Telecommunications (Numbering Charges) Amendment Bill 2015

Dr Rhonda Jolly
Social Policy Section

Contents

Purpose of the Bill ................................................................. 2
Structure of the Bill ................................................................. 2
Background ............................................................................ 2
Committee consideration ......................................................... 2
Policy position of non-government parties/independents .... 2
Position of major interest groups .......................................... 3
Financial implications ............................................................. 3
Statement of Compatibility with Human Rights ................. 3
Key issues and provisions ....................................................... 3

Date introduced: 2 December 2015
House: House of Representatives
Portfolio: Communications and the Arts
Commencement: The later of: the day after the Act receives Royal Assent or immediately after the commencement of the Communications Legislation Amendment (Deregulation and Other Measures) Act 2015 (in the event the Communications Legislation Amendment (Deregulation and Other Measures) Act 2015 does not commence, the provisions in the Bill will not commence either).

Links: The links to the Bill, its Explanatory Memorandum and second reading speech can be found on the Bill’s home page, or through the Australian Parliament website.

When Bills have been passed and have received Royal Assent, they become Acts, which can be found at the ComLaw website.
Purpose of the Bill
The purpose of the Telecommunications (Numbering Charges) Amendment Bill 2015 (the Bill) is to make consequential amendments to the Telecommunications (Numbering Charges) Act 1997 to reflect changes made by the Communications Legislation Amendment (Deregulation and Other Measures) Bill 2015.1

The Communications Legislation Amendment (Deregulation and Other Measures Bill) 2015 intends to establish a framework through which the telecommunications industry may develop a scheme to self-manage telephone numbering.2 The amendments in this Bill are intended to ensure that numbering charges will continue to be levied on the telecommunications industry in the event of the change to an industry based system.

Structure of the Bill
This Bill consists of one Schedule which repeals current definitions used in the Telecommunications (Numbering Charges) Act 1997 and inserts new definitions to allow for the possible commencement of an industry-based numbering scheme.

Background
The Telecommunications Act 1997 gave the then broadcasting regulator legislative responsibility for the specification and allocation of numbers for use in telecommunications services.3 The current regulator, the Australian Communications and Media Authority (ACMA), is required to manage telecommunications numbers as a national resource for the public good and for the benefit of end users. It does this through the Numbering Plan. The first Numbering Plan commenced in December 1997 and remained in place until ACMA introduced a revised Plan as the original plan was due to sunset at the end of 2015. The revised Plan takes into consideration input from industry and public consultation and was introduced for a number of reasons, including the intention to simplify application and decision-making processes.

The main objectives of the 2015 Plan are to:
• establish an effective and efficient framework for the numbering of carriage services in Australia which has regard to recognised international standards
• establish an effective and efficient framework for the use of numbers in connection with the supply of such services
• specify the numbers for use in connection with the supply of carriage services to the public in Australia and
• establish an effective and efficient framework for the allocation and portability of numbers.4

The 2015 Plan provided for ACMA’s numbering allocation and administrative services to be outsourced, a situation which ACMA argued would ‘deliver significant cost savings to industry’ following the provision of service through ZOAK Solutions from August 2015.5

Committee consideration
At the time of writing this Digest, the Senate Scrutiny of Bills Committee had not commented on the Bill.

On 3 December 2015 the Senate Selection of Bills Committee deferred consideration of this Bill to its next meeting.6

Policy position of non-government parties/independents
At the time of writing this Digest it appears there has been no comment made by non-government parties or independents on the provisions in this Bill.

5. Australian Communications and Media Authority (ACMA), Streamlined numbering plan signals new era, media release, 23 March 2015, accessed 11 December 2015.
Position of major interest groups
Communications Alliance, the primary telecommunications industry body in Australia, has welcomed the introduction of this Bill and the Communications Legislation Amendment (Deregulation and Other Measures) Bill 2015, labelling them ‘sensible deregulatory reform, toward which industry has been working with Government for some time’. 7

The Alliance has noted that similar arrangements elsewhere have produced ‘more agile, cost-effective and dynamic systems for managing numbering’ and this has been to the benefit of consumers and industry alike. 8

While it appears that there have been no other comments made in relation to the introduction of an industry-based numbering scheme it is worth noting that in 2012 the Australian Communications Consumer Action Network commented on the importance of numbering policy ‘in achieving availability of accessible and affordable services that enhance the welfare of all Australians’. 9 It is likely, therefore, that this group, and perhaps other consumer groups, may want to know the details of any industry-based scheme before voicing support for change.

It is interesting that ZOAK Solutions, the company involved in the administration of ACMA’s updated Numbering Plan noted that feedback from ‘several industry participants is that the new system provides an outstanding customer experience because it is an intuitive system that is simple to use’. 10

Financial implications
According to industry assessment, this Bill and the Communications Legislation Amendment (Deregulation and Other Measures) Bill 2015, devolving the management of the numbering system will deliver lower charges for customers. 11 It is expected that the industry will also benefit financially from the ACMA’s reduced role in management of the numbering system. 12 The Minister has noted that the legislation will not affect the collection of charges for the holding of numbers. These earn the Government $60.0 million a year in revenue. 13

Statement of Compatibility with Human Rights
As required under Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011 (Cth), the Government has assessed the Bill’s compatibility with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of that Act. The Government considers that the Bill is compatible. 14

At the time of writing this Bills Digest, the Parliamentary Joint Committee on Human Rights had not commented on the Bill.

Key issues and provisions
Items 1, 3, 4 and 5 of the Bill will repeal the existing definitions of the terms ‘allocation’, ‘surrendered’, ‘transferred’ and ‘withdrawn’ and replace them with definitions that will be compatible with the establishment of an allocation system which is managed by a ‘numbering scheme manager that is not ACMA’; in other words, an industry-based scheme manager. Item 2 will insert two new definitions: so that numbering scheme manager has the same meaning as in the Telecommunications Act 1997 and a definition of ported clarifies the circumstances under which a number can be transferred from one carriage service provider to another. 15

---

8. Ibid.
10. ZOAK Solutions, ZOAK Solutions switches on Australia’s new numbering system, ZOAK Solutions website, n.d., accessed 11 December 2015.
11. Communications Alliance, media release, op. cit.
15. The definition of ‘numbering scheme manager’ will be inserted into the Telecommunications Act 1997 by item 4 of Schedule 6 of the Communications Legislation Amendment (Deregulation and Other Measures) Bill 2015.
**Items 6 and 7** insert new subsections. Item 6 clarifies that a number can be transferred if this is done in accordance with the rules and processes of the numbering scheme manager or the ACMA numbering plan and item 7 stipulates that the numbering scheme manager, if one exists, must be notified of the transfer. The Explanatory Memorandum notes the importance of these provisions ‘in ensuring charges are properly levied’. Proposed definitional changes and insertions in the *Telecommunications (Numbering Charges) Act 1997* make clear that if there is no numbering scheme manager then numbering will be allocated by a numbering plan made by ACMA.

---

© Commonwealth of Australia

Creative Commons

With the exception of the Commonwealth Coat of Arms, and to the extent that copyright subsists in a third party, this publication, its logo and front page design are licensed under a Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia licence.

In essence, you are free to copy and communicate this work in its current form for all non-commercial purposes, as long as you attribute the work to the author and abide by the other licence terms. The work cannot be adapted or modified in any way. Content from this publication should be attributed in the following way: Author(s), Title of publication, Series Name and No, Publisher, Date.

To the extent that copyright subsists in third party quotes it remains with the original owner and permission may be required to reuse the material.

Inquiries regarding the licence and any use of the publication are welcome to webmanager@aph.gov.au.

**Disclaimer**: Bills Digests are prepared to support the work of the Australian Parliament. They are produced under time and resource constraints and aim to be available in time for debate in the Chambers. The views expressed in Bills Digests do not reflect an official position of the Australian Parliamentary Library, nor do they constitute professional legal opinion. Bills Digests reflect the relevant legislation as introduced and do not canvass subsequent amendments or developments. Other sources should be consulted to determine the official status of the Bill.

Any concerns or complaints should be directed to the Parliamentary Librarian. Parliamentary Library staff are available to discuss the contents of publications with Senators and Members and their staff. To access this service, clients may contact the author or the Library’s Central Entry Point for referral.

Members, Senators and Parliamentary staff can obtain further information from the Parliamentary Library on (02) 6277 2500.

---