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Ms Silvia Superina
Manager, Strategy and Projects Section
Consumer, Consent and Numbers Branch
The ACMA
Level 32 Melbourne Central Tower
360 Elizabeth Street
Melbourne Victoria 3000

By email: silvia.superina@acma.gov.au

Dear Ms Superina

Proposed amendments to the *Telecommunications Numbering Plan 2015*

The ACCC welcomes the opportunity to provide comment on the ACMA's proposed amendments to the *Telecommunications Numbering Plan 2015* (the Plan).

The ACCC's Scamwatch data reveals that so far this year we have received more than 182,000 scam reports with associated total losses exceeding \$461 million. Scams continue to impact the lives of Australians causing significant financial and social harm. The recent increase in data breaches in Australia has evidenced the susceptibility of Australians to hackers and opportunistic scammers seeking to take further advantage of a community coming to terms with the possibility of mass compromised identity data.

We note that the proposed amendments aim to support scam disruption initiatives, enable efficient allocation of numbers, specify availability of geographic numbers, and generally simplify the interpretation of the Plan, have been formulated based on the suggestions and requests of Communications Alliance Ltd, carriers, and carriage service providers, as well as from the ACMA directly.

The ACCC generally welcomes and supports the various initiatives outlined by the ACMA in the consultation paper. We have provided answers to some of the questions posed which are directly relevant to the work of the ACCC and Scamwatch below.

7226 (SCAM) short code

1.1 Do you support these initiatives? Why? Why not?

Text messages and phone calls top Scamwatch reports as the most frequently used modes of contact by scammers to reach the Australian community. More than 56,000 Scamwatch reports so far this year list text messages as the mode of contact by scammers closely followed by phone calls with more than 54,000 reports.

Taking these sobering statistics into account, the ACCC supports consumers being able to report scam texts to their provider via a single short code. We also consider that this might serve to avoid transcription errors which can alter content when reporting to CSPs or government agencies.

The ACCC considers it will be important that services like Scamwatch (and the future National Anti-Scams Centre) have close to real time access to the 7226 data reported. Most consumers will likely prefer the ease of reporting via a 7226 short code which may reduce the number of these scams reported to Scamwatch. Currently the ACCC uses the content reported to us to alert the public, law enforcement and other organisations to current scams. It will be important that the ACCC has access to the scams being reported each day so that we can continue this important work. Having accurate and timely data is critical to informing the way we conduct our work, how we raise community scams awareness, and our scams disruption activities.

The ACCC notes that in the past regulators had access to information from the existing Spam Intelligence Database but that this has not been available for some time. We are eager to discuss how the ACMA and the ACCC can collaborate in the new regulatory environment of the National Anti-Scams Centre and in particular to ensure that the ACCC has access to the data it needs.

1.4 Should 7226 be classified as a community service?

The ACCC agrees with the proposal to specify 7226 as a shared special service 4-digit number for community service purposes. To allow for maximum uptake of this service, we consider that it should be classified a community service and consumers should not incur a cost to use it.

1.5 Should incoming international access be available for 7226?

The ACCC agrees that incoming international access need not be available. We consider that the need for international access to the 7226 service would arise in very limited circumstances and therefore would not advocate for it unless there was no cost or very little cost associated with it.

1.6 Should 7226 be classified as a low charge number?

We submit that consumers should not incur a cost by using the 7226 community service number given that by doing so consumers would be performing a public service of public benefit. Our concern is that by incurring a fee, consumers might be unlikely or less likely to use 7226 to report scam text messages which in turn would defeat the intended purpose of supporting scam disruption.

In the alternative, we consider that 7226 should be classified as a low charge number, however we note that the current definition of a “low charge amount” in the Plan refers to

local calls using a standard telephone service which may be incompatible with the 7226 text service.

Noting that under the proposal 7226 would not be a low charge or selectable number, the ACCC recommends further consideration be given to how 7226 will be used including the appropriate mechanism to facilitate its use.

Limiting freephone, local rate and premium rate numbers

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

The ACCC strongly supports the initiative to limit the use of these numbers to inbound calls and is not aware of any legitimate use-cases for allowing outbound calls. We further support varying the Plan to bring it in line with the [Reducing Scam Calls and Scam SMS](#) industry code which prohibits the use of these numbers for outgoing calls.

Registration in the numbering system

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

The ACCC is highly supportive of increased transparency of number movement by registering CSPs before they can be assigned numbers. We are concerned by the large number of unregistered CSPs providing access to assigned numbers that can be used for Spam and are aware of at least 11 services that accept bitcoin to perform this service with the implication of user anonymity.

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?

Provided it is clear which CSP is assigned the number and that the CSP is registered, we would not suggest creating a numeric limit.

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

We are in favour of restricting entities that can be assigned numbers to Australian businesses. We consider that the legal obligations placed on businesses and directors are important for regulatory oversight and accountability.

Multinational businesses can choose to become incorporated in Australia if they wish to be assigned numbers.

Power to withdraw numbers used for scams

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

The ACCC supports the ACMA having the power to withdraw numbers where there are reasonable grounds to believe they were used for scam or other fraudulent purposes. Given the modus operandi of scammers and how numbers may be spoofed or used for only a short time, we consider there may be practical limitations to withdrawing numbers and this may

require consideration on the part of the ACMA. Some matters we suggest the ACMA should consider include:

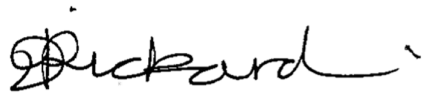
- The volume and degree of harm as stated in scam reports to the ACMA, ACCC and ReportCyber, including, but not limited to:
 - the type of scam
 - the number of reports received
 - the profile of the victim
 - the psychological and financial impact on the victim
 - whether the communications spread a virus (e.g. Flubot)
- Whether the number is over-stamped or used directly by a subscriber. Over-stamped numbers are likely not suitable for withdrawal.
- How long the relevant CSP has had to deal with it independently – consider adopting a minimum period, perhaps 3 days, before taking any action.

Other proposals

Other than supporting measures designed to simplify the Plan and provide consistency with other existing obligations, the ACCC has no further comments on the other proposals put forward by the ACMA including the efficient allocation of numbers and availability of geographic numbers.

If you wish to discuss our comments, please contact Jayde Richmond, Executive Director, Consumer and Compliance Strategies on (03) 9658 6460 or jayde.richmond@accc.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Delia Rickard', with a small flourish at the end.

Delia Rickard
Deputy Chair