Proposal to vary the Telecommunications Numbering Plan 2015

Consultation paper

october 2022

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Executive summary

The Australian Communications and Media Authority is proposing to make a limited number of targeted amendments to the Telecommunications Numbering Plan 2015 (the numbering plan) to benefit consumers and industry. These amendments are intended to enhance the numbering plan’s efficiency and effectiveness by:

supporting scam disruption initiatives

enabling efficient allocation of numbers

specifying availability of geographic numbers in certain areas.

We invite feedback on the draft Telecommunications Numbering Plan Variation 2022 (No.1) (the draft variation), including responses to the specific questions in this consultation paper. A copy of the numbering plan with the proposed amendments tracked is also provided for ease of reference.

A more holistic review of the numbering plan will be considered prior to it sunsetting in April 2025.

# Issues for comment

We welcome comment on any proposed amendment in the draft variation, but are specifically seeking feedback on the following questions:

1. **Initiatives to support scam disruption**
   1. Do you support these initiatives? Why? Why not?
   2. Is there any specific cost or burden in relation to the proposals? If so, please provide specific detail against each relevant item.
   3. If you are a carriage service provider (CSP), will you promote the use of the 7226 (SCAM) code to your customers?
   4. Should 7226 be classified as a community service?
   5. Should incoming international access be available for 7226?
   6. Should 7226 be classified as a low charge number?
   7. Should 7226 be classified as a selectable number?
   8. Are there any reasons (for example, legitimate use-cases) to allow outbound calls using freephone, local rate and premium numbers?
   9. Are there any reasons CSPs shouldn’t be registered as a precondition to being assigned numbers on the same network?
   10. Under proposed transitional arrangements, is 90 days from commencement of registration provisions sufficient time for CSPs that have been assigned numbers to register?
   11. Is between 90 to 180 days sufficient time for donor CSPs to check the registration status of CSPs that have been assigned numbers?
   12. Should the numbering plan limit the number of times a number can be provided to another CSP under contractual arrangements (that is, assign the number) outside the Numbering System?
   13. Should the numbering plan restrict entities which can be assigned numbers to Australian businesses?
   14. In deciding whether to withdraw numbers used for scam or fraudulent purposes, what should the ACMA consider?
2. **Efficient allocation of numbers**
   1. Do you support these initiatives? Why? Why not?
   2. Is there any specific cost or burden in relation to the proposals? If so, please provide specific detail against each relevant item.
   3. If you are a CSP, do you anticipate you will be more likely to apply for an allocation of numbers, or a transfer of numbers, via the Numbering System if standard unit sizes are reduced to 10,000 number blocks?
   4. Noting we anticipate changes will be made to the Numbering System by the end of March 2023, will CSP systems be able to accept 10,000 number blocks by that time? If CSPs expect they will need longer, would a possible workaround be to apply for allocation of 10 x 10,000 number blocks in each transaction? Would this create additional costs?
   5. Are there any disadvantages to requiring transfers of numbers to occur in standard unit sizes under the numbering plan, noting this is already standard practice in the Numbering System?
   6. Are there any reasons to retain location independent communications services (LICS)?
   7. Do you support decreasing the notice period CSPs must give customers before recalling or replacing a number? Please specify why or why not.
   8. Is 90 business days sufficient to allow customers, including small business owners, to make necessary changes to accommodate a new number?
3. **Availability of geographic number ranges in certain areas**
   1. Do you support these initiatives? Why? Why not?
   2. Is there any specific cost or burden in relation to the proposals? If so, please provide specific detail against each relevant item.
4. **Other updates**
   1. Do you have any comments about the proposal to remove the objects?
   2. Do you have any comments about the proposed changes to definitions?

# Background

## Regulatory framework

The numbering plan sets out the framework for the numbering of carriage services in Australia and the use of numbers for the supply of those services. It specifies the rules for the allocation, transfer, surrender, portability and use of different types of numbers for carriage services.

The numbering plan was made by the ACMA under subsection 455(1) of the *Telecommunications Act 1997* on 10 March 2015 and includes amendments under the Telecommunications Numbering Plan Variation 2016 (No. 1), registered on the Federal Register of Legislation on 5 April 2016.

The numbering plan is supported by a range of industry codes and guidelines and contractual arrangements between CSPs.

The ACMA manages number allocation, transfer and surrender of numbers via the outsourced Numbering System ([www.thenumberingsystem.com.au](http://www.thenumberingsystem.com.au/)), which enables CSPs, individuals and businesses to purchase different types of numbers, including mobile and geographic numbers.

In proposing these amendments, we have considered the obligations imposed on CSPs by:

Part 4 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999,* to provide continued access to untimed local calls

recognised international standards.

The numbering plan will sunset on 1 April 2025.[[1]](#footnote-2) As part of the sunsetting process, we must consider whether the instrument is operating efficiently and effectively. The proposals in this consultation paper are targeted at key short to medium-term enhancements to benefit consumers and industry.

The proposed amendments are informed by our direct engagement with industry via our Numbering Advisory Committee established under section 58 of the *Australian Communications and Media Authority Act 2005*. They also complement our broader program of work to combat scams on telecommunications networks.

# Proposed amendments

## 1. Supporting scam disruption initiatives

Phone scams cause significant direct social and economic harms. The ACMA and industry have been actively engaged in disrupting scams, with new rules in force that require CSPs to use multifactor identification on a range of customer transactions targeted by scammers. There are also new obligations in force requiring CSPs to identify and block scam calls and texts.

There is very promising data that these initiatives are having a positive impact. However, scams are caused by third-party bad actors, generally operating offshore. Scammers are determined, agile and deceptive. They adapt to regulatory measures and target system weaknesses and perceived regulatory gaps.

In this context, and noting phone scams are an ACMA compliance priority in 2022–23, several additional measures are proposed within the draft variation to further support the fight against scammers targeting Australians via telecommunications services.

### 7226 (SCAM) short code

We propose to amend Schedule 5 to the numbering plan to specify 7226 as a shared special service 4-digit number for community service purposes. 7226 spells SCAM on a keypad. We propose that incoming international access would not be available. We also propose that it would not be a low charge number or selectable number.

Specifying 7226 will support industry initiatives to enable CSP customers to report scam texts to their provider via a single short code. It is not intended to be a mandatory or a single solution, but an additional tool to assist CSP-level disruption of scams. CSPs would determine if they provide the number to their customers for use, and how the resulting data is used to identify and act on scams.

A similar 7726 Spam Reporting System, developed by the Global System for Mobile Communications, is currently used in the US, UK and New Zealand. This system enables consumers to forward unsolicited text communications to 7726.

We do not propose specifying 7726 (SPAM) as part of this variation so that we clearly differentiate between scam and spam reporting. The ACMA regulates spam, which is defined as being commercial electronic messaging, under the *Spam Act 2003*. Consumers can make a complaint about spam directly to the ACMA via our website: [www.acma.gov.au/spam-complaint-form](https://www.acma.gov.au/spam-complaint-form).

### Question 1.1

Do you support these initiatives? Why? Why not?

### Question 1.2

Is there any specific cost or burden in relation to the proposals? If so, please provide specific detail against each relevant item.

### Question 1.3

If you are a CSP, will you promote the use of the 7226 (SCAM) code to your customers?

### Question 1.4

Should 7226 be classified as a community service?

### Question 1.5

Should incoming international access be available for 7226?

### Question 1.6

Should 7226 be classified as a low charge number?

### Question 1.7

Should 7226 be classified as a selectable number?

### Limiting freephone, local rate and premium rate numbers

We propose to amend the definitions of freephone, local rate and premium rate numbers under section 15 of the numbering plan so they can only be used for inbound calls (that is, numbers that consumers can call).

Industry has identified that freephone, local rate and premium rate numbers have been misused to make scam calls look legitimate; for example, by spoofing or over-stamping offshore scam calls with numbers such as 1800.

Communications Alliance members have indicated that there is no legitimate case for outbound calls to use these numbers. They consider that the numbering plan should provide clarity to industry about the use of these numbers by aligning with the industry code [C661:2022 *Reducing Scam Calls and Scam SMs*](https://www.commsalliance.com.au/__data/assets/pdf_file/0015/72150/C661_2022.pdf), which prohibits use of these types of numbers for outgoing calls.

Such an amendment will provide consistency and clarity to industry, while further disrupting methods used by scammers.

### Question 1.8

Are there any reasons (for example, legitimate use-cases) to allow outbound calls using freephone, local rate and premium numbers?

### Registration in the Numbering System

We propose CSPs should be registered under section 122 of the numbering plan before they can be provided numbers under commercial agreements, also known as assigning a number. In practice, this will require CSPs receiving assigned numbers to register in the Numbering System. It will also require the CSP assigning a number to another CSP to confirm a CSP’s registration status in the Numbering System before providing a number.

This amendment is consistent with current obligations that require CSPs to be registered in the Numbering System before numbers can be allocated to them by the ACMA or transferred to them by another CSP.

Assigned numbers are commercially transferred from one CSP to another on the same network. Unlike numbers transferred under section 86 of the numbering plan, assignment occurs outside of the Numbering System. We consequently have limited visibility of assigned numbers or the CSPs that use them.

This amendment will provide greater transparency of CSPs that have been assigned Australian numbers. It is not intended to, nor would it, create a definitive register of CSPs for broader regulatory purposes. Rather, it will complement new record keeping rules proposed by industry in the draft industry code C566:2022 *Number Management: Use of Numbers by Customers* that we understand will be submitted for registration in the short-term future.

Increased transparency of number movement and the CSPs which have been assigned numbers is a key tool in preventing the misuse of numbers by scammers. We do not expect significant changes to the Numbering System will be required to facilitate this new obligation, noting that CSPs must already register in the Numbering System to be allocated or to transfer numbers.

We propose CSPs that currently have assigned numbers would be given 90 days to register in the Numbering System or return the assigned numbers. We also propose that CSPs assigning numbers to third-party CSPs will be required to check that CSPs they have assigned numbers to are registered in the Numbering System. They must do this between 90 and 180 days after the commencement of the variation. If the CSPs who have been assigned numbers are not registered, the CSP who provided the number will need to notify the ACMA. After this transitional period, unregistered CSPs that assign or are assigned numbers would be in breach of the numbering plan.

### Question 1.9

Are there any reasons CSPs shouldn’t be registered as a precondition to being assigned numbers on the same network?

### Question 1.10

Should the numbering plan limit the number of times a number can be provided to another CSP under contractual arrangements (that is, assign the number) outside the Numbering System?

### Question 1.11

Should the numbering plan restrict entities which can be assigned numbers to Australian businesses?

### Question 1.12

Under proposed transitional arrangements, is 90 days from commencement of registration provisions sufficient time for CSPs that have been assigned numbers to register?

### Question 1.13

Is between 90 to 180 days sufficient time for donor CSPs to check the registration status of CSPs that have been assigned numbers?

### Power to withdraw numbers used for scams

We propose the ACMA be given a limited power to withdraw a number if we have reasonable grounds to believe it has been used in association with a scam communication or other fraudulent activity. To make use of this power, we must be satisfied that the benefits of withdrawing the number outweigh any adverse technical and financial consequences of doing so.

From time-to-time, we are made aware by law enforcement, government agencies or consumers about numbers that are being used to perpetrate a scam or fraudulent activity. Specifically, this often involves the misuse of numbers in scam texts, websites and over-the-top applications to solicit a return call.

Currently, the ACMA has no explicit power to withdraw a number from use under such circumstances. We do note some CSPs may take action to remove a number from an end-user under a contract if it becomes evident that the number is being used for scam purposes.

This amendment will increase the regulatory options available to us where a CSP is not taking sufficient steps to protect Australians and prevent numbers from being used by scammers or for other fraudulent activity.

We note, however, that the proposed power may not be appropriate to use in all circumstances; for example, where scam calls are made using spoofed or over-stamped numbers[[2]](#footnote-3), or where scammers use numbers for a very short time before moving onto a new number. In both these situations, it is unlikely that withdrawing numbers would be an efficient means of disrupting scam activity.

We do not expect significant changes to the Numbering System will be required to facilitate this obligation, as we already have powers to withdraw numbers under other circumstances.

A decision to withdraw numbers used for scam communications or other fraudulent activity would be reviewable under section 127 of the numbering plan. Withdrawn numbers may be re-allocated by the ACMA.

### Question 1.14

In deciding whether to withdraw numbers used for scam or fraudulent purposes, what should the ACMA consider?

## 2. Efficient allocation of numbers

In response to technological and other industry changes since the numbering plan was made and then varied, we are proposing the following amendments.

### Decrease the size of a standard unit of numbers

We propose decreasing the size of a standard unit for premium rate numbers and mobile numbers that may be allocated, transferred or surrendered via the Numbering System from 100,000 to 10,000.

The numbering plan specifies the standard unit of numbers that may be allocated via the Numbering System at any one time. A standard unit is defined as a contiguous block of numbers in sequence. Currently, the standard unit for premium rate numbers and mobile numbers is 100,000 numbers.

This current block size is based on telecommunications network conditioning practices at the time the numbering plan was last remade. We understand technological changes mean larger unit sizes are no longer necessary.

Accordingly, we propose to decrease the size of a standard unit for these types of numbers to 10,000. It’s anticipated that smaller unit sizes will increase flexibility for industry and encourage the transfer of numbers within the Numbering System.

We anticipate that relevant changes will be made to the Numbering System by   
the end of March 2023.

### Question 2.1

Do you support these initiatives? Why? Why not?

### Question 2.2

Is there any specific cost or burden in relation to the proposals? If so, please provide specific detail against each relevant item.

### Question 2.3

If you are a CSP, do you anticipate you will be more likely to apply for an allocation of numbers, or a transfer of numbers, via the Numbering System if standard unit sizes are reduced to 10,000 number blocks?

### Question 2.4

Noting we anticipate changes will be made to the Numbering System by the end of March 2023, will CSP systems be able to accept 10,000 number blocks by that time? If CSPs expect they will need longer, would a possible workaround be to apply for allocation of 10 x 10,000 number blocks in each transaction? Would this create additional costs?

### Question 2.5

Are there any disadvantages to requiring transfers of number to occur in standard unit sizes under the numbering plan, noting this is already standard practice in the Numbering System?

### Location independent communications services

We propose to remove location independent communications services (LICS) from the numbering plan. The plan currently allows for the use of numbers in association with LICS.

LICS were originally introduced as non-geographic services available on the 0550 number range. There are currently no 0550 numbers allocated in the Numbering System, and we understand from industry that LICS are now redundant.

Accordingly, we propose to remove LICS from the numbering plan, making the prefixes available for mobile services at a future date.

### Question 2.6

Are there any reasons to retain LICS?

### Notice period for the withdrawal and replacement of numbers

We propose to decrease the notice period CSPs must give customers before recalling or replacing a number. The numbering plan allows for CSPs to recall and replace numbers in limited circumstances, such as when it is required by law or the customer has asked for or agreed to the recall and replacement of a number.

The numbering plan currently requires CSPs to give customers a minimum of one year’s notice before recalling or replacing a number.

This timeframe allowed for numbers to be changed in annually published hard copy telephone books. As telephone books are no longer generally published in hard copy, we propose to reduce the notice period to 90 calendar days. We also propose to remove requirements that customers must agree to or request a recall and replacement ‘in writing’, noting this is inefficient and does not materially increase protections for customers.

We propose that 90 calendar days should provide sufficient time for affected customers, including small business owners, to take necessary steps to implement a new number.

### Question 2.7

Do you support decreasing the notice period CSPs must give customers before recalling or replacing a number? Please specify why or why not.

### Question 2.8

Is 90 business days sufficient to allow customers, including small business owners, to make necessary changes to accommodate a new number?

## 3. Availability of geographic numbers

We propose to include additional geographic number ranges in specific areas in Schedule 1 of the numbering plan, as set out in Table 1 below. These alternative prefixes are included for localities where numbers are predicted to expire in the next 2 to 5 years. The new prefixes will not be made available until current allocations in these areas are exhausted.

Numbering is a key resource that allows CSPs to supply services to new customers and promotes competition. It is therefore necessary to provide enough numbers to meet potential demand.

In making these prefixes available, we note that not all allocated geographic numbers in these areas may be in use by end-users. As part of the future sunsetting process, we may consider the use of geographic numbers, including whether to withdraw unused numbers under section 94 of the numbering plan, before releasing additional prefixes.

New geographic prefixes to be included in Schedule 1

|  |  |
| --- | --- |
| Area code and first digits of local number | Localities |
| (02) 35 | The following charging districts:  Kempsey  Lord Howe Island  Muswellbrook  Singleton  Taree  Wauchope |
| (03) 60 | The following charging districts:  Geeveston  Hobart  Oatlands  Ouse |
| (07) 73 | The following charging districts:  Bundaberg  Gayndah  Kingaroy  Maryborough  Murgon |

We also propose to specify certain number ranges as exempt from allocation, as set out in Table 2 below. We have designated some numbers for fictional purposes, for example, for use in movies, television series and novels.[[3]](#footnote-4) This amendment is to make available certain numbers for fictional use in geographic areas that have not been specified in the past.

Geographic numbers exempt for fictional purposes

|  |  |
| --- | --- |
| Item | Exempt prefixes |
| 2 South East Region | |
| 29 | (03) 70 (except (03) 7010) |
| **3 North East Region** | |
| 64 | (07) 70 (except (07) 7010) |
| **4 Central and West Region** | |
| 7 | (08) 55 (except (08) 5550) |
| 65 | (08) 701 (except (08) 7010) |

### Question 3.1

Do you support these initiatives? Why? Why not?

### Question 3.2

Is there any specific cost or burden in relation to the proposals? If so, please provide specific detail against each relevant item.

## 4. Other amendments

The draft variation also removes objects from the numbering plan. This will simplify interpretation of the numbering plan by aligning its interpretation directly with the relevant objects of the *Telecommunications Act 1997.* These are to provide a regulatory framework that promotes:

the long‑term interests of end‑users of carriage services, or of services provided by means of carriage services

the efficiency and international competitiveness of the Australian telecommunications industry

the availability of accessible and affordable carriage services that enhance the welfare of Australians

the supply of diverse and innovative carriage services and content services

the development of an Australian telecommunications industry that is efficient, competitive and responsive to the needs of the Australian community

the effective participation by all sectors of the Australian telecommunications industry in markets (whether in Australia or elsewhere)

the development of the technical capabilities and skills of the Australian telecommunications industry

the development of the value‑adding and export‑oriented activities of the Australian telecommunications industry

research and development that contributes to the growth of the Australian telecommunications industry

the equitable distribution of benefits from improvements in the efficiency and effectiveness of:

the provision of telecommunications networks and facilities

the supply of carriage services.

Other objects of the Act are to:

ensure that standard telephone services and payphones are:

reasonably accessible to all people in Australia on an equitable basis, wherever they reside or conduct business

supplied as efficiently and economically as practicable

supplied at performance standards that reasonably meet the social, industrial and commercial needs of the Australian community

provide appropriate community safeguards in relation to telecommunications activities and to adequately regulate participants in sections of the Australian telecommunications industry.

We have also made some minor amendments to definitions to provide consistency with other obligations, including changes to other legislation.

The definition of age-restricted content in the numbering plan refers to MA15+ and R18+ content within the meaning of clause 15 of Schedule 7 of the *Broadcasting Services Act 1992*. This provision of the online content scheme has since been repealed and replaced by Part 9 of the *Online Safety Act 2021* (the OSA). Relevant safeguards under the OSA now concern Class 2 material (R18+ and X18+ material). Accordingly, the definition of age-restricted content has been amended to refer to Class 2 material in Part 9 of the OSA. This proposed change would provide consistency with the way age-restricted material is treated online.

The draft variation also makes associated updates to headings and part and section numbering throughout the numbering plan to reflect the proposed amendments. Please note that these changes are not reflected in the copy of the numbering plan with proposed amendments tracked, which has been provided as part of this consultation.

### Question 4.1

Do you have any comments about the proposal to remove the objects?

### Question 4.2

Do you have any comments about the proposed changes to definitions?

# Invitation to comment

## Making a submission

We invite comments on the issues set out in this consultation paper.

[Online submissions](https://www.acma.gov.au/have-your-say) can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.

Submissions by post can be sent to:

The Manager

Numbers Section

Australian Communications and Media Authority

PO Box 13112

Law Courts

Melbourne VIC 8010

The closing date for submissions is 5pm (AEDST), **Friday 4 November 2022**.

Consultation enquiries can be emailed to [numbering@acma.gov.au](mailto:numbering@acma.gov.au).

#### Publication of submissions

We publish submissions on our website, including personal information (such as names and contact details), except for information that you have claimed (and we have accepted) is confidential.

Confidential information will not be published or otherwise released unless required or authorised by law.

#### Privacy

View information about our policy on the [publication of submissions](https://www.acma.gov.au/publication-submissions), including collection of personal information during consultation and how we handle that information.

Information on the *Privacy Act 1988,* how to access or correct personal information, how to make a privacy complaint and how we will deal with any complaints, is available in our [privacy policy](https://www.acma.gov.au/privacy-policy).

1. Under Part 4 of the *Legislation Act 2003,* most legislative instruments ‘sunset’ (that is, they are automatically repealed) on the first 1 April or 1 October on or after the tenth anniversary of their registration on the Federal Register of Legislation (FRL). [↑](#footnote-ref-2)
2. Spoofing refers to the unauthorised use of a number for the purposes of deliberately masking or misleading the recipient of the call or SMs about the identity of the originating caller or sender. [↑](#footnote-ref-3)
3. The complete list is available on the ACMA’s website: [www.acma.gov.au/phone-numbers-fictional-purposes](http://www.acma.gov.au/phone-numbers-fictional-purposes). [↑](#footnote-ref-4)