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Chair
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By email: nerida.o'loughlin@acma.gov.au

Dear Chair

Australian Communications and Media Authority Review of the Numbering Plan and associated instruments

Thank you for the opportunity to comment on the ACMA's review of the Numbering Plan, the Pre-Selection Determination and Portability Service Suppliers Determination.

Numbering plays an integral role in the regulatory framework for telecommunications. The Numbering Plan and associated instruments were first introduced to underpin important policy objectives including competition, consumer protection, security, and safety.¹ The allocation of numbers and services such as pre-selection, are key inputs that have facilitated consumer choice and allowed carriage service providers (CSPs) to offer competitive communication services across telecommunications networks.

As the use of numbers, technology, and consumer needs continue to evolve, these underlying policy objectives remain essential to developing a numbering framework that facilitates ongoing competition, innovation, and consumer benefits.

The review of the Numbering Plan and associated instruments canvasses several complex issues, including practices regarding the use of numbers. The ACCC acknowledges that one of the key challenges for this review is the differing stakeholder views on how numbers can be used. Some stakeholders have identified concerns about certain practices that contribute to scams, while others consider such practices may facilitate innovation and competition.

Providing clear guidance and rules in the Numbering Plan is critical to establish the foundations of a clear and effective regulatory framework. The ACCC acknowledges the ACMA's discussion paper seeks to collect data on the different use cases for Australian numbers. The ACCC considers that this will be valuable in assisting to strike a balance between scam prevention, supporting innovation, promoting competition, and ensuring consumer confidence in numbers.

¹ ACMA, [Review of the Numbering Plan and associated instruments](#), June 2024, p.1.

Telephone numbers provide information to consumers and telephone users that many find valuable. This can include the location of the person or business being called, the charges that might apply and the type of service they are calling whether a landline, mobile or satellite phone. Given changes over time to what numbers are used for, this information is no longer entirely accurate.² It would be helpful to assess the extent that consumers utilise this information in considering what approach should be taken to a revised Numbering Plan.

Ultimately, the Numbering Plan should safeguard the integrity of numbering by providing consumer and telephone user trust in the allocation of numbers.

ACCC's role in scams

Combatting scams is an enduring priority for the ACCC.³ The mission of the National Anti-Scam Centre is to make Australia the world's hardest target for scammers by improving cooperation between government, industry, and law enforcement to prevent scams and empower Australians to avoid them. In 2023, over 601,000 scam reports were made by Australians, with reported losses of \$2.74 billion. However, because many Australians do not report scams, these figures are likely to under-estimate the extent and impact of scams.⁴

We acknowledge between October and December 2023, telecommunications providers reported blocking over 246.7 million scam calls and over 106.7 million scam SMS.⁵ However, calls and SMS continue to play a significant role in facilitating scams. In 2023, phone calls and text message were the most reported contact modes for scams and together were associated with approximately 30% of losses reported to the National Anti-Scam Centre's Scamwatch reporting portal (\$143 million).⁶ Phone calls alone were associated with 24% of report losses in 2023.⁷ Scams continue to rely on these channels into 2024 - in the January to March 2024 quarter, text messages and phone calls account for 2 out of the top 3 scam contact methods (25,462 text messages and 11,916 calls) and greater losses arose from scam calls than through any other channel (\$23.9m).⁸

Most financial losses associated with text messages and phone calls reported to Scamwatch related to three primary categories: investment scams, phishing, and remote access scams. Research and collaboration with industry, law enforcement partners and the National Anti-Scam Centre indicates these scams are enabled:

- by the absence of downstream verification for overseas users of Australian numbers, with high volume, over-the-top VoIP call providers being a particular concern,
- the practice by some operators of allowing phone numbers held by one operator to be used to originate calls on another mobile network,
- the calling line identification (CLI) over-stamping and ID spoofing of Australian phone numbers, and
- with respect to SMS phishing, by the unregulated use of sim box technology and insufficient fraud controls for Application-to-person (A2P) SMS communications on the part of some operators.

² For example, geographic numbers can now be used to receive calls via an over-the-top app on a mobile device.

³ ACCC, [2024-2025 Compliance and Enforcement Priorities](#), p 2, March 2024.

⁴ National Anti-Scam Centre, [Targeting scams](#), ACCC, Australian Government, April 2024, pp 1, 6.

⁵ ACMA, [Action on telco consumer protections: October to December 2023](#), 23 February 2024.

⁶ ACCC, [Targeting Scams report 2023](#), April 2024.

⁷ ACCC, [Targeting Scams report 2023](#), April 2024, p 14, Table 5.

⁸ National Anti-Scam Centre, [Quarterly Update January to March 2024](#), 21 May 2024, p 22.

The ACCC acknowledges that while some numbering practices (such as CLI over-stamping and ID spoofing) may facilitate scams, they may also have legitimate use cases. These use cases can offer alternative or innovative products, that may compete with traditional carriers and benefit end-users.

However, we also acknowledge that the absence of barriers to misuse has created serious vulnerabilities which are being exploited by scammers. The financial and emotional trauma for Australian victims, and the associated erosion of trust in phone and text message communications needs to be weighed against any benefit of these use cases.

Mitigating the serious impact of telephone-enabled scams on consumers and business must also be a key consideration in the approach to a revised Numbering Plan.

Use of numbers by multiple carriage service providers

As the Discussion Paper sets out, there are a range of legitimate instances where numbers are used by multiple carriers or carriage service providers. We acknowledge the tension between ensuring the availability of numbers for legitimate uses and actions to reduce instances of scams. Clear guidance about permitted uses for numbers, combined with mechanisms to combat scams is likely to lead to better outcomes for consumers and promote regulatory certainty. A revised Numbering Plan should provide regulatory certainty to assist in anti-scam efforts.

We are aware that since early 2023 some network operators have unilaterally refused to terminate, or have inserted mechanisms to aid in detecting scam traffic into the termination process, for calls that display a number belonging to a different network from the network the call is originating from (e.g., a call originating from a non-Telstra network, but displaying a Telstra number).⁹ Data on the effectiveness of these efforts, as well as any detrimental impact they may have had on the carriage of legitimate traffic, will be valuable in determining appropriate rules concerning the availability of numbers for use on multiple networks.

The ACCC has recently commenced an access determination inquiry for the declared interconnection services and will examine this issue in the context of access provider obligations to terminate traffic. The ACCC intends to explore whether a final access determination from this process should specify circumstances in which parties will not be required to terminate calls (such as where they have been identified as scams). The ACCC would welcome the opportunity to work with the ACMA on consideration of the interaction between any revisions to the Numbering Plan and potential measures within access obligations to address scams.

Specification of numbers

The Numbering Plan specifies types of numbers that may only be used in connection with the supply of particular services. However, these specifications are increasingly under pressure with technological developments and numbering practices that may not be explicitly permitted or prohibited by the Numbering Plan.

⁹ [Commpete, response to ACCC on its draft report into the declaration of the domestic transmission capacity service, fixed line services and domestic mobile terminating access service](#), 16 February 2024, p 3.

Use of digital mobile numbers

The use of mobile numbers by non-mobile network operators was raised in the ACCC's recent combined declaration inquiry in the context of whether the mobile terminating access service (MTAS) service description should be varied.¹⁰ The ACCC did not ultimately consider changes to the MTAS service description were appropriate. However, we consider these submissions highlight the need to clarify the ways in which non-mobile operators are and are not intended to be able to use mobile numbers as part of the Numbering Plan review.

Further, there is also some conflict between carriage service providers regarding the use of mobile numbers on non-mobile networks. The ACCC understands there have been instances where some non-mobile network operators have been issued with mobile numbers by the ACMA but cannot properly use these numbers because other operators would not condition them.

However, limiting the use of mobile numbers to mobile networks may stifle innovation, competition and access to services sought after by consumers, particularly for over-the-top services. Demand for connectivity via over-the-top communications applications such as WhatsApp, Facetime, and Signal continues to grow, and may be displacing some demand that was previously expressed for fixed and mobile voice calls. Research from the ACMA found that in the 6 months to June 2022, 75% of Australian adults had used such an application, up from 61% in 2020.¹¹

In clarifying the use of digital mobile numbers, we suggest consideration be given to enabling access to number ranges familiar to consumers, or that can signal meaningful characteristics about these services to consumers. We understand that the format of mobile numbers and geographic numbers remain well recognised, particularly the 04 number range. We consider that it will be important for the ACMA's review to fully explore the value of specified numbering ranges with consumers and other end-users when considering these issues.

Traffic originating outside Australia

The ACCC considers that there should be rules about the use of Australian numbers to originate calls from locations outside Australia in the Numbering Plan. As the Discussion Paper notes, there are legitimate reasons for Australian numbers to originate from outside Australia (such as international roaming or legitimate call centre use) and imposing restrictions on the sale of Australian numbers for use by offshore providers could underpin a clear regulatory framework for the use of Australian numbers.

Number portability

Number portability is an important consumer and competition measure. The ACCC has directed the ACMA previously in relation to local number portability (1997) and mobile

¹⁰ ACCC, [Public inquiry into the declaration of the domestic transmission capacity service, fixed line services and domestic mobile terminating access service, Final Report – MTAS](#), 21 June 2024 pp 22-25, Telstra, [Supplementary submission in response to the Public inquiry into the declaration of the domestic transmission capacity service, fixed line services and domestic mobile terminating access service – draft report](#), April 2024, p 16; Optus, [Submission in response to the Public inquiry into the declaration of the domestic transmission capacity service, fixed line services and domestic mobile terminating access service – draft report](#), February 2024, pp 16, 17; TPG Telecom, [Response to the ACCC Request for Information date 15 August 2023](#), pp 10–11; [Supplementary submission in response to the Public inquiry into the declaration of the domestic transmission capacity service, fixed line services and domestic mobile terminating access service – draft report](#), April 2024, p. 2.

¹¹ ACMA, [Communications and media in Australia series: How we communicate - Executive summary and key findings, December 2022](#), p 3.

number portability (1999). We understand that these directions remain in force and would be transferred to a new Numbering Plan.

We look forward to any information that the ACMA will provide from its consultation on whether the existing number portability arrangements are still fit for purpose or whether there are additional provisions that the ACCC should consider including.

Review of the Pre-selection Determination

The Pre-Selection Determination requires carriers or CSPs that supply an eligible standard telephone service to provide pre-selection.

ACMA's 2020 review of the Pre-selection Determination found that demand for, and use of pre-selection has fallen significantly with the growth of bundled service offerings, more flexible contracts, increased use of mobile services and the decline of fixed-line services. Pre-selection use fell 68% between 2017 and 2020, with the greatest decrease attributable to residential consumers. The review also expected that the demand from end-users for pre-selection would continue to fall as the NBN roll-out reached completion and with continued steady increase in the number of mobile services in use, including as a substitute for fixed line services.

Pre-selection is also part of the ACCC's regulatory framework for the [fixed originating access service](#). In March 2024 the ACCC released its final inquiry report on the fixed originating access service and decided to extend the declaration of the service for a further 5 years.

During the ACCC's public inquiry into the continued regulation of this service, the ACCC issued a discussion paper which invited comments about whether the fixed originating access service continued to promote the long-term interests of end-users, and if changes should be made to the fixed originating access service.¹² Stakeholder responses generally supported extending declaration of the service in its current form. Based on information provided to the ACCC during the inquiry we understand that industry continue to use the pre-selection service. However, ACCC will consider any new information on the use of pre-selection that becomes available during the ACMA's review.

Terms used in ACCC regulation defined by the Numbering Plan

Finally, the ACCC notes that the service descriptions for the [fixed terminating access service](#), [fixed originating access service](#) and [mobile terminating access service](#) are linked with defined terms in the Numbering Plan. The ACCC will consider how any proposed changes to the Numbering Plan may affect these service descriptions.

If we can provide any further information or assistance, please contact Tara Morice at tara.morice@accc.gov.au.

Yours sincerely



Anna Brakey
Commissioner

¹² ACCC, [Public inquiry into the declaration of the domestic transmission capacity service, fixed line services and domestic mobile terminating access service](#), 31 May 2023.