be used in connection with the supply of a service which routes incoming international calls from outside Australia if column 3 of Schedule 2 for the relevant number indicates it can be so used.

Division 2 – Local rate numbers

Section 16 Definition of *local rate number*

This section defines a local rate number as a number beginning with the digits set out in an item in column 1 of Schedule 3 and with the number of digits set out in column 2 for that item. These numbers all commence with the digits 13.

Section 17 Use of local rate numbers

This section specifies that a local rate number may only be used to supply a local rate service. 'Local rate service' is defined in section 5 of the instrument and relevantly requires that the call charges for calls made using a standard telephone service to the number used for the local rate service must be equal to or less than the call charge for local calls, with some exceptions. 'Standard telephone service' is defined in the Act. The call charge for local calls is regulated by Part 4 of the TCPSS Act.

This section also provides that a local rate number may only be used in connection with the supply of a service which routes incoming international calls from outside Australia if column 3 of Schedule 3 for the relevant number indicates that it can be so used.

This section also stipulates that a local rate number beginning with '1345' may only be used for monitoring security alarms.

Division 3 – Mobile numbers

Section 18 Definition of *mobile number*

This section defines a mobile number as a number beginning with the digits set out in column 1 of an item in the table in Schedule 4 and with the number of digits set out in column 2 for that item. These numbers commence with the digits 04 and 05.

Section 19 Use of mobile numbers

This section specifies how mobile numbers must be used. A mobile number may only be used for a mobile service or a service which is not permitted to use any other kind of number referred to in Chapter 2. 'Mobile service' is defined in section 5 of the instrument and means a public mobile telecommunications service supplied by a network using digital modulation techniques.

Part 3 – Emergency service numbers

Section 20 Emergency service numbers

Under the subsection 466(1) of the Act, an emergency service number is a number that is for use to require assistance by emergency services, such as a police service, fire service or ambulance service. This section specifies certain numbers as emergency service numbers for the purpose of subsection 466(2) of the Act. The following numbers are specified as emergency service numbers:

- '000' (which is the general emergency service number)
- '106' (which is for use with teletypewriters)
- '112' (which is an alternative available for use with mobile phones).

The requirements in relation to the provision of emergency call services are set out in the TCPSS Act and the *Telecommunications (Emergency Call Service) Determination 2019*, made by the ACMA under section 147 of the TCPSS Act.

In making the instrument, the ACMA has had regard to the objective that, as far as practicable, there should be no more than one emergency service number throughout Australia, as required by subsection 466(6) of the Act. In respect of this, Triple Zero (000) is promoted widely as Australia's primary emergency call service number. However, the ACMA considers that there should be an alternative number, which is in place to assist those in the community who have a hearing or speech impairment. This number is 106 and is currently available via teletypewriter. Those with a hearing or speech impairment may also contact Triple Zero (000) via internet, video, or SMS relay through the National Relay Service. 112 is an international secondary emergency number and is accessible from mobile phones in Australia.

Part 4 – Special services numbers

Section 21 Definition of *special services number*

This section defines a special services number, as a number:

- beginning with the digits set out in column 1 of an item in a table in Schedule 5
- with the number of digits set out in column 2 for that item.

Section 22 Use of special services numbers

This section specifies how special services numbers must be used. There are two types of special services numbers: shared and not shared. They are listed in separate tables in Schedule 5.

Shared numbers (listed in the table at clause 2 of Schedule 5) are numbers which can be used by all CSPs, as they are not allocated to a particular provider. Numbers that are not shared are allocated to an individual carriage service provider for use and are listed in the table at clause 1 of Schedule 5.

Schedule 5 specifies the different types of special services numbers, their digit lengths and the type of service for which a particular special service number can be used. For example, a special service number that begins with the digits '0900', '0910', '0920', '0930' or '0940', and which is 10 digits in length, may only be used for an internet of things service. Each of the relevant service types are defined in section 5 or in the Act.

Generally, a special services number can *only* be used with the type of service specified for the number in Schedule 5. Where a special services number is also an access code specified for use with an incoming only international service, the number may be used for both purposes.

Incoming international access

This section also provides that a special services number may only be used in connection with the supply of a service which routes incoming international calls from outside Australia if it is indicated in column 4 of Schedule 5 for the relevant number that it can.

Low charge numbers

Calls made by a customer to a special services number identified in column 5 of Schedule 5 as subject to the 'low charge amount' must not be charged at more than the low charge amount if they are made using a standard telephone service other than a public mobile telecommunications service. The charge must be worked out based on the number of calls, regardless of their length and regardless of any optional discounts and surcharges applied by the relevant carriage service provider. 'Low charge amount' is defined in section 5 by reference to the highest call charge for an eligible local call made using a standard telephone service, excluding public telecommunications mobile services, supplied by a primary universal service provider. Call charges for 'eligible local calls' using services provided by a primary universal service provider are regulated under Part 4 of the TCPSS Act.

Section 23 Use of 1223 for operator services on carriage service with price control arrangements

The special services number '1223' is specified in Schedule 5 as a shared special services number for use only for the provision of a directory assistance service, and, if a carriage service provider wishes, an optional operator service (optional service). Subsection 23(1) allows a carriage service provider to use '1223' to supply an optional service, in addition to the directory assistance service, in response to calls made using a carriage service that is not a public mobile telecommunication service which has a charge which is subject to price control arrangements specified by the Minister under subsection 154(1) of the TCPSS Act, as long as the optional service is provided in accordance with an approved operation plan.

Subsection 23(2) requires an operation plan to set out the arrangements that will ensure the following outcomes:

- The carriage service provider continues to supply a directory assistance service.
- The supply of optional services on '1223' will not diminish access to, or the supply of, the directory assistance service.
- Consumers will be adequately informed about the availability of the optional service and the applicable charges.

Section 24 Approval of operation plan

This section provides that a carriage service provider may apply to the ACMA for approval of an operation plan in relation to the supply of an optional service and sets out the approval process. A carriage service provider must consult with relevant consumer organisations, and customers to whom the carriage service provider proposes to supply the optional service, about the proposed optional service before making an application.

The application must be in a form approved by the ACMA and include a copy of the operation plan and a documented record of the consultation undertaken. The ACMA may request further information about matters relevant to the application.

The ACMA must make a decision on whether to approve the application no later than 60 business days after receiving the application. The ACMA's consideration of the application must take into account the opinion of each consumer organisation that the carriage service provider has consulted and any other matter it considers relevant. The ACMA must not approve the operation plan if it is not satisfied that:

- the operation plan sets out appropriate arrangements for ensuring the outcomes set out in subsection 23(2) are met
- the operation plan is consistent with the objects of the Act
- the carriage service provider has undertaken adequate consultation.

Section 25 Amendment or replacement of operation plan on application by carriage service provider

This section allows a carriage service provider that has an approved operation plan to apply to the ACMA for approval of an amendment or replacement of its operation plan. The application must be in a form approved by the ACMA and include a copy of the proposed amendment or replacement operation plan. The ACMA may request further information about matters relevant to the application.

The ACMA must make a decision on whether to approve the application no later than 60 business days after receiving the application. The ACMA must not approve the amendment or replacement operation plan if it is not satisfied that the proposed arrangements will be:

- more effective than the arrangements in the current approved operation plan in ensuring the outcomes set out in subsection 23(2); or
- consistent with the objects of the Act.

The ACMA is required to notify the carriage service provider of its decision in writing.

Section 26 Amendment or replacement of operation plan at ACMA's direction

This section enables the ACMA to direct a carriage service provider with an approved operation plan, to amend or replace the operation plan as set out in the direction.

The ACMA must make the direction in writing and must only give such a direction if it considers that the amended or replacement operation plan will be more effective in ensuring the outcomes mentioned in subsection 23(2).

The ACMA must make a decision, no later than 60 business days after receiving the amended or the replacement operation plan, on whether the carriage service provider has complied with the direction. The ACMA must approve the amended or replacement operation plan if it is satisfied the carriage service provider has complied with the direction.

The ACMA is required to notify the carriage service provider of its decision in writing.

If the ACMA gives a direction under subsection 26(1) and the amended operation plan or replacement operation is not approved at the end of a 120-day period commencing on the day the direction was given, the current operation plan is taken to be no longer approved.

Section 27 Cessation of service under operation plan

This section sets out that if a carriage service provider with an approved operation plan for an optional service intends to cease supply of the service, it must notify the ACMA in writing beforehand, and as soon as practicable. The notification must include the likely cessation date of the service.

Part 5 – Access codes

Section 28 Definition of *access code*

This section defines an access code as a number beginning with the digits set out in column 1 of an item in a table in Schedule 6 and with the number of digits set out in column 2 of the item.

Section 29 Use of access codes

This section specifies how access codes must be used in accordance with Schedule 6. There are two types of access codes: shared and not shared. They are listed in separate tables in Schedule 6.

Shared access codes (listed in the table at clause 2 of Schedule 6) are codes which can be used by all CSPs as they are not allocated to a particular carriage service provider. Access codes that are not shared are allocated to an individual carriage service provider for use and are listed in the table at clause 1 of Schedule 6.

Schedule 6 specifies the different types of access codes, their digit lengths, and the type of service for which a particular access code can be used. This section provides that an access code may only be used to supply a type of carriage service identified in column 3 for that particular access code and

as a prefix to a type of number identified in column 4 for that particular access code. Each of the types of carriage services and number types are defined in section 5 of the instrument.

For example, the access code '0010' may only be used to provide an international service and can only prefix an international number.

Carriage service identification codes may also be used to identify a telecommunications network or to interconnect routing of a call between CSPs, without being dialled, and may prefix an address digit for routing a call across a point of interconnection.

Generally, an access code can only be used with the type of service specified for the number in Schedule 6. However, where an access code that is specified for use with an incoming only international service is also a special services number specified for use with a type of service, the number may be used for both purposes.

Section 30 Charge for call to international freephone numbers

This section provides that the call charge for a call made using the shared access code '0011' followed by the digits '800' must be worked out based on the number of calls, regardless of their length and must not be more than the low charge amount.

Part 6 – Shared numbers

Section 31 Definition of *shared number* and *selectable shared number*

Shared numbers are not allocated to any particular carriage service provider. This section defines a shared number as a special services number listed in the table at clause 2 of Schedule 5 or an access code listed in the table in clause 2 of Schedule 6.

Special services numbers that are shared numbers can also be 'selectable', which allows a caller to choose to use the services of a particular carriage service provider supplying certain services. Whether a shared special services number is a selectable shared number is identified in column 6 of the table in clause 2 of Schedule 5.

Section 32 Use of shared numbers

This section explains that shared numbers can be used by a carriage service provider without being allocated. The requirements for the use of special services numbers that are shared numbers are set out in Part 4; and the requirements for the use of access codes that are shared numbers are set out in Part 5.

CHAPTER 4 – PRIVATE NUMBERING SCHEMES

The purpose of this Chapter is to set out the rules relating to use of private numbering schemes. A private numbering scheme is a feature of a carriage service, where a customer may establish a series of numbers to be used only by a select group of users. The users in the group can call each other by dialling established numbers. Some private numbering schemes provide escape codes, where the users can dial a certain digit and gain access outside the select group and onto the public network. A business may use a private numbering scheme for use by its employees.

Section 33 Restrictions on use do not apply to use in private numbering scheme

This section provides that geographic numbers, local numbers, mobile numbers, special services numbers and access codes may be used as a number in a private numbering scheme. An emergency service number cannot be used.

Section 34 Private numbering scheme with escape code

This section provides that a number used in a private numbering scheme with an escape code must not begin with the escape code. In relation to a private numbering scheme, an escape code is a single digit prefix used to indicate that the digits dialled following the escape code are for calls 'outside' of the select group established by the private numbering scheme (see the definition in section 5 of the instrument).

Section 35 Private numbering scheme without an escape code

This section sets out the requirements relating to numbers used in a private numbering scheme without an escape code. Subsection 35(2) provides that where these schemes utilise private numbers beginning with 0 or 1, these numbers must not be treated as if they are special services numbers by the originating access service provider. Subsection 35(3) provides that if a number used in a private numbering scheme begins with any digit from 2 to 9, the number must not have more than 8 digits.

Subsections 35(2) and 35(3) do not apply to a number issued to a customer in a private numbering scheme without an escape code if the customer requested the number and the carriage service provider informs the customer that use of the number in the private numbering scheme is likely to affect the ability of end-users to use the number to access other types of carriage service (subsection 35(4)).

The number cannot be an access code specified for use with a calling number display over-ride service and numbers issued to an emergency service organisation.

CHAPTER 5 – INTERNATIONAL SIGNALLING POINT CODES AND MOBILE NETWORK CODES

Australia is a member of the International Telecommunication Union (ITU), which is the United Nations specialised agency for information and communication technologies. The ITU, amongst other things, makes recommendations about the use of particular numbers. The ACMA is the designated administrator for Australia for the ITU and allocates these numbers in accordance with the relevant ITU recommendations.

Chapter 5 specifies international signalling point codes (ISPC) and mobile network codes (MNC) as numbers available for allocation, and makes arrangements for the allocation, transfer, surrender or withdrawal of such numbers by the ACMA in a manner that is consistent with ITU recommendations.

Part 1 – International signalling point codes

Section 36 Definition of *international signalling point code*

This section defines an international signalling point code (ISPC) to be a 5-digit number (other than a special services number or an access code) consisting of a 4-digit signalling area network code that has been allocated to the ACMA by the ITU and followed by a single digit between 0 and 7 (inclusive).

An ISPC is a unique, five-digit code used at the international level to identify an international signalling point associated with a specific international signalling point operator. A signalling point may be an exchange or a switching centre and can be understood as the point in the network at which signals or messages either originate or are received. In the case of international signals, the signalling point is an international gateway.

ISPCs are used by network operators to manage the efficient routing and delivery of calls. ISPCs are administered by the ACMA as the designated administrator for Australia, consistently with ITU Recommendation Q.708, which sets out the assignment procedures for ISPCs.

Section 37 Application for allocation of international signalling point code

This section provides that a registered carriage service provider that is an international signalling point operator may apply to the ACMA for an ISPC. A signalling point operator broadly means a registered carriage service provider that wishes to operate a signalling point that has at least one message transfer part in the international signalling network, or that already operates a signalling point of that kind (see section 5 of the instrument). Signalling points, broadly, are discrete points in a network that send and receive signalling messages or transfer messages from one signalling link to another (see section 5 of the instrument).

This section requires the application to be made in a form approved by the ACMA and notes that strict compliance with the approved form is required. The application must also be accompanied by any applicable application charge that is fixed by a determination made under section 60 of the ACMA Act. The registered carriage service provider must pay the allocation charge imposed by Part 2 of the Numbering Charges Act. If the application is not successful, this amount will be refunded under subsection 457(2) of the Act.

Section 38 Decision on application

This section provides that the ACMA may approve the application made by a registered carriage service provider if the ACMA is satisfied that it is appropriate to do so in all the circumstances. In considering whether it is appropriate in all the circumstances, the ACMA must take into account whether allocation of the ISPC is consistent with the requirements of an international agreement that is relevant to the allocation. The ACMA must also take into account, if the ISPC applied for has previously been withdrawn under section 43 of the instrument, whether the allocation of the ISPC will take effect at least 6 months after the withdrawal.

The current relevant international recommendation is the ITU's recommendation 'Assignment procedures for international signalling point codes' (ITU-T Q.708). This recommendation is available

from the ITU's website <https://www.itu.int/ITU-T> which is free to access. As a member of the ITU, Australia, through the ACMA as the designated administrator, uses its best endeavours to ensure its rules and procedures in relation to such numbers conform to the ITU recommendations to the greatest extent practicable.

If the ACMA approves an application, the ACMA must allocate the ISPC to the registered carriage service provider. The ACMA must also notify the registered carriage service provider of the ISPC that has been allocated and the date of allocation.

The ACMA is also required to notify the registered carriage service provider if a decision has been made not to approve the application. A decision not to approve such an application is a reviewable decision (see Part 3 of Chapter 11).

Under the Act, the ACMA, or another person that enters into an arrangement with the ACMA, must maintain a register of allocated numbers (section 465 of the Act). If the ACMA is not the designated authority, the ACMA must notify the designated authority of the allocation of the ISPC and the date of allocation. This is to ensure the register of numbers, maintained by the designated authority, is kept up to date.

Part 2 – Mobile network codes

Section 39 Definition of *mobile network code*

This section defines a mobile network code (MNC) to be a 2-digit number or a 3-digit number that is for use as part of an international mobile subscriber identity (IMSI) number. IMSI numbers are used to identify unique mobile phone subscribers, or customers, and whether they are roaming. The IMSI number is a string of digits, up to a maximum 15 digits in length, and consisting of three fields: the mobile country code (MCC) (which is assigned to the ACMA by the ITU), the MNC (which is allocated by the ACMA to CSPs under this Part and which can be 2 or 3 digits in length), and the mobile subscription identification number (which is the number issued by a carriage service provider to identify its subscribers or customers).

Section 40 Application for allocation of mobile network code

This section provides that a registered carriage service provider may apply to the ACMA for an MNC. This section requires the application to be made in a form approved by the ACMA and notes that strict compliance with the approved form is required. The application must also be accompanied by any applicable application charge that is fixed by a determination under section 60 of the ACMA Act. The registered carriage service provider must also pay the allocation charge imposed by Part 2 of the Numbering Charges Act. If the application is not successful, this amount will be refunded under subsection 457(2) of the Act.

Section 41 Decision on application

This section provides that the ACMA may approve an application made by a registered carriage service provide under section 50 if the ACMA is satisfied that it is appropriate to do so in all the circumstances. In considering whether it is appropriate in all the circumstances, the ACMA must take into account whether the allocation of the MNC would be consistent with the requirements of an international agreement that is relevant to the allocation.

The current relevant international recommendation is the ITU's recommendation 'The international identification plan for public networks and subscriptions' (ITU-T E.212). This recommendation is available from the ITU's website <https://www.itu.int/pub/T-REC> which is free to access. As a member of the ITU, Australia, through the ACMA as the designated administrator, uses its best endeavours to ensure its rules and procedures in relation to such numbers conform to the ITU recommendation to the greatest extent practicable.

If the ACMA approves an application, the ACMA must allocate the MNC to the registered carriage service provider. The ACMA must also notify the registered carriage service provider of the MNC that has been allocated and the date of allocation.

The ACMA is also required to notify the registered carriage service provider if a decision has been made not to approve the application. A decision not to approve such an application is a reviewable decision (see Part 3 of Chapter 11).

If the ACMA is not the designated authority, the ACMA must notify the designated authority of the allocation of the MNC and the date of allocation. This is to ensure the register of numbers, maintained by the designated authority, is kept up to date.

Part 3 – Transfer, surrender and withdrawal of international signalling point codes and mobile network codes

Section 42 Transfer of codes

This section sets out the rules that apply to the transfer of ISPCs and MNCs. The rules are intended to be consistent with the relevant ITU recommendations (ITU-T Q.708 and ITU-T E.212) as far as is practicable. Therefore, a carriage service provider who holds an ISPC or a MNC may only transfer the code to another registered carriage service provider in the case of a transfer of business involving the providers. That is, where a carriage service provider is selling a business that involves the use of an ISPC or MNC to another registered carriage service provider, the first carriage service provider may also transfer the ISPC or MNC to the other provider.

Notice of the transfer must be given to the ACMA in an approved form and strict compliance with the form is required. The transfer takes effect when the ACMA acknowledges receipt of the completed notice of transfer.

If the ACMA is not the designated authority, the ACMA must notify the designated authority of the transfer of the code and the date of transfer. This is to ensure the register of numbers, maintained by the designated authority, is kept up to date.

Section 43 Withdrawal of codes

This section allows the ACMA to withdraw an ISPC or a MNC held by a carriage service provider if the ACMA is satisfied that the withdrawal is appropriate in all the circumstances and is consistent with Australia's obligations under any relevant international agreement.

The ACMA must notify the carriage service provider of its decision to withdraw an ISPC or MNC held by the carriage service provider. If the ACMA is not the designated authority, the ACMA must notify the designated authority of the withdrawal of the code and the date of the withdrawal. This is

to ensure the register of numbers, maintained by the designated authority, is kept up to date.

A decision to withdraw an ISPC or an MNC is a reviewable decision (see Part of Chapter 11).

Section 44 Application to surrender codes

This section provides that a carriage service provider that holds an ISPC or MNC may apply to the ACMA to surrender the code if there is no carriage service being provided using the code.

This section requires the application to be made in a form approved by the ACMA and strict compliance with the approved form. The application must also be accompanied by any applicable application charge that is fixed by a determination made under section 60 of the ACMA Act.

Section 45 Decision on application to surrender codes

This section requires the ACMA to make a decision on an application made by a carriage service provider under section 44, no later than 10 business days after receiving the application.

Section 46 Notice of decision

This section requires the ACMA to notify the carriage service provider of its decision on an application to surrender an ISPC or MNC in writing as soon as practicable after making the decision.

If the ACMA approves the application, it must notify the carriage service provider of the date of surrender. If the ACMA is not the designated authority, it must notify the designated authority of the codes surrendered and the date of surrender, to ensure the designated authority is able to update the register of numbers kept under section 465 of the Act. The date of surrender must be the date of the ACMA's decision.

CHAPTER 6 – ALLOCATION OF NUMBERS

Chapter 6 sets out the rules for the allocation of numbers by the ACMA to CSPs for use in connection with the supply of carriage services.

Part 1 – Numbers able to be allocated

Section 47 ACMA to list numbers able to be allocated

This section requires the ACMA to make a list of the following types of numbers that are able to be allocated:

- Geographic numbers
- Freephone numbers
- Local rate numbers
- Mobile numbers
- Special services numbers
- Access codes

The ACMA must make the list for each type of number available to the public. The list of freephone numbers and local rate numbers must specify which of those numbers are smartnumbers.

Each of these number types is defined in section 5 of the instrument and has been specified for use in connection with the supply of carriage services to the public in Australia. The purpose of the listing of particular numbers within these categories is to make it easy for applicants to identify the numbers and number ranges that are currently available for allocation and use.

The list may include a number that is held by a carriage service provider but does not need to include a number that has not been allocated. A number that has been allocated to a carriage service provider, and is listed, may be reallocated after it has been surrendered or withdrawn. The ACMA is not required to list all numbers that may be made available for allocation at some point in the future.

This section also provides that the ACMA must not list a shared number.

Shared numbers are not allocated to an individual carriage service provider and so are available for use by any carriage service provider. Examples of shared numbers include 1223 and 1225, which are used for the supply of national and international directory assistance services. There are also access codes which are shared, for example 0011 which is used with the international direct dial service.

Part 2 – Standard procedure for allocation of numbers

Section 48 Application for allocation of numbers

This section sets out the standard application procedure for applications made by registered CSPs seeking allocations of numbers.

A registered carriage service provider may apply to the ACMA for an allocation of a number that is:

- listed under section 47 and not currently held by a carriage service provider
- a smartnumber for which there is an enhanced rights of use holder (EROU), but which is not allocated to a carriage service provider under section 51. This type of smartnumber is referred to as an assigned unallocated smartnumber (see the definition in section 5).

A registered carriage service provider may also apply to the ACMA for an allocation of a number that is any of the following:

- a freephone number that is not a smartnumber; or
- a local rate number that is not a smartnumber;

if the number is held by the carriage service provider who is making the application and was allocated to that carriage service provider with effect for 14, 30 or 90 days.

If a registered carriage service provider has an unpaid liability for an annual charge or late penalty payment, within the meaning of section 468 of the Act, which has been due for more than 3 months, the CSP will not be able to apply for an allocation of numbers under this section.

This section imposes the following application requirements:

- The application must be in a form approved by the ACMA and must strictly comply with that form.

- The application must be accompanied by any applicable application charge that has been fixed by a determination under section 60 of the ACMA Act.
- The registered carriage service provider must pay any allocation charge imposed on the allocation of the numbers by Part 2 of the Numbering Charges Act.

An application will not be complete unless it satisfies all of the requirements of this section and section 49.

Section 49 Application for allocation of numbers - additional requirements

This section sets out additional requirements for an application made under section 48.

Subsection 49(2) provides that an application for a number must be for multiples of the standard unit for that number type. A standard unit is a contiguous block of numbers in sequence. The quantity of numbers in the block depends on the type of number and is set out in Schedule 7. For example, a standard unit for applications for geographic numbers in a particular standard zone unit is 1,000 numbers (or 100, in some cases), whereas for freephone numbers it is a single number.

Subsection 49(3) requires applications for geographic numbers to state the standard zone unit for which the numbers are requested and, if the registered carriage service provider identifies the numbers it wishes to be allocated, those numbers must be specified for use in that standard zone unit.

Subsection 49(4) requires applications for a special service number or an access code to specify the type of service for which the number is requested and, if the registered carriage service provider identifies the numbers it wishes to be allocated, those numbers must be specified for use with that type of service.

Subsection 49(5) requires that applications for:

- a freephone number that is not a smartnumber; or
- a local rate number that is not a smartnumber;

must specify the period of allocation that the number is being applied for in accordance with subsections 49(6) to 49(9).

This allows registered CSPs who apply for 'non-smartnumber' freephone or local rate numbers to choose to be allocated the number for particular periods of time. A carriage service provider may also apply for the number for an unlimited period of time.

The length of time of allocation for which the registered carriage service provider will be able to apply depends on whether the registered carriage service provider has already been allocated the number for a particular time period. That is, if the registered carriage service provider does not currently hold the number, the carriage service provider may apply for an allocation of the number for 14 days, for 90 days or without a time limit.

If the registered carriage service provider already holds the number and it was allocated to it with effect for 14 days, the carriage service provider will in effect be able to apply for an allocation for a further 14 days, for a further 90 days or an unlimited (permanent) allocation. However, if the registered carriage service provider has already extended its initial 14 days allocation by a further

14-day allocation, it will only be able to apply for an allocation for 90 days or without a time limit.

Similarly, if the registered carriage service provider holds the number and it was allocated for an initial 90-day period, the carriage service provider will only be able to effectively apply for another allocation of 30 days or apply for an allocation without a time limit.

If the carriage service provider holds the number and has exhausted all of the allocations of limited duration, as outlined above, the carriage service provider can only apply for an allocation without a time limit (see subsection 49(9)).

Allocations of these freephone or local rate numbers that are subject to a time limit will automatically be withdrawn from the carriage service provider after the period expires (see section 88 of the instrument).

Section 50 Decision on application

Subsection 50(1) provides that the ACMA must approve an application under section 48 if it is complete and none of the grounds set out in the section for not approving the application apply.

Under subsection 50(2), where more than one application is received for the same number, the ACMA must approve the application it received first and not approve any later application.

Subsection 50(3) imposes a limitation on the allocation of a carriage service provider identification code (a type of access code identified in Schedule 6 to the instrument as being for use with an interconnect and routing service; see section 5). The ACMA must not approve an application for an allocation of a carriage service provider identification code if the registered carriage service provider holds such a code that was allocated on or after 5 September 2013, unless the ACMA is satisfied that special circumstances justify the allocation of an additional code to the registered carriage service provider.

This limitation does not apply if there is a registered industry code in place that the ACMA has declared as a replacement code for the purposes of subsection 50(4).

The purpose of this limitation is to ensure that the available supply of codes is not exhausted by a few CSPs, which could adversely affect competition in the telecommunications market. This limitation was first included in the Numbering Plan in 2013 to address potential increase in demand for these codes following the removal of annual numbering charge liability for these numbers (see section 6.21A of the Numbering Plan 1997).

The ACMA must notify a registered carriage service provider in writing if it has decided not to approve an application for a carriage service provider identification code. Such a decision is a reviewable decision (see Part 3 of Chapter 11).

Subsection 50(6) provides that the ACMA may regard a particular application as complete even if subsections 48(6) and (7) are not met by a registered carriage service provider (which require the application to be accompanied by any applicable charges), if the ACMA has determined in writing that this subsection applies to the carriage service provider and has not revoked that determination. This allows for situations where the ACMA has a post-payment arrangement in place with a carriage service provider. Any such determinations will be published on the ACMA's website at www.acma.gov.au.

Section 51 Allocation of numbers

Subsection 51(1) provides that if the ACMA approves an application under section 48 for a specified number or numbers, the ACMA must allocate those numbers to the registered carriage service provider.

Subsection 51(2) provides that if the ACMA approves an application that does not specify any number or numbers, the ACMA will select the number or numbers to allocate from numbers that are:

- types of numbers to which the application relates
- listed under section 47 as numbers that are able to be allocated
- not already held by a CSP
- if the application is for geographic numbers - specified for use in the standard zone unit to which the application relates
- if the application is for special services numbers or access codes - specified for use with the type of service to which the application relates.

Allocations made under this section may be subject to conditions (see subsection 51(3)).

The ACMA may decide to allocate a number with effect from, or until, a specified date (see subsection 51(4), and for freephone and local rate numbers (other than smartnumbers), see subsections 49(6) to (9), and 52(2)).

Subsection 51(5) requires the ACMA to notify the registered carriage service provider, in writing, of the numbers that have been allocated and the date of allocation. The ACMA must also notify whether the allocation is subject to any conditions, and, if applicable, the date the allocation will end. If the ACMA is not the designated authority, the ACMA must notify the designated authority of these matters in writing. This is to ensure that the designated authority is able to update the register of numbers it keeps under section 465 of the Act.

Section 52 Particular matters relating to allocation of freephone and local rate numbers

Section 52 applies to the allocation of freephone and local rate numbers that are not smartnumbers, when the ACMA approves an application made by a registered carriage service provider under section 48.

As explained above, applications for such numbers must specify the period which the allocation is applied for in accordance with subsections 49(5) to (9). The ACMA must allocate the number for the period of time that is set out in the application.

If the application was for an allocation without a time limit:

- the ACMA must not specify an end date for the allocation, and
- the number must be allocated subject to a condition that it must be issued to a customer or used by the registered carriage service provider no later than 5 business days after the date of the notice under subsection 51(5).

The notice of allocation that the ACMA must provide under subsection 51(5) must state that if this

does not occur the ACMA may withdraw the number. The ACMA has the power to withdraw the number under Part 3 of Chapter 8 of the instrument.

Part 3– Application for allocation of numbers in special circumstances

Section 53 Application for allocation of numbers

This section allows registered CSPs to apply to the ACMA for non-standard allocations of numbers. The allocations are 'non-standard' as they are for a number or numbers that have not been listed as available by the ACMA under section 47 or the application is not for a standard unit size (or a multiple of a standard unit size) for that type of number or numbers.

A registered carriage service provider will not be able to apply for an allocation under this section if the provider has an unpaid liability for an annual charge or late penalty payment which has been due for more than 3 months (see subsection 53(2)). A registered carriage service provider may not apply for a shared number as such numbers are available for use by all CSPs without allocation (subsection 53(3)).

This section imposes the following application requirements:

- The application must be in a form approved by the ACMA (subsection 53(4)).
- The application must be accompanied by any application charge fixed by a determination made under section 60 of the ACMA Act (subsection 54(6)).
- The registered carriage service provider must pay the allocation charge imposed by Part 2 of the Numbering Charges Act (subsection 53(7)).

Subsection 53(5) also requires applications for a freephone number or a local rate number made under this Part to specify whether it is for an allocation for 14 days, 90 days or without a time limit.

It should be noted that this section will not apply to the allocation of smartnumbers. Freephone or local rate numbers must be listed as smartnumbers under section 47 in order to be smartnumbers, and smartnumbers have a standard unit of one. Since the only freephone and local rate numbers that may be allocated under this Part are those that are not listed, they cannot include smartnumbers.

Section 54 Decision on application

Subsection 54(1) requires the ACMA to make a decision to approve or not approve an application under section 53 no later than 60 business days after receiving the application. The ACMA has a wide discretion to approve an application if it is satisfied that it is appropriate to do so in all circumstances. The ACMA will take into account the matters listed at section 55 when considering if it is appropriate to allocate the numbers.

Subsection 54(3) provides that if an application under section 53 relating to a freephone or local rate number is made by a registered CSP that last held that number, and is for the purpose of issuing the number to the customer to whom that number was last issued, the ACMA must approve the application.

This section also provides that the ACMA must not approve an application in which the registered carriage service provider identified specific numbers if these numbers are not the type of numbers to

which the application relates or if the numbers are held by a carriage service provider (subsection 54(4)). If the ACMA receives multiple requests for allocation of the same number, the ACMA must make a decision in the order that the requests were received (subsection 54(5)).

Section 55 Matters to take into account

In considering whether it is appropriate to allocate the numbers under section 53, the ACMA must take the following matters into account:

- The efficient use of a number, to enable future requirements for numbers to be met at the least cost to CSPs and customers;
- The desirability of promoting access by end-users to a range of carriage services and CSPs;
- The desirability of promoting flexible management by CSPs of any expansion in the use of numbers in connection with the supply of carriage services for which the number is to be allocated;
- The objects of the instrument;
- Any other matter the ACMA considers relevant.

Section 56 ACMA may ask for further information

This section enables the ACMA to request, in writing, further information from a registered carriage service provider about relevant matters to assist in the consideration of an application for a non-standard allocation of numbers. The 60 business days for making a decision on an application under section 53 do not include a period starting when the ACMA makes a request for further information and ending when the ACMA receives the information.

Unless the ACMA specifies otherwise, the registered carriage service provider must provide this information in writing. The carriage service provider is taken to have withdrawn the application if the information is not given to the ACMA within 40 business days from the date the request was made.

Section 57 Notice that application has not been approved

This section requires the ACMA to notify a registered carriage service provider in writing if the ACMA decides not to approve an application made under section 53. Such a decision is a reviewable decision under Part 3 of Chapter 11.

Section 58 Allocation of numbers

Subsection 58(1) provides that if the ACMA has approved an application for a number or numbers under section 53, the ACMA must allocate those numbers to the registered carriage service provider.

If the ACMA approves an application that does not specify any number or numbers, the ACMA will select the number or numbers to allocate that are:

- types of numbers to which the application relates
- not already held by a CSP

- if the application was for geographic numbers - numbers specified for use in the standard zone unit to which the application relates
- if the application was for special services numbers or access codes - numbers specified for use with the type of service to which the application relates.

The ACMA may decide to allocate numbers under this section subject to conditions (subsection 58(3)) or with effect from, or until, a specified date (subsection 58(4), and for freephone and local rate numbers, see section 59).

Subsection 58(5) requires the ACMA to notify the registered carriage service provider, in writing, of the numbers that have been allocated and the date of allocation. The ACMA must also notify the carriage service provider if the allocation is subject to any conditions and whether the allocation is to have effect until a specified date. If the ACMA is not the designated authority, the ACMA must notify the designated authority of these matters in writing to ensure that the designated authority is able to update the register of numbers maintained under section 465 of the Act.

Section 59 Particular matters relating to allocation of freephone and local rate numbers

This section applies to the allocation of freephone and local rate numbers when the ACMA approves an application made by a registered carriage service provider under section 53.

As explained above, the applications for such numbers must specify whether the allocation is for 14 days, 90 days or without time limit (see subsection 53(5)). The ACMA must allocate the number for the period of time set out in the application.

If the application was for an allocation without a time limit the ACMA must not specify an end date for the allocation and the number must be allocated subject to a condition that it must be issued to a customer or used by the registered carriage service provider not later than 5 business days after the date of the notice under subsection 58(5).

The notice the ACMA is required to give under subsection 58(5) must state that if this does not occur the ACMA may withdraw the number. The ACMA has the power to withdraw the number under Part 3 of Chapter 8.

Part 4 – Variation to standard zone units to which geographic numbers are allocated

Section 60 Application by carriage service provider for variation of allocation

This section enables a registered carriage service provider to apply, in writing, to the ACMA to vary the standard zone unit to which one or more geographic numbers are allocated. The registered carriage service provider must use the application form approved by the ACMA and must:

- identify the standard zone unit to which the numbers are allocated
- be for a multiple of 100 numbers
- include an explanation of how and why the standard zone unit is inappropriate.

The application must be accompanied by any applicable application charge that has been set out in a determination under section 60 of the ACMA Act.

Section 61 Decision on application

This section provides that the ACMA must decide to approve or not to approve an application under section 60 no later than 10 business days after the day on which it receives the application. If the ACMA needs to consult on the application, it may extend that period to a total of no more than 40 business days by giving notice in writing of the extension to the applicant.

Under subsection (2) the ACMA must decide not to approve an application under section 60 to vary a standard zone unit to which one or more geographic numbers are allocated if it is satisfied that:

- the numbers were deliberately issued for use in an inappropriate standard zone unit; or
- the variation would be inconsistent with the number analysis capabilities of telecommunications networks operated in Australia; or
- the numbers do not relate to:
 - the terminating charging district in which calls to the number terminate or appear to terminate for charging purposes; or
 - a standard zone unit that is adjacent to the first standard zone unit and is in a charging district that has the same prefix as the terminating charging district; or
- the use of the numbers would substantially reduce the geographic significance of the numbers; or
- the decision to vary the allocation would have disadvantages for another carriage service provider, customer or end-user that outweigh the advantages.

Unless the ACMA is required not to approve an application under subsection (2), the ACMA may approve an application to vary the standard zone unit if:

- the ACMA is satisfied that the carriage service provider making the application has issued the numbers; and
- the carriage service provider has given the ACMA adequate information to allow the ACMA to make a decision.

The ACMA's must notify the carriage service provider of its decision in writing and, if the ACMA is not the designated authority, the ACMA must notify the designated authority of its decision.

Section 62 Request for further information

This section allows the ACMA to request, in writing, further information from a carriage service provider who has made an application under section 60. The ACMA can request that this information be given no later than 30 business days after the request is made.

The period for making a decision on the application under subsection 61(1) does not include the period from when the ACMA asks the carriage service provider for further information until the ACMA receives the information. If the applicant does not give the ACMA the further information requested within 30 business days after the request is made, the applicant is taken to have withdrawn the application.

CHAPTER 7 – SPECIAL RULES ABOUT SMARTNUMBERS

Chapter 7 sets out specific rules relating to smartnumbers. Smartnumbers are freephone and local rate numbers that the ACMA has specified as 'smartnumbers' in the list it creates under section 47 of the instrument. The freephone and local rate numbers that are specified to be smartnumbers are generally patterned (for example, 1800 222 222) or capable of being translated into one or more 'phonewords' (for example, 13 CATS), making these numbers more memorable and therefore valuable to end-users.

Smartnumbers are different to other freephone and local rate numbers as end-users initiate the allocation process by effectively applying to obtain enhanced rights of use (EROU) for a smartnumber. There are additional rights, conferred on the EROU holder of a smartnumber, that do not apply in relation to other numbers. Enhanced rights of use include the ability for the EROU-holder of the smartnumber to sell or licence the number and hold the number without service for up to three years.

The ACMA (and, before it, the Australian Communications Authority) has been allocating smartnumbers since 2004. From 2004 to 2015 Smartnumbers were allocated through an auction system. In 2015 the ACMA moved to an 'over-the-counter' system for the sale of smartnumbers to increase the efficiency of the allocation process.

There are two stages to the allocation of a smartnumber. First, if the EROU for an 'unassigned unallocated smartnumber' (that is, a smartnumber without an EROU-holder) are assigned to an EROU-applicant, the smartnumber is also initially allocated to a carriage service provider under Chapter 7. However, that carriage service provider immediately surrenders the number (subsection 65(3)) and the EROU-holder can arrange for another carriage service provider to apply for the allocation of an assigned unallocated smartnumber to that carriage service provider (which occurs under Part 2 of Chapter 6).

Part 1 – Special procedure for initial allocation of smartnumbers

Section 63 Application for initial allocation of smartnumbers

This section sets out the requirements for the initial allocation of an unassigned unallocated smartnumber. The rules regarding the allocation of assigned unallocated smartnumbers (that is, those smartnumbers that have an EROU-holder) are in Part 2 of Chapter 6.

This section imposes the following application requirements:

- The application must be in a form approved by the ACMA and strict compliance with the form is required.
- The application must be accompanied by any applicable application charge that has been fixed by a determination under section 60 of the ACMA Act.
- The registered carriage service provider must pay any allocation charge imposed on the allocation of the smartnumbers by Part 2 of the Numbering Charges Act. An EROU-applicant may pay the charge on behalf of the registered carriage service provider.

An application will not be complete unless it satisfies all requirements of this section.

Section 64 Decision on application

This section requires the ACMA to approve a complete application made under subsection 63(1). However, if more than one application for allocation of the same unassigned unallocated smartnumber is received, the ACMA must make a decision on the applications in the order that they were received. Once an application is approved, the ACMA cannot approve any later applications for the same smartnumber.

The ACMA must give written notice of a decision not to approve an application under subsection 63(1) to the registered carriage service provider and the EROU-applicant.

Section 65 Initial allocation of smartnumbers

If the ACMA approves an application for a smartnumber made under subsection 63(1), this section requires the ACMA to allocate that smartnumber to the registered carriage service provider that applied with the EROU-applicant.

The EROU applicant becomes the EROU-holder at the time the ACMA allocates the smartnumber to the registered carriage service provider.

Immediately following the allocation of the smartnumber to the registered carriage service provider, the allocation is taken to have been surrendered by the carriage service provider and the smartnumber becomes an 'assigned unallocated smartnumber'. This surrender occurs automatically under subsection 65(3) and is part of the arrangements the ACMA has entered into with major CSPs to facilitate the assignment of EROU to EROU-holders. This allows the EROU-holder to approach a carriage service provider of its choice when it wishes a service to be provided on the smartnumber.

Subsection 65(4) requires the ACMA to notify the EROU holder of the following:

- That the smartnumber was allocated to the registered carriage service provider and the allocation ceased immediately after the smartnumber was allocated.
- That until the smartnumber is allocated under section 65(1), the smartnumber is an assigned unallocated smartnumber.
- The date of the allocation and cessation.

If the ACMA is not the designated authority, the ACMA must notify the designated authority of the matters set out in subsection 65(4). This ensures that the designated authority is able to accurately maintain the register of numbers in accordance with section 465 of the Act.

The ACMA is also required to update the register of smartnumbers under section 68.

Once a smartnumber has been allocated under section 65, it becomes an assigned unallocated smartnumber. An assigned unallocated smartnumber can become an unassigned unallocated smartnumber again if the EROU are cancelled (under sections 74, 75 and 76) or waived by the EROU-holder (section 73).

Part 2 – Enhanced rights of use

Section 66 Enhanced rights of use

This section lists the rights of use that are conferred on the EROU-holder for the smartnumber. These are the rights to:

- request a registered carriage service provider to provide a service on the smartnumber to the EROU-holder
- trade the EROU
- have the smartnumber surrendered by a registered carriage service provider (see section 76)
- give up all rights in relation to the smartnumber
- have no active service in place for the smartnumber (but see section 75)
- ask a registered carriage service provider to apply for the allocation of the smartnumber under section 48
- ask for the disconnection of a service on the smartnumber at any time.

The section further explains that an EROU-holder's right to disconnection of an active service does not affect the validity of any agreement for the delivery of services between the carriage service provider and the person to whom the service is provided.

This section also provides that a carriage service provider does not need to act on a request by a person purporting to be the EROU-holder unless the carriage service provider is satisfied that the person who made the request is the current EROU-holder. The carriage service provider is entitled to rely on the register of smartnumbers maintained by the ACMA under section 68 in order to be so satisfied.

Section 67 Reallocation and issue

This section gives effect to an EROU-holder's right to make a request to a particular registered carriage service provider for the supply of a service on its smartnumber. Essentially, it provides that if the EROU-holder asks a registered carriage service provider to apply for allocation of an assigned unallocated smartnumber (whether the smartnumber is an assigned unallocated smartnumber because the initial allocation has been automatically surrendered, or because a subsequent allocation has been surrendered or withdrawn), the registered carriage service provider must apply for the allocation of the smartnumber under section 48.

Once the smartnumber is allocated to that registered carriage service provider, it must issue the smartnumber to the EROU-holder as soon as practicable after the allocation has occurred and agreement has been reached between the carriage service provider and the EROU-holder about the delivery of the services for the smartnumber.

Section 68 Register of smartnumbers

Section 68 requires the ACMA to maintain a register of smartnumbers. The register must contain the following information for each smartnumber for which there is an EROU-holder:

- The smartnumber
- The name of the EROU-holder
- If the EROU-holder agrees, the EROU-holder's address, telephone number and email address.

The register of smartnumbers can be relied upon by CSPs to determine whether a person requesting that the carriage service provider perform an act in relation to a smartnumber actually is the EROU-holder for that smartnumber (see subsection 66(3)).

The ACMA will make a form available for EROU-holders to update their details on the register. An EROU-holder must keep the register up to date if there are any changes to the EROU-holder's details contained in the register. A person who becomes the EROU-holder for a smartnumber as the result of a trade must also update the details in the register.

The ACMA must make the register available to the public and the register may be in an electronic form. The ACMA may correct any error or omission in information held in the register in relation to the EROU-holder for a smartnumber.

The register may include personal information of EROU-holders within the meaning of the *Privacy Act 1988* (Privacy Act). The collection and use of this personal information is necessary to ensure that there is a method of verifying who the EROU-holder is for each smartnumber. The register only includes such personal information as is reasonably necessary for these purposes. Where the ACMA collects such personal information, the ACMA is obliged to comply with the Australian Privacy Principles set out in Schedule 1 to the Privacy Act. The ACMA has published a privacy policy, which is available from its website at www.acma.gov.au/privacy-policy.

Section 69 Trading the enhanced rights of use and licensing a smartnumber

Section 69 provides that the EROU-holder for a smartnumber may trade all their EROU but is not entitled to trade only some of the EROU.

The EROU-holder for a smartnumber may also license another person to have an active service on the smartnumber.

A trade of the EROU does not come into effect until the ACMA is notified of the trade in the ACMA approved form. Strict compliance with the form is required. This ensures that the register of smartnumbers maintained by the ACMA under section 68 is accurate.

This section also provides that a carriage service provider who is allocated the smartnumber must not do anything that would hinder the trading of the EROU or the licensing of the smartnumber.

Section 70 Application to surrender smartnumber

This section enables a carriage service provider that holds a smartnumber to apply to the ACMA to surrender the smartnumber if there is no carriage service being provided using the smartnumber.

If the surrender has been requested by the EROU-holder, and there is no carriage service being provided, the carriage service provider must make an application to the ACMA no later than 5

business days after receiving the request from the EROU-holder. The EROU-holder retains the right to trade the EROU for the smartnumber and to ask a carriage service provider to apply for the allocation of a smartnumber under section 67.

The application must be in a form approved by the ACMA and must strictly comply with that form. The application must be accompanied by any applicable application charge that has been fixed by a determination under section 60 of the ACMA Act.

Section 71 Decision on application to surrender smartnumber

This section requires the ACMA to make a decision on an application made by a carriage service provider under section 70 no later than 10 business days after receiving the application.

Section 72 Notice of decision

This section requires the ACMA to notify the carriage service provider of its decision on an application by a carriage service provider under section 70 in writing as soon as practicable after making the decision. If the ACMA approves the application, it must notify the carriage service provider of the date of surrender.

If the ACMA is not the designated authority, the ACMA must notify the designated authority of the smartnumber surrendered and the date of surrender. This is to ensure that the designated authority is able to update the register of numbers it keeps under section 465 of the Act. The date of surrender is the date of the ACMA's decision.

Section 73 Waiver of enhanced rights of use

This section entitles the EROU-holder to waive the enhanced rights of use of an assigned unallocated smartnumber by notifying the ACMA, in an approved form. If the EROU-holder wants to waive the EROU in relation to an allocated smartnumber, the EROU-holder would first need to request that the carriage service provider surrenders the number under section 70.

When the ACMA receives notice under subsection 73(1), the smartnumber becomes an unassigned unallocated smartnumber and the EROU-holder ceases to be the EROU-holder for the smartnumber. The smartnumber may then become the subject of an application for an initial allocation under section 63, if it remains listed as a smartnumber on the list maintained under section 47 of the instrument.

Section 74 Cancellation of enhanced rights of use – false statement

This section applies if the EROU-holder for a smartnumber was the joint applicant for the smartnumber and is convicted of making a false statement in the application, within the meaning of subsection 136(1) of the Criminal Code.

The ACMA must cancel the enhanced rights of use, withdraw the smartnumber from the carriage service provider and notify the EROU-holder of its decision in writing.

If the ACMA is not the designated authority, the ACMA must notify the designated authority of its decision.

Section 75 Cancellation of enhanced rights of use – no allocation for 3 years

This section requires the ACMA to cancel the enhanced rights of use for a smartnumber if it has been an assigned unallocated smartnumber for a continuous period of 3 years. That is, if the number has not been allocated to a registered carriage service provider in that time, the ACMA must cancel the enhanced rights of use. This is designed to prevent the hoarding of smartnumbers without putting those numbers into service. The ACMA must notify the EROU-holder for the smartnumber of its decision in writing.

Section 76 Cancellation of enhanced rights of use – scam or fraudulent activity

This section allows the ACMA to cancel the enhanced rights of use for a smartnumber if the ACMA has reasonable grounds to believe that the number has been used or is likely to be used in association with scam communication and or other fraudulent activity.

The ACMA must be satisfied that the benefits of withdrawing the number are more significant for end-users and CSPs than any adverse technical and financial consequences of withdrawing the number.

If the ACMA decides to cancel the enhanced rights of use for a smartnumber, it must notify the EROU-holder for the smartnumber of its decision in writing, specifying and reasons for the decision, and the date of the proposed cancellation (subsection 76(2), which date must not be less than 5 days from the date of the notice (subsection 76(3)).

The ACMA must cancel the enhanced rights of use and withdraw the smartnumber from the carriage service provider at the end of the period specified in the notice given under subsection (2).

If the ACMA is not the designated authority, the ACMA must notify the designated authority of its decision.

CHAPTER 8 – TRANSFER, SURRENDER AND WITHDRAWAL OF NUMBERS

Chapter 8 sets out the rules for the transfer of numbers between registered CSPs, surrender of numbers by CSPs and the withdrawal of numbers by the ACMA.

Part 1 – Transfer of numbers

Section 77 Transfer process

This section provides that a registered carriage service provider that holds a number may transfer the number to another registered carriage service provider with the agreement of that receiving provider. However, a freephone number or local rate number that is allocated with effect for 14, 30 or 90 days must not be transferred (subsection 77(3)).

This section does not apply to international signalling point codes and mobile network codes. Rules about their transfer are set out in section 42.

The ACMA must be given notice of the transfer in a form approved by the ACMA and strict compliance with the form is required. The notice of transfer must be accompanied by any applicable charge that has been fixed by a determination under section 60 of the ACMA Act.

The transfer does not take effect until the ACMA acknowledges receipt of the completed notice of transfer. If the ACMA is not the designated authority, the ACMA must notify the designated authority of the transfer of the number and the date of transfer. This is to ensure that the designated authority is able to update the register of numbers it maintains under section 465 of the Act.

Section 78 Transfer not to affect customer's right to use number

This section requires CSPs to ensure that a transfer of a number between providers does not affect a customer's ability to use the number.

Part 2 – Surrender of numbers

Section 79 Application to surrender numbers

This section provides that a carriage service provider that holds a number may apply to the ACMA to surrender the number if there is no carriage service provided using that number. This section does not apply to smartnumbers, ISPC or MNC, as surrender of these numbers is dealt with separately in section 70 (smartnumbers) and section 44 (ISPCs and MNCs).

The application must be in a form approved by the ACMA and must strictly comply with that form. The application must be accompanied by any applicable application charge that has been fixed by a determination under section 60 of the ACMA Act.

Section 80 Decision on application to surrender numbers

This section requires the ACMA to make a decision on an application to surrender a number made by a carriage service provider under section 79 no later than 10 business days after receiving the application.

The ACMA must decide not to approve an application for numbers that are not a multiple of standard units for that type of number, unless it is satisfied that:

- the surrender is consistent with the current number analysis capabilities of telecommunications networks operated in Australia, and
- the carriage service provider is unable to, or would be significantly disadvantaged or inconvenienced if they were required to, surrender the numbers as a multiple of standard units, and
- it is appropriate in all the circumstances to allow the surrender of the numbers.

In any other case, the ACMA must approve an application for a surrender of numbers under section 79.

Section 81 Notice of decision

This section requires the ACMA to notify the carriage service provider of a decision on an application to surrender numbers in writing as soon as practicable after making the decision. If the ACMA approves the application, it must notify the carriage service provider of the date of surrender. The date of surrender is the date of the ACMA's decision.

If the ACMA is not the designated authority, the ACMA must notify the designated authority of the numbers surrendered and the date of surrender. This is to ensure that the designated authority is able to update the register of numbers it maintains under section 465 of the Act.

Part 3 – Withdrawal of numbers

This Part sets out the circumstances under which the ACMA may withdraw numbers from CSPs. In addition to the provisions in this Part, sections 74 and 76 also provide additional rules for the withdrawal of a smartnumber and section 43 sets out the rules for the withdrawal of ISPCs and MNCs.

Section 82 Inconsistency with numbering plan

This section provides that the ACMA may withdraw a number (other than an ISPC or MNC) if:

- the number has been allocated, transferred or issued in a way that is inconsistent with the instrument, and
- the ACMA is satisfied that the benefits of withdrawing or the problems that would be avoided by withdrawing the number, are more significant for end-users and CSPs than the technical and financial consequences of withdrawing the number.

If the ACMA decides to withdraw a number, the ACMA must give written notice to the carriage service provider. The notice must set out the reasons for the decision and specify the date of withdrawal. The decision to withdraw a number under this section is a reviewable decision under Part 3 of Chapter 11.

This section requires that the period of time between the date of the notice and the date on which the number is to be withdrawn is to be at least the shorter of the following periods:

- 44 business days plus the period for which, at the date of the notice, the carriage service provider has held the number, or
- 14 months.

If the ACMA is not the designated authority, the ACMA must notify the designated authority of a decision to withdraw a number as soon as reasonably practicable after the decision is made. This is to ensure that the designated authority is able to update the register of numbers it maintains under section 465 of the Act.

Section 83 Inconsistency with conditions

This section provides that the ACMA may withdraw a number (other than an ISPC or an MNC) under the following circumstances:

- If the number has been transferred, issued or used in a way that is inconsistent with the conditions placed by the ACMA on the allocation of the number, and

- The ACMA is satisfied that the benefits of withdrawing, or the problems that would be avoided by withdrawing, the number, are more significant for end-users and CSPs than the technical and financial consequences of withdrawing the number.

If the ACMA decides to withdraw a number, the ACMA must give written notice to the carriage service provider. The notice must set out the reasons for the decision and specify the date of withdrawal. The decision to withdraw a number under this section is a reviewable decision under Part 3 of Chapter 11.

This section requires that the period of time between the date of the notice and the date on which the number is to be withdrawn is to be at least the shorter of the following periods:

- The period for which, at the date of the notice, the carriage service provider has held the number, or
- One year.

If the ACMA is not the designated authority, the ACMA must notify the designated authority of a decision to withdraw a number as soon as reasonably practicable after the decision is made. This is to ensure that the designated authority is able to update the register of numbers it maintains under section 465 of the Act.

Section 84 Scam or fraudulent activity

This section provides that the ACMA may withdraw a number (other than an international signalling point code or a mobile network code) if:

- the ACMA has reasonable grounds to believe that the number has been used or is likely to be used in association with a scam communication or other fraudulent activity, and
- the ACMA is satisfied the benefits of withdrawing the number, or the problems to be avoided by withdrawing the number, are more significant for end-users and CSPs than any adverse technical and financial consequences of withdrawing the number.

The ACMA must give written notice to the CSP that holds the number. The notice must set out the reasons for withdrawal and specify the date that the number is to be withdrawn. This section requires that the period of time between the date of the notice and the date on which the number is to be withdrawn is to be at least 5 business days.

If the ACMA is not the designated authority, then the ACMA just notify the designated authority of the decision to withdraw the number as soon as reasonably practical after the decision is made.

Section 85 Non-payment of annual numbering charge

This section provides that the ACMA may withdraw a number held by a carriage service provider if:

- annual charge is payable under the Numbering Charges Act by the carriage service provider for any number held by the carriage service provider; and
- the charge has remained unpaid for at least 3 months from the date it was due; and

- the ACMA is satisfied the carriage service provider is aware of the liability; and
- the ACMA is satisfied the withdrawal of the number will not produce any significant adverse consequences for end-users.

The ACMA must not withdraw a number under subsection 85(1) if the number is exempt from annual numbering charge in accordance with section 22 of the Numbering Charges Act, or if the rate of annual charge for that number is nil.

If the ACMA decides to withdraw a number, the ACMA must give written notice to the carriage service provider. The notice must set out the reasons for the decision and specify the date of withdrawal. The decision to withdraw a number under this section is a reviewable decision under Part 3 of Chapter 11.

This section requires that the period of time between the date of the notice and the date on which the number is to be withdrawn is to be at least 20 business days.

If the ACMA is not the designated authority, the ACMA must notify the designated authority of a decision to withdraw a number as soon as is reasonably practicable after the decision is made. This is to ensure that the designated authority is able to update the register of numbers it maintains under section 465 of the Act.

Section 86 Withdrawal of numbers not in use

This section provides that the ACMA may withdraw a number (other than an ISPC or MNC) held by a carriage service provider if:

- either:
 - the number has been held by the carriage service provider for at least 24 months and has not been in use in that time; or
 - the number has been held by the carriage service provider for less than 24 months and the ACMA reasonably believes that the number will not be in use before the number is held for 24 months; and
- the ACMA reasonably believes that the number is additional to the numbers needed for ongoing business needs of the carriage service provider; and
- the ACMA reasonably believes that the benefits of withdrawing, or the problems that would be avoided by withdrawing, the number are greater than the costs of withdrawal.

Before making a decision to withdraw the number, the ACMA must notify the carriage service provider in writing that the ACMA proposes to withdraw the number and of the reasons for the proposed withdrawal. The notice must also inform the carriage service provider that it may object, in writing, to the proposed withdrawal of the number in the period of 20 business days after the date of notice of proposed withdrawal. This period is known as the 'objection period'.

The ACMA must consider any objection received by a carriage service provider during the objection period when deciding whether to withdraw a number.

The ACMA must make a decision on whether to withdraw a number under this section as follows:

- If an objection is received during the objection period - within 20 business days after the day the ACMA received the objection;
- If an objection is not received during the objection period - within 20 business days after the end of the objection period.

The ACMA must give written notice to the carriage service provider of its decision in writing. If the ACMA decides to withdraw the number, the notice must set out the reasons for the decision and specify the date of withdrawal. The decision to withdraw a number under this section is a reviewable decision under Part 3 of Chapter 11.

This section requires that the period of time between the date of the notice under subsection 86(5) and the date on which the number is to be withdrawn is to be at least 20 business days.

If the ACMA is not the designated authority, the ACMA must notify the designated authority of a decision to withdraw a number as soon as reasonably practicable after the decision is made. This is to ensure that the designated authority is able to update the register of numbers it maintains under section 465 of the Act.

Section 87 Cessation of business

This section enables the ACMA to withdraw a number held by an entity that was a carriage service provider if the ACMA is satisfied that the entity is no longer a carriage service provider and there are no proposed arrangements to permanently transfer the number to another registered carriage service provider.

The ACMA must give written notice to the entity of its decision to withdraw a number under this section. The notice must set out the reasons for the decision and specify the date of withdrawal.

This section requires that the period of time between the date of the notice and the date on which the number is to be withdrawn must be at least 20 business days.

If the ACMA is not the designated authority, the ACMA must notify the designated authority of a decision to withdraw a number as soon as is reasonably practicable after the decision is made. This is to ensure that the designated authority is able to update the register of numbers it maintains under section 465 of the Act.

Section 88 End of allocation period

This section provides that a number that is allocated until a specified date is automatically withdrawn at the end of that day. This applies to allocations for set periods of times, including allocations of freephone and local rate numbers that were requested to be for a period of 14, 30 or 90 days (see subsections 49(5) and 53(5)).

CHAPTER 9 – OBLIGATIONS OF CARRIAGE SERVICE PROVIDERS

Chapter 9 sets out the obligations of CSPs in relation to numbers that they hold and which have been issued to their customers.

Part 1 – Recall and issue of replacement numbers

Section 89 Recall of issued number and issue of replacement number

This section sets out the circumstances in which CSPs may recall an issued number (**current number**) from a customer and issue a replacement number. A carriage service provider may only recall a current number issued to a customer and issue a replacement number if the recall and replacement:

- is required by law; or
- is asked for, or agreed to, by the customer; or
- will avoid the need to modify or replace plant or equipment in a way that would have significant technical and financial consequences for the carriage service provider or its customers, or cause significant difficulties to the customer of the current number; or
- is approved by the ACMA under section 90.

The carriage service provider is required to notify the customer of its intention to recall the number and issue the customer with a replacement number, and of the date on which this will occur.

The time between the date of the notification and the recall and replacement must be not less than 90 days, but may be for a shorter period if:

- the customer asked for recall and replacement; or
- the customer agreed to a shorter period; or
- the number is recalled under subsection (1) and it is not reasonably practicable to give the minimum period of notice.

Section 90 Application to recall issued number and issue replacement number

This section provides for a carriage service provider to make an application to the ACMA for approval to recall an issued number from a customer and issue the customer with a replacement number.

The application must be in writing and must include the reasons for requesting the recall and replacement.

The ACMA must make a decision to approve or not to approve the recall and replacement no later 65 business days after receiving the application.

The ACMA may request, in writing, further information from the carriage service provider about relevant matters to assist in its consideration of the application. If the ACMA does so, the 65 business days within which the ACMA must decide to approve or not approve the application will not include the period starting when the ACMA makes a request for further information and ending when the ACMA receives the information.

In considering the application, the ACMA may have regard to any matter that it considers relevant. The ACMA may consult the ACCC or an advisory committee established under the ACMA Act about the application.

The ACMA must give the carriage service provider written notice of the ACMA's decision.

Section 91 Recall of issued number without issue of replacement number

This section sets out the circumstances under which a carriage service provider may recall an issued number from a customer without issuing a replacement number.

These are only if:

- the customer asks in writing for the number to be recalled; or
- the customer agrees in writing for the number to be recalled; or
- the customer asks in writing for the number to be issued to another customer; or
- the customer agrees in writing to the number being issued to another customer; or
- the carriage service provider ceases to offer the kind of carriage service associated with the number; or
- the carriage service provider ceases to offer the carriage service in the customer's location; or
- the supply of the carriage service to the customer is otherwise terminated; or
- the customer has not subscribed, within a reasonable time, to the carriage service for which the number was issued; or
- the number was issued to the customer on the condition that it would be recalled on or from a specified date; or
- the ACMA directs the carriage service provider to recall the number.

(Note the ACMA has a general power under section 581 of the Act to give written directions to a carriage service provider in connection with performing any of the ACMA's telecommunications functions or exercising any of the ACMA's telecommunications powers. In some circumstances this could include giving directions to recall issued numbers.)

Section 92 Restriction on reissuing recalled number

This section sets out the time restrictions for issuing a recalled number to another customer. If a carriage service provider recalls a number from a customer because of nuisance calls, that number must not be issued to another customer for at least one year from the day it was recalled.

A number that was recalled from a customer (the **previous customer**) for any other reason must not be issued to another customer (the **new customer**) for a period of six months from the day it was recalled. Exceptions to this requirement are where:

- the carriage service provider does not hold any other suitable numbers and the new customer is informed that the number has been recalled within the last six months and agrees to be issued the number; or
- for a geographic number - the new customer moves into premises where calls to the number previously terminated and the new customer does not ask for a new number; or
- the number will be moved from the previous customer to the new customer, and the new

customer and the carriage service provider agree to the issue of the number.

Part 1 – General obligations of carriage service providers

Section 93 Use of numbers not to be subject to certain conditions

This section lists certain conditions that a carriage service provider must not impose on a customer in relation to the use of a number. These include:

- a condition that the customer must pay a debt owed to the carriage service provider by a customer who was previously issued the number;
- a condition that the customer must not request to port the number to another carriage service provider;
- a condition that the customer must not change CSPs.

Section 94 Carriage service provider must not issue a number that it has not been allocated

This section ensures that a carriage service provider can only issue a number that the provider holds. This means that the carriage service provider who holds the number has the exclusive ability to issue the number to a customer. No other carriage service provider may issue the number to a customer.

The holder of a number is the carriage service provider to whom the number has been allocated or transferred (see the definition of *holds* in section 5 of the instrument).

Paragraph 455(1)(a) of the Act provides that the instrument is for, among other things, "the numbering of carriage services in Australia". CSPs issue numbers to their customers (see paragraph 455(5)(e) and note 2 to subsection 455(5) of the Act).

The issued number is, therefore, the number to be used in relation to the carriage service to be supplied to the customer by that carriage service provider. Nothing prevents a customer from being issued more than one number by the carriage service provider. Whether or not another carriage service provider may provide a service on that number is a matter for agreement between the CSPs and customers involved (subject to the rules about portability in Chapter 10 of the instrument). That is, nothing in the instrument prevents a carriage service provider who holds the number arranging with another carriage service provider for that provider to supply a service to a customer and take any and all practical steps to facilitate the provision of that service. The ACMA understands that such arrangements might be called different names by different CSPs (such as 'sub-allocations' or 'on-selling').

Section 95 Notice of carriage service provider's obligations

This section requires a carriage service provider to notify its customer about the provider's obligations in relation to the use of a number issued to the customer. The notification must be provided in writing and within six months of issuing the number to the customer.

The notice must inform the customer:

- that the carriage service provider has obligations in relation to the use of the number;

- that the customer can obtain information about the obligations;
- how they may obtain the information.

However, the notification requirement under subsection 95(1) does not apply if the customer has been previously issued a number by the carriage service provider and the information has not changed since the customer was last issued a number by the provider (see subsection 95(2)).

The information that can be obtained by the customers must explain the carriage service provider's obligations under Chapter 9 of the instrument and must be included in any telephone directory published by the carriage service provider (see subsections 95(3) and 95(4)).

Part 3 – Exceptions

Section 96 Application for exemption from obligation in this Chapter

This section enables a carriage service provider to apply for an exemption from compliance with a provision in Chapter 9. The application must be in writing and may be made in relation to all customers, or to a class of customers. The ACMA must make a decision to grant or not to grant the exemption within 65 business days after receiving the application.

The ACMA may request, in writing, further information from the carriage service provider about relevant matters to assist in its consideration of the application. If it does so, the 65 business days under subsection 96(4) will not include a period starting when the ACMA makes a request for further information and ending when the ACMA receives the information.

In considering the application, the ACMA may have regard to any matter that it considers relevant. The ACMA may consult the ACCC or an advisory committee established under the ACMA Act about the application.

The ACMA must give the carriage service provider written notice of the ACMA's decision. A decision under this section is a reviewable decision (see Part 3 of Chapter 11).

Section 97 Replacement of provisions by industry code

This section provides that if there is a registered industry code that applies to a carriage service provider, and in the ACMA's opinion the industry code has substantially the same effect as one or more of the provisions in sections 89, 91, 92, 93 and 95, then those provisions do not apply to the carriage service provider. This is to encourage industry to develop its own standards of conduct in relation to the recall and replacement of numbers, and the provision of information to customers about their rights of use in relation to numbers.

CHAPTER 10 – NUMBER PORTABILITY

Number portability is the ability of a customer of a carriage service provider to change CSPs and retain the same telephone number. Number portability is important in facilitating competition in the telecommunications industry because it removes a barrier to changing CSPs for end-users who wish to keep the same telephone number. It allows customers to choose and move between competing providers without the inconvenience of changing their phone number.

Under subsection 458(1) of the Act, the ACMA must not include rules about portability of allocated numbers unless the ACMA has been directed to do so by the ACCC under subsection 458(2). The ACCC provided the ACMA with new directions in March 2025.

Chapter 10 sets out the general obligation on CSPs to provide number portability for certain services. The ACMA has also registered three industry codes under section 117 of the Act:

- Industry Code C570:2024 - Mobile Number Portability
- Industry Code C540:2023 - Local Number Portability
- Industry Code C657:2024 Inbound Number Portability

These codes set out the procedural arrangements CSPs are required to follow when porting numbers between providers. The codes specify the general rules for porting numbers, including timeframes for portability performance levels, and the porting processes, including the requirements for customer authorisations. These industry codes are available for free at <https://www.commsalliance.com.au/Documents/all/codes>.

The obligations in this Chapter generally apply to CSPs and carriers providing a carriage service that is a 'portable service'. Portable service is defined in section 5 of the instrument to mean:

- a local service;
- a freephone service;
- a local rate service; or
- a public mobile telecommunications service other than a satellite telephone service.

Part 1 – Implementation dates

Section 98 Determining implementation dates

This section provides for the ACMA to determine an implementation date, which is the date by which a carrier or a carriage service provider must implement number portability for portable services in relation to their customers. In making the determination, the ACMA must have regard to the network capacity and support systems of the carrier or carriage service provider, and any other matter relevant to giving effect to number portability.

Implementation dates for local number portability and mobile number portability were determined under the Numbering Plan 1997, and these continue to apply for these portable numbers.

Section 99 Public notice period for implementation date

This section requires that, at least 44 days before an implementation date, the ACMA must publish on its website a notice stating the implementation date and the portable services to which the date relates.

Section 100 Application of Chapter to carriage service providers and carriers

The number portability obligations imposed on CSPs or carriers under Chapter 10 apply on and after the relevant implementation date for the portable service to which the number relates. Further

information about the implementation dates is available on the ACMA's website at www.acma.gov.au.

Part 2 – Providing portability

Section 101 Technical capability and technology

This section requires a carriage service provider or carrier that is involved with providing a portable service to ensure that it has the technical capability to give effect to number portability for the portable service. The carriage service provider or carrier must also have the technology available for use within its network to give effect to number portability in a way that provides equivalent service and enables end-to-end connectivity.

Section 102 Meaning of *equivalent service*

This section explains what is meant by an 'equivalent service' provided by a carriage service provider in relation to a ported number. An equivalent service is a service where any differences in quality, reliability, service or features, between that service and the service provided by the carriage service provider in relation to a number that has not been ported, are not apparent to end-users using or calling the ported number to the extent that the differences might affect their choice of carriage service provider.

Subsection 102(2) provides that regard may be had to the following matters in determining whether a carriage service is an equivalent service:

- Any relevant criteria that have been specified by the ACMA for the purpose of identifying an equivalent service;
- The network capacity of, and the support systems available to, the CSPs and carriers; and
- Any other matters relevant to providing number portability.

Section 103 Obligation to provide number portability to customers

This section sets out the obligations on a carrier or carriage service provider involved in providing a portable service to a customer, requiring that they must:

- ensure that the customer is able to exercise their rights in relation to number portability;
- do everything necessary to port a customer's number in response to a request made by another carrier or carriage service provider on behalf of the customer;
- port the number:
 - at the time agreed with the customer or the new carriage service provider or carrier; or
 - if no time is agreed, within a period of time determined by the ACMA under subsection 103(5); or
 - if a registered industry code that applies to the carrier or carriage service provider determines a period of time within which the number must be ported, within that period; or

- in any other case, as soon as practicable;
- ensure that no action or inaction on its part prevents the customer from keeping the same portable number when changing to the new provider or carrier.

Subsection 103(5) enables the ACMA to determine the period of time after a porting request is made within which a number must be ported. The period of time determined could apply to a particular case or a class of cases. In making the determination, the ACMA must have regard to the following:

- the network capacity of, and the support systems available to, the CSPs and carriers; and
- any other matters relevant to ensure that customers are able to exercise their right to port numbers.

The ACMA has not made any such determinations to date. The following industry codes establish the relevant porting timeframes that apply to CSPs or carriers:

- Industry Code C540:2023 - Local Number Portability sets the timeframes for porting of local services provided on geographic numbers; and
- Industry Code C570:2024 - Mobile Number Portability sets the timeframes for porting of mobile services; and
- Industry Code C657:2024 - Inbound Number Portability sets the timeframes for porting of freephone and local rate services

Section 104 Obligation to ensure that equivalent service is provided

This section requires a carriage service provider to provide an equivalent service to a person to whom a ported number has been issued, to the extent that the provision of such a service is within the provider's control. When routing a call to or from a ported number, a carriage service provider must ensure that no action or inaction on its part prevents:

- the carriage service provider from providing an equivalent service to the customer to whom the ported number has been issued; and
- an end-user receiving an equivalent service when using or calling the ported number.

Section 105 Routing arrangements

Subsection 105(1) provides that a carriage service provider or carrier must not prevent, by its action or inaction in routing calls to or from a ported number, the provision of an equivalent service in relation to that number.

Subsection 105(2) requires the carriage service provider or carrier who has 'routing responsibility' in relation to a call to a portable number to enable calls to the number to be completed by:

- routing the call appropriately; or
- ensuring correct routing of the calls to the appropriate carriage service provider or carrier.

Subsection 105(3) sets out which carriage service provider has routing responsibility of a call in most

instances, providing that the originating access carriage service provider (as defined in section 5) has routing responsibility unless one of the following applies to the call:

- If the call originated outside Australia, the first carriage service provider or carrier in Australia receiving the call has routing responsibility;
- If the call requires number translation from the dialled number to the appropriate network address, the carriage service provider or carrier providing the number translation service has routing responsibility from the point at which translation is applied;
- If the call is being diverted from one number to another, the carriage service provider or carrier providing the diversion service has routing responsibility from the point at which the diversions begins.

Section 106 Cancellation of service to ported number

This section sets out the obligations that apply to CSPs when a customer cancels the service to which a number relates which was ported from one carriage service provider to another.

The carriage service provider to which the number was ported must:

- if the number was a freephone or local rate number - surrender the number to the ACMA;
- in any other case - give the number back to the carriage service provider that holds the number.

The carriage service provider that holds the number will be the carriage service provider who has been allocated the number by the ACMA, or who has been transferred the number under previous iterations of the Numbering Plan and who has not subsequently transferred or surrendered the number (see definition of 'holds' in section 5 of the instrument).

It is the responsibility of the carriage service provider who holds the number to notify each relevant carriage service provider and carrier that the number is no longer ported and of the carrier it nominates as the carrier that will terminate calls to the number. The timeframes for giving the number back under subsection 106(2) are matters that have been agreed to by industry and are set out in the relevant industry codes on number portability.

Part 3 – Exemptions from obligations

Section 107 Application for exemption from obligations in this Chapter

This section provides that a carriage service provider or carrier may apply to the ACMA, in writing, for an exemption from the portability obligations in Chapter 10. The application must identify:

- the obligation or obligations for which the applicant is seeking an exemption; and
- the period for which the applicant is seeking an exemption.

If the exemption is sought only in relation to particular exchanges or areas, the application must identify the exchanges or areas.

The application must include the reasons why the applicant is seeking the exemption and, if practicable, these reasons should be supported by documented evidence.

If the request for an exemption is being made due to an inability to meet the obligations, the application must include:

- a detailed statement of the actions the applicant has taken to try to meet its obligations; and
- the time by which the applicant believes it can complete any network or other requirements to meet its obligations and a list of proposed key dates before that time.

Section 108 Compliance not required while application is considered

This section states that carriage service provider or carrier is not required to comply with an obligation that is the subject of an application for exemption made under section 107 until the ACMA notifies the applicant of its decision on that application under section 112.

Section 109 Consultation with ACCC

This section provides that the ACMA may consult with the ACCC when considering an application for exemption under section 107, in relation to whether granting the exemption would be in the long-term interests of end-users. If the ACMA consults with the ACCC, the ACMA must give the ACCC the following:

- A copy of the application no later than 5 business day after receiving it.
- All relevant information, documents and records in relation to the application.

Section 110 Deciding application for exemption

This section sets out the requirements relating to a decision on an application for exemption from an obligation under section 107. This section requires the ACMA to decide whether to grant or not grant the exemption no later than 65 business days after receiving the application.

In considering the application, the ACMA may have regard to:

- the network capacity of, and the support systems available to, the CSPs and carriers;
- if the ACMA consulted the ACCC under section 109, any comments made by the ACCC on the long-term interests of end-users; and
- any other matters it considers relevant to providing number portability.

The ACMA must grant the exemption if it is satisfied that it is not practicable for the applicant to meet the obligation. The ACMA may grant the exemption if it is satisfied that it would be in the long-term interests of end-users to exempt the applicant from the obligation. Otherwise, the ACMA must not grant the exemption.

The ACMA may grant an exemption:

- for a specified period; or

- for specified purposes; or
- in relation to a specified customer or class of customers; or
- subject to specified conditions.

Section 111 Request for further information

This section provides that the ACMA may ask for further information from the applicant at any time to assist it to consider an application under section 107. The 65 business days mentioned in subsection 110(1) do not include a period:

- starting when the ACMA asks the applicant for further information; and
- ending when the ACMA receives the information.

The ACMA may nominate a date by which the information it requests must be provided and, at any time, replace this date with a later nominated date. The application lapses if the applicant does not provide the requested information by the nominated date.

Section 112 Notice of decision about exemption

This section sets out the requirements on the ACMA to notify the applicant in writing of its decision under section 110.

If the ACMA decides to grant an exemption, the notice must:

- describe each obligation from which the applicant is exempted; and
- describe the scope of the exemption, such as the period of the exemption or the class of customers to which the exemption relates; and
- include any conditions on the granting of the exemption.

If the ACMA grants the exemption, the ACMA must publish a notice on its website stating:

- that the ACMA has granted the exemption; and
- how a copy of the text of the ACMA's decision to grant the exemption can be obtained.

The ACMA must also give notice of the decision to grant an exemption to any person whom the ACMA believes may have an interest in the decision.

If the ACMA makes a decision not to grant an exemption, that decision is a reviewable decision under Part 3 of Chapter 11 and therefore notice of the decision must include a statement to the effect that the affected person may apply for reconsideration of the decision (see subsection 120(1)).

CHAPTER 11 – GENERAL MATTERS RELATING TO ADMINISTRATION, REVIEW AND REPORTING

Chapter 11 sets out the administrative matters relating to the operation of the instrument. These relate to the registration of CSPs for the purposes of the instrument, monitoring and reporting requirements and review of decisions made by the ACMA.

Part 1 – Registration of carriage service providers

Section 113 Application for registration

This section provides that a carriage service provider may apply to the ACMA to be registered under section 114. The application must be in a form approved by the ACMA and strict compliance with the form is required. The application must be accompanied by any applicable charge fixed in a determination made under section 60 of the ACMA Act.

Section 114 Registration of carriage service provider

This section requires the ACMA to register a carriage service provider if the carriage service provider has made a complete application and has paid any required charge.

Registration under section 114 is intended to facilitate the efficient and effective administration of numbering transactions by the ACMA through its numbering system. It is not intended to be a barrier to entry or otherwise to regulate who may be a carriage service provider. CSPs are only required to register if they want to apply for allocation, transfer or surrender of numbers.

Registration enables the ACMA to ensure it has accurate contact details of all CSPs using the system, which assists the ACMA to collect charges where applicable and otherwise to contact CSPs where necessary.

Section 115 Registered carriage service provider must update information

This section requires a registered carriage service provider to ensure that the ACMA has up to date information about the provider's name, Australian Company Number or Australian Registered Body Number (if any) and contact details.

Section 116 Transitional - registration under previous numbering plan

This section provides that a carriage service provider registered under the Numbering Plan 2015 immediately before the commencement of Part 1 of Chapter 11 of the instrument, will automatically be taken to be registered under section 114 immediately after such commencement.

Part 2 – Monitoring and reporting

Section 117 Report on numbers transferred for purposes of numbering charge

This section sets out the reporting requirements that apply to a carriage service provider (the **reporting carriage service provider**) who holds a mobile number.

The purpose of these reports is to enable the ACMA to accurately determine the 'holder' of a number within the meaning of the Numbering Charges Act, so that it can correctly determine each carriage service provider's annual numbering charge liability and collect these charges efficiently.

Under the Numbering Charges Act, annual numbering charges are imposed on the 'holder' of a number as determined under the Numbering Charges Act. The holder of a number has a different meaning under that Numbering Charges Act to the carriage service provider that 'holds' a number

under the instrument. This is because the meaning of 'transfer' of a number in the Numbering Charges Act includes the porting of numbers to another carriage service provider and includes other rules about transfers that apply solely for the purposes of the Numbering Charges Act. The carriage services providers that 'hold' the numbers under the Numbering Charges Act may not be recorded as holding the numbers in the manner set out in the instrument.

The information provided through these reports allows the ACMA to determine which of the numbers that a carriage service provider holds for the purpose of the instrument have actually been ported or otherwise transferred to another carriage service provider within the meaning of the Numbering Charges Act.

The reporting carriage service provider must give a report to the ACMA at the following times:

- Each time a day is determined under subsection 18(2) of the Numbering Charges Act - no later than 10 business days after the day that is determined.
- If the ACMA requests a report from the carriage service provider in writing - no later than 20 business days after the request is given.

The report must be in a form approved by the ACMA and must be given to the ACMA by a method approved by the ACMA. The form must include the following:

- The name of the reporting carriage service provider.
- The mobile numbers held by the reporting carriage service provider (within the meaning of the instrument - i.e. allocated or transferred to that carriage service provider under the instrument) at the time of the report.
- The name of each other carriage service provider that holds each of those mobile numbers within the meaning of section 17 of the Numbering Charges Act (that is, those CSPs to which the numbers have been ported, or otherwise transferred, within the meaning of section 5A of the Numbering Charges Act).
- Any other information required by the ACMA that relates to the administration of the annual numbering charge.

Section 118 ACMA usage of reports

This section provides that the ACMA must only use a report given by a carriage service provider under section 117 to:

- identify the holder of the number within the meaning of section 17 of the Numbering Charges Act; or
- work out an amount of annual numbering charge; or
- otherwise administer the annual numbering charge.

If the ACMA is not given a report by a carriage service provider by the time required under section 117, the ACMA may rely on any other available information to undertake these activities.

Part 3 – Review of decisions

Part 3 of Chapter 11 provides a mechanism through which affected persons may apply for merits review of certain decisions that the ACMA makes under the instrument. This Part sets out which decisions are reviewable, the information that is to be provided to affected persons when those decisions are made and the manner in which affected persons may apply for internal reconsideration by the ACMA and further review by the Administrative Review Tribunal.

Section 119 Reviewable decisions

This section lists each of the decisions made by the ACMA which are reviewable decisions under the instrument. There are 28 decisions that affected persons may apply for reconsideration of, ranging from refusal of applications for allocations of numbers in special circumstances to decisions not to grant exemptions from obligations under the instrument.

Section 120 Statement to accompany notice of reviewable decision

Subsection 120(1) requires the ACMA, when giving notice of a reviewable decision, to advise the person affected by the decision that the person may, if dissatisfied with the decision, apply to the ACMA under section 121 for reconsideration of the decision.

The affected person may apply to the ACMA for reconsideration of the decision. The application must be made within 20 business days after the affected person is notified of the decision, or, if the ACMA has extended the period within which the person may apply, before the end of that period.

The ACMA may extend the period before or after the 20-business day period has ended.

The application must be in a form approved by the ACMA and set out the reasons for the application. Subsection 120(6) also provides that a failure to comply with the notice requirement in subsection 120(1) does not affect the validity of the decision concerned.

Section 121 Reconsideration by ACMA

This section requires the ACMA to reconsider a reviewable decision if it receives an application under subsection 121(2). The ACMA must make a decision (an **internal review decision**) whether to affirm, vary or revoke the reviewable decision. The ACMA must notify the applicant of an internal review decision and the reasons for that decision no later than 65 business days after receiving the application. If the ACMA does not notify the applicant of its decision in that time, the ACMA will be taken to have affirmed the reviewable decision.

Section 122 Statements to accompany notice of decision on reconsideration

The notice of a decision on reconsideration of a reviewable decision required to be given under subsection 121(2) must include a statement to the effect that the person notified of the internal review decision may apply to the Administrative Review Tribunal for review of the internal review decision.

This section also provides that a failure to comply with this notice requirement does not affect the validity of the reconsideration decision concerned.

Section 123 Review by Administrative Review Tribunal

This section provides that an application may be made to the Administrative Review Tribunal to review an internal review decision.

Part 4 – General matters

Section 124 Use of computer program to make decisions

This section provides that the ACMA may use, or arrange for the use, under its control, of a computer program for any purpose for which the ACMA may make decisions under the instrument. A decision made by the operation of a computer program under this arrangement is taken to be a decision made by the ACMA. A reference in this section to a decision includes, but is not limited to, a reference to the creation of a list.

Broadly speaking, this section allows the ACMA to automate a range of decisions under the instrument. These automated processes relate to decisions to allocate numbers under Part 2 of Chapter 6 of the instrument, and decisions to allocate unassigned unallocated smartnumbers under Part 1 of Chapter 7, amongst others. The automated processes can be used to identify whether applications made for allocation or transfer of numbers are compliant with the requirements of the relevant provisions of the instrument, and are therefore able to assist in the efficient management of the numbering scheme involving the use of millions of numbers, and ensure the availability of numbers to CSPs and their customers.

Section 124 allows the ACMA to use a computer program for the automatic allocation of numbers under those Parts, where the applications for those numbers comply with the requirements of those Parts.

The ACMA also uses a computer program to maintain the list of numbers that are available for allocation, required by section 47 of the instrument. Section 124 also facilitates any automation of that maintenance.

Section 124 also provides that the ACMA must substitute a decision for a decision (the initial decision) made by the operation of a computer program under an arrangement under subsection (1) if the ACMA is satisfied the initial decision is incorrect.

The ACMA will maintain oversight of the automation of decision-making under these parts of the instrument.

CHAPTER 12 – TRANSITIONAL PROVISIONS

Chapter 12 makes arrangements to manage the transition from the provisions of the Numbering Plan 2015 and related numbering instruments.

Section 125 Previous allocations not affected by repeal

This section provides that the repeal of the Numbering Plan 2015 does not affect any allocation, transfer, surrender or withdrawal of a number that occurred under that instrument.

Section 126 Mobile network codes assigned before commencement

This section applies if before the commencement of this section, a person has been assigned an MNC for use and the MNC has not been transferred, surrendered or withdrawn before the commencement of this section.

This section provides that the person is taken to be a carriage service provider that holds the MNC for the purposes of Part 3 of Chapter 5 and Part 3 of Chapter 8. This ensures that those persons who have been previously assigned MNCs by the ACMA will be taken to hold the MNCs and will be able to apply to transfer or surrender those codes under the instrument.

However, this section does not allow that person to apply as a carriage service provider for an allocation of another MNC or other number if the person is not a carriage service provider within the meaning of section 87 of the Act.

As part of the ACMA's role as the national administration for Australia with the ITU, the ACMA notifies the ITU of the MNCs that are currently assigned and the ITU publishes these details on its website at <https://www.itu.int/pub/T-SP-E.212B> which is free to access.

Section 127 Applications not dealt with under 2015 numbering plan

This section provides that applications made under the Numbering Plan 2015, for which decisions have not yet been made by the time that instrument is repealed, will be dealt with in accordance with the Numbering Plan 2015 as if that instrument had not been repealed.

Section 128 Use of mobile numbers for IoT services

This section provides for the use of mobile numbers for internet of things (IoT) services, which are defined in section 5 of the instrument, for a period of 12 months from the date of commencement of the instrument. This period is to give CSPs time to make network and other arrangements to transition to the new IoT number range for new IoT services.

SCHEDULES 1–7

Schedule 1

This schedule lists geographic numbers that are specified for allocation and use in connection with the supply of local services in Australia. This Schedule contains four tables corresponding to four regions in Australia: Central East Region; South East Region; North East Region; and Central and West Region. Each table denotes the area code, at least the first two digits of the geographic number and the localities (standard zone units or charging districts) that the geographic numbers are specified for use in (see section 18).

Schedule 2

This schedule lists the freephone numbers that are specified for allocation and use in connection with the supply of freephone services in Australia. The table in Schedule 2 specifies the prefixes of freephone numbers, their digit length and whether incoming international access is available on the numbers.

Schedule 3

This schedule lists the local rate numbers that are specified for allocation and use in connection with the supply of a local rate service in Australia. The table in Schedule 3 specifies the prefixes of local rate numbers, their digit length and whether incoming international access is available on the numbers.

Schedule 4

This schedule lists the mobile numbers that are specified for allocation and use in connection with the supply of a mobile service in Australia. The table in Schedule 4 specifies the prefixes of mobile numbers, their digit lengths, whether the number is a low charge number and whether incoming international access is available.

Schedule 5

This schedule lists the special services numbers that are specified for use in connection with the supply of various types of carriage services to the public in Australia.

The schedule contains two tables, one listing special service numbers that are not shared and the second listing special service numbers that are shared numbers. Shared numbers are numbers that can be used by a carriage service provider without being allocated.

Each table specifies the first digits of the numbers; their digit length; the type of service for which the numbers are specified for use; and whether incoming international access is available on the numbers. The table for special service numbers that are not shared also specifies whether the number is a low charge number. The table for the special service numbers that are shared numbers specifies whether the number is a selectable number. Each of the service types specified for the particular numbers are defined in section 5 of the instrument.

Schedule 6

This schedule lists the access codes that are specified for use in connection with the supply of various types of carriage services to the public in Australia.

The schedule contains two tables, one listing access codes that are not shared and the second listing access codes that are shared. Shared access codes are codes that that can be used by a carriage service provider without being allocated.

Each table specifies the first digits of the access code, its digit length; the type of service for which that the access codes is specified for use; and the types of numbers that can be prefixed by the access code. Each of the service types specified for the particular numbers are defined in section 5 of the instrument.

Schedule 7

This schedule sets out the quantity of numbers in a standard unit for different types of numbers. The quantity of numbers in a standard unit depends on the type of number. Numbers are usually allocated

in standard units and are preferably surrendered in standard units.