

Telecommunications Numbering Plan Variation 2022 (No. 1)

The Australian Communications and Media Authority makes the following instrument under subsection 455(1) of the *Telecommunications Act 1997*.

Dated:

Member

Member/General Manager

Australian Communications and Media Authority

**DRAFT FOR CONSULTATION**

1 Name

 This is the *Telecommunications Numbering Plan Variation 2022 (No. 1).*

2 Commencement

 This instrument commences at the start of the day after the day it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed free of charge at [www.legislation.gov.au](http://www.legislation.gov.au).

3 Authority

 This instrument is made under subsection 455(1) of the *Telecommunication Act 1997*.

4 Amendments

 The instrument that is specified in Schedule 1 is amended as set out in the applicable items in that Schedule.

Schedule 1—Amendments

Telecommunications Numbering Plan 2015 (Registration No. F2015L00319)

1 Paragraph 6(a)

Omit “this instrument (see Part 2)”, substitute “the Act”.

2 Part 2, Chapter 1

Repeal the part.

3 Section 15

Repeal the definition of ***age-restricted content***, substitute:

 ***age-restricted content*** means Class 2 material as defined in subsection 107(1) of the *Online Safety Act 2021*.

4 Section 15 (after paragraph (a) of the definition of *freephone service*)

Insert:

1. the number is provided to a customer to receive incoming calls but cannot be used to make outgoing calls; and

5 Section 15 (in paragraph (b) of the definition of *freephone service*)

Omit “a location independent communications service or”.

6 Section 15 (after paragraph (c) of the definition of *local rate service*)

Insert:

(ca) that is provided for receiving incoming calls but cannot be used to make outgoing calls; and

7 Section 15 (in subparagraph (d)(i) of the definition *local rate service*)

Omit “a location independent communications service or”.

8 Section 15

Repeal the definition of ***location independent communications service***.

9 Section 15

Repeal the definition of ***premium rate service*,** substitute:

 ***premium rate service*** means a carriage service that is:

 (a) charged at a premium rate, independent of content or delivery technology; and

 (b) provided for receiving incoming calls but cannot be used for making outgoing calls.

Note: A premium rate service often provides information to a caller or allows the caller to provide information.

10 Section 15 (after definition of *satellite telephone service*)

Insert:

 ***scam communication*** means any communication to a number that has been generated for the purpose of dishonestly obtaining a benefit, or causing a loss, by deception or other means, including but not limited to a communication made through:

 (a) a voice telephony service; or

 (b) a short message service.

11 Subparagraph 16(1)(f)(vi)

Repeal the subparagraph.

12 Subsection 19(1)

Omit “or a location independent communications service”.

13 Paragraph 20(1)(a)

Omit “or location independent communications service”.

14 Subsection 57(5)

Repeal the subsection, substitute:

 (5) The ACMA must not list a shared number.

15 Chapter 8 (heading)

After “Transfer,”, insert “assignment,”.

16 Part 1, Chapter 8 (heading)

After “Transfer”, insert “and assignment”.

17 After subsection 86(1)

Insert:

 (1A) A carriage service provider may only transfer numbers in a standard unit or in a multiple of a standard unit.

18 After section 87

Insert:

87A Assignment of numbers

1. This section applies where:

 (a) a carriage service provider which holds a number (the ***holder***) provides a number to another person on the same network (the ***assignee***) for use in accordance with an agreement between those persons; or

 (b) a number provided to the assignee is further provided to other persons on the same network for use in accordance with an agreement between those persons; and

that transaction does not involve a transfer of the number under section 86.

1. A holder, assignee or other person may only provide a number to another person if that person is a registered carriage service provider.
2. A person may only agree to be provided a number if that person is a registered carriage service provider.
3. A person who has been provided a number as at the commencement of this section and is not a registered carriage service provider must, within 90 days after the commencement of this section, either:

 (a) register as a carriage service provider; or

 (b) return the number to the person who provided the number.

1. A holder, assignee or other person who has provided a number to another person as at the commencement of this section must, after 90 days but before 180 days after the commencement of this section:

 (a) check that the other person to whom the number was provided is a registered carriage service provider; and

 (b) notify the ACMA if that person is not a registered carriage service provider.

19 Paragraph 91(1)(a)

Repeal the paragraph, substitute:

 (a) the number has been allocated, transferred, issued, used or provided in the circumstances set out in subsection 87A(1) in a way that is inconsistent with this instrument; and

20 Paragraph 92(1)(a)

Repeal the paragraph, substitute:

 (a) the number has been transferred, issued, used or provided in the circumstances set out in subsection 87A(1) in a way that is inconsistent with the conditions placed by the ACMA on the allocation of the number; and

21 After section 92

Insert:

92A Scam or fraudulent activity

 (1) The ACMA may withdraw a number (other than an international signalling point code or a mobile network code) if:

 (a) 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

 (b) the ACMA is satisfied that the benefits of withdrawing the number, or the problems to be avoided by withdrawing the number, are more significant for end‑users and carriage service providers than any adverse technical and financial consequences of withdrawing the number.

 (2) If the ACMA decides to withdraw a number under subsection (1), the ACMA must give written notice of the withdrawal to the carriage service provider that holds the number.

 (3) The notice must set out reasons for the withdrawal and specify the date on which the number is to be withdrawn.

 (4) The period between the date of the notice and the date on which the number is to be withdrawn must be at least 5 business days.

 (5) If the ACMA is not the designated authority, then the ACMA must notify the designated authority of a decision to withdraw the number as soon as reasonably practicable after the decision is made.

22 Paragraphs 97(1)(b) and (c)

Omit “in writing”.

23 Subsection 97(3)

Repeal the subsection, substitute:

 (3) The period between the date of the notice and the date on which recall and replacement will occur must be not less than 90 days.

24 Paragraphs 97(4)(a) and (b)

Omit “in writing”.

25 Section 102

Repeal the section, substitute:

102 Carriage service provider must not issue a number that it has not been allocated or provided

 A carriage service provider must not issue a number to a customer unless the carriage service provider holds the number or has been provided the number in the circumstances set out in subsection 87A(1).

26 After paragraph 127(q)

Insert:

(qa) a decision under subsection 92A(1) to withdraw a number;

27 After item 1, clause 1, Schedule 1

Insert:

|  |  |  |
| --- | --- | --- |
| 1A | (02) 35 | The following charging districts:KempseyLord Howe IslandMuswellbrookSingletonTareeWauchope  |

28 After item 22, clause 2, Schedule 1

Insert:

|  |  |  |
| --- | --- | --- |
| 22A | (03) 60 | The following charging districts:GeevestonHobartOatlandsOuse  |

29 Item 29, clause 2, Schedule 1

After “(03) 70” in column 1, insert “(except (03) 7010)”.

30 Item 64, clause 3, Schedule 1

After “(07) 70” in column 1, insert “(except (07) 7010)”.

31 After item 64, clause 3, Schedule 1

Insert:

|  |  |  |
| --- | --- | --- |
| 64A | (07) 73 | The following charging districts:BundabergGayndahKingaroyMaryboroughMurgon |

32 Item 7, clause 4, Schedule 1

After “(08) 55” in column 1, insert “(except (08) 5550)”.

33 Item 65, clause 4, Schedule 1

After “(08) 701” in column 1, insert “(except (08) 7010)”.

34 Item 13, clause 1, Schedule 5

Omit “(except 0550)” in column 1.

35 Item 14, clause 1, Schedule 5

Repeal the item.

36 After item 10, clause 2, Schedule 5

Insert:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 11 | 7226 | 4 | Community Service | No | No | No |

37 Items 5 and 11, clause 1, Schedule 7

Omit “100,000” in column 3, substitute “10,000”.