Telecommunications Numbering Plan Variation 2004 (No. 5)

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

Dated 14 July 2004

Chair

Deputy Chair

Australian Communications Authority

1 Name of variation

This variation is the *Telecommunications Numbering Plan Variation 2004 (No. 5)*.

2 Commencement

This variation commences on gazettal.

3 Variation of *Telecommunications Numbering Plan 1997*

Schedule 1 varies the *Telecommunications Numbering Plan 1997*.

Schedule 1 Variations

(section 3)

[1] Section 3.75B definitions of *Auction Determination* and *Charities Determination*

substitute

Auction Determination means the *Telecommunications (Freephone and Local Rate Numbers) Allocation Determination 2003* made under section 463 of the *Telecommunications Act 1997*, or a subsequent determination made under that section that determines a system for allocating freephone and local rate numbers (other than a Charities Determination).

Charities Determination means the *Telecommunications (Freephone and Local Rate Numbers - Charities) Allocation Determination 2003* made under section 463 of the *Telecommunications Act 1997*, or a subsequent determination made under that section that determines a system for allocating freephone and local rate numbers exclusively for use by charities.

[2] Section 3.75H

substitute

3.75H Register

(1) The ACA will establish a Register of numbers and ROU-holders.

(2) The Register is to contain the following information:

(a) the number; and

(b) the name of the ROU-holder for the number; and

(c) if the ROU-holder agrees, his or her address, telephone and fax numbers and email address.

(3) A ROU-holder must update the Register, using the form made available by the ACA, with any change in his or her address, telephone and fax numbers or email address which are contained in the Register.

(4) A person who becomes a ROU-holder as the result of a trade must update the Register, using the form made available by the ACA, with his or her name and, if the ROU-holder agrees, his or her address, telephone and fax numbers and email address.

(5) The ACA must make the Register available to the public.

(6) The Register may be in electronic form.

(7) The ACA may correct any error or omission in the Register information about a ROU-holder.

[3] Section 3.75J

substitute

3.75J Trading the rights of use and licensing a number

(1) The ROU-holder may trade all his or her rights of use. However, this does not entitle the ROU-holder to trade only some of the rights of use.

NOTE: The surrender and quarantine of the number does not prevent the ROU-holder from trading the number.

(2) The ROU-holder for a number may license another person to have an active service on the number.

NOTE: A carriage service provider must not hinder the porting of a number – see section 11.9.

(3) If the ROU-holder is a charity that obtained the rights of use for a number under the Charities Determination, the charity may only trade the rights of use, or license the number, to an eligible charity to whom the number is a strategic FLRN within the meaning of the Charities Determination.

(4) Trading of the rights of use:

(a) must be in writing, using the form made available by the ACA; and

(b) must include the number to which the rights of use relate, the names of the parties and the date; and

(c) must be signed by the parties; and

(d) for a number obtained under the Charities Determination, must include a written statement by the body to which the rights of use are to be traded that:

(i) the body is an eligible charity within the meaning of the Charities Determination; and

(ii) the number is a strategic FLRN for the body within the meaning of the Charities Determination.

NOTE: A person who becomes the ROU-holder as the result of a trade must ensure that the Register contains accurate information – Section 3.75H.

(5) The carriage service provider to which the number is allocated must not do anything to hinder the trading of the rights of use or licensing the number.

(6) A ROU-holder may not trade his or her rights of use to provide security for a loan.

[4] Schedule 11

substitute

Schedule 11 Reviewable decisions of the ACA (section 12.2)

The following kinds of decisions are mentioned for section 12.2:

1 A decision under section 3.75N to cancel the rights of use and withdraw a freephone or local rate number.

2 A decision under section 3.75P to cancel the rights of use and withdraw a freephone or local rate number.

3 A decision under section 3.75Q to cancel the rights of use and withdraw a freephone or local rate number.

4 A decision under subsection 3.93 (3) to withdraw a freephone or local rate number.

5 A decision under subsection 3.95 (2) to withdraw a freephone or local rate number.

6 A decision under subsection 3.96 (2) to withdraw a freephone or local rate number.

7 A decision under subsection 5A.9 (1) to refuse to allocate an international signalling point code.

8 A decision under subsection 5A.15 (3) to refuse to extend a period.

9 A decision under paragraph 5A.18 (3) (b) to refuse permission to use an international signalling point code to perform a new function.

10 A decision under paragraph 5A.27 (2) (a) to withdraw an international signalling point code.

11 A decision under subsection 6.22 (4) to allocate a number that is not a pooled number if there is more than 1 request for the number.

12 A decision under subsection 6.24 (5) to allocate fewer numbers, that are not pooled numbers, than the unit size.

13 A decision under subsection 6.26 (1) to allocate a number, that is not a pooled number, with effect from, or until, a particular date.

14 A decision under subsection 6.26 (3) to extend, or make permanent, an allocation of a number that is not a pooled number.

15 A decision under subsection 6.27 (1) to allocate a number subject to conditions (general).

16 A decision under subsection 6.28 (2) to allocate a number subject to a condition about an information program.

17 A decision under subsection 6.29 (1) to approve or refuse a routine application for allocation of a number that is not a pooled number.

18 A decision under subsection 6.30 (1) to approve or refuse a complex application for allocation of a number that is not a pooled number.

19 A decision under section 6.33 to refuse an application to vary an allocation of numbers.

20 A decision under subsection 7.11 (6) to approve a transfer of a number.

21 A decision under subsection 7.17 (4) or (6) to refuse an application for approval to surrender numbers.

22 A decision under subsection 7.20 (1) to withdraw numbers.

23 A decision under subsection 7.21 (1) to withdraw numbers.

24 A decision under subsection 7.23 (1) to withdraw numbers.

25 A decision under subsection 7.23 (7) to revoke a decision to withdraw numbers.

26 A decision under subsection 7.24 (1) to withdraw numbers.

27 A decision under section 7.24A to withdraw numbers.

28 A decision under subsection 10.5 (2) to allow a carriage service provider to recover and replace a number.

29 A decision under subsection 10.18 (2) to grant an exemption from an obligation in Chapter 10.

30 A decision under subsection 11.19 (1) to grant an exemption for a carriage service provider or class of carriage service providers.