



Telecommunications Numbering Plan Variation 2007 (No.)

Telecommunications Act 1997

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Variation under section 455 of the *Telecommunications Act 1997*.

Dated 2007

Member

Member

[DRAFT ONLY — NOT FOR SIGNATURE]
Australian Communications and Media Authority

1 Name of Variation

This Variation is the *Telecommunications Numbering Plan Variation 2007 (No.)*.

2 Commencement

This Variation commences on the day after it is registered.

3 Variation of *Telecommunications Numbering Plan 1997*

Schedule 1 varies the *Telecommunications Numbering Plan 1997*.

DRAFT ONLY

Schedule 1 Variations

(section 3)

[1] Subsection 3.35A (1)

substitute

- (1) A telephone number that is a premium rate number is identified in an item of Schedule 4C in the following way:

| | |
|-----------------|---|
| Column 1 | Shows the number, or the first digits of the number (the <i>prefix</i>) |
| Column 2 | Describes the structure for the number and explains (in italics) special arrangements (if any) for use of the number |
| Column 3 | Describes the limits on the use of the number <i>Note</i> The supply of age-restricted services is limited to prefixes 195 and 196 only. |
| Column 4 | Explains whether an incoming call from outside Australia may be routed to the number |

[2] After section 3.37

insert in Division 2

3.37A Prefixes for age-restricted services

- (1) A mobile carriage service provider must not supply an age-restricted service by way of a premium SMS or MMS service otherwise than on a number with the prefix 195 or 196.
- (2) A mobile carriage service provider is taken not to have contravened subsection (1) if the carriage service provider:
- did not know; and
 - could not, with reasonable diligence, have ascertained; that it was supplying an age-restricted service by way of a premium SMS or MMS service otherwise than on a number with the prefix 195 or 196.
- (3) For subsection (2), the following matters are to be taken into account in determining whether a mobile carriage service provider could, with reasonable diligence, have ascertained that it was supplying an age-restricted service by way of a premium SMS or MMS service otherwise than on a number with the prefix 195 or 196:
- whether the content service provider who supplied the age-restricted service by way of the premium SMS or MMS service is under any contractual obligation to notify the mobile carriage service provider of the nature of the content supplied;

-
- (b) whether the mobile carriage service provider does either or both of the following:
 - (i) monitoring, or arranging for the monitoring of, advertisements for mobile premium services broadcasted on television or radio or appearing in newspapers or magazines where such advertisements are likely to be found;
 - (ii) checking, or arranging for the checking of, those advertisements against the content of the services being advertised;
 - (c) any other relevant matter.

[3] Schedule 4C

substitute

Schedule 4C Premium rate numbers

(section 3.35A)

| Column 1 Number prefix | Column 2 Number structure | Column 3 Limits on use of the number | Column 4 Is incoming international access available? |
|---|----------------------------------|--|---|
| 19 1 19 3 19 4 | 6 digit number | | Yes |
| 19 5 19 6 | 6 digit number 8 digit number | <i>must be used only to supply age-restricted services</i> | Yes Yes |
| 19 7 19 9 | 8 digit number | | Yes |

[4] Dictionary, after definition of *advisory committee*

insert

age-restricted audio-visual service means a service that enables an end-user to access age-restricted content other than material supplied as part of a telephone sex service.

age-restricted content means material that has been classified MA 15+ or R 18+

age-restricted service means:

- (a) an age-restricted audio-visual service; or
- (b) an age-restricted text service.

age-restricted text service means a service supplied solely or primarily by way of a text service about which it would be concluded that a majority of persons who use the service are likely to do so with the sole or principal object of deriving sexual gratification from the service.

[5] Dictionary, before definition of *mass calling service*

insert

MA 15+ has the same meaning as in clause 15 of Schedule 7 to the *Broadcasting Services Act 1992*.

[6] Dictionary, after definition of *message transfer part*

insert

mobile carriage service provider means:

- (a) a carriage service provider who supplies a customer with a public mobile telecommunications service; or
- (b) a carriage service intermediary who arranges for the supply by a carriage service provider to a customer of a public mobile telecommunications service.

mobile premium service means:

- (a) a premium SMS or MMS service; or
- (b) a proprietary network service.

[7] Dictionary, after definition of *premium rate service*

insert

premium SMS or MMS service means:

- (a) a carriage service supplied by way of a call to a number with the prefix 191, 193, 194, 195, 196, 197 or 199; or
- (b) a content service supplied by way of a call to a number with the prefix 191, 193, 194, 195, 196, 197 or 199.

[8] Dictionary, after definition of *private numbering scheme*

insert

proprietary network means a telecommunications network used by a mobile carriage service provider that enables customers of that provider to access, by way of a mobile device, a premium content service that is not otherwise generally available.

proprietary network service means a public mobile telecommunications service that enables an end-user to access a proprietary network.

[9] **Dictionary, before definition of *receiving carriage service provider***

insert

R 18+ has the same meaning as in clause 15 of Schedule 7 to the *Broadcasting Services Act 1992*.