

AUSTRALIAN
COMMUNICATIONS
INDUSTRY FORUM



INDUSTRY CODE
ACIF C566:2005
RIGHTS OF USE OF NUMBERS

ACIF C566:2005 Rights of Use of Numbers Industry Code

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EXPLANATORY STATEMENT

This Explanatory Statement is to be read in conjunction with the ACIF C566:2005 **Rights of Use of Numbers** Industry Code, "the Code".

This Explanatory Statement outlines the background, scope, objectives, processes and procedures described in the Code. The anticipated costs and benefits are also discussed.

Expressions and abbreviations used in this Explanatory Statement have the same meaning as in the Code.

Background

Telecommunications numbers are regarded as a national resource and are not in any sense owned by any party to whom they are Allocated, Transferred or Issued. Ownership of numbers is never passed to a carriage service provider (CSP) upon Allocation, or to a customer upon Issue, but remains with the Commonwealth of Australia.

The previous telecommunications regulator AUSTEL developed a national numbering plan for Australia in 1993. AUSTEL's subsequent changes to the 1993 plan included a statement of policy which would guide AUSTEL in its management of numbering and regulate the use of numbers by telecommunications providers and others who issue or use the numbers.

On its establishment in 1997, the Australian Communications Authority (ACA) was given legislative responsibility for the specification and Allocation of numbers under the *Telecommunications Act 1997* (the Act) and is required to manage numbers as a national resource for public good and for the benefit of end users.

In 1997 the ACA determined the *Telecommunications Numbering Plan 1997* (the Numbering Plan). The Numbering Plan was based on previous numbering plans developed by AUSTEL but did not include the detailed policy statements and guidance of previous plans, instead adopting a higher level approach towards setting out the processes involved in the allocation, reservation, issue, transfer and quarantine of numbers.

The Code was first published in April 2004. Section 3 of the Code contained a clause giving the Telecommunications Industry Ombudsman jurisdiction to handle complaints under the Code. The only difference between the 2004 version of the Code and this version is the removal of that clause.

Distribution of Numbers

The Act and the Numbering Plan explain that the distribution of numbers to the industry and users is a three tier process (see Chart in Section 5).

In the first tier process, the ACA determines a numbering plan which specifies numbers that are for use in connection with the supply of different types of carriage services to the public.

In the context of the Code, only the second and third tiers are relevant.

In the second tier process:

- the ACA or its delegate Allocates numbers to CSPs for the purpose of providing access to telecommunications service;
- CSPs may Transfer numbers to other CSPs in accordance with the Numbering Plan.

When a CSP is in receipt of a number Allocated to it by the ACA, the CSP has an obligation to manage that number until such time as that number is either Issued to a customer or to the CSP, Transferred to another CSP or temporarily provided to another CSP under contractual arrangements or surrendered to the ACA.

In the third tier process, CSPs Issue numbers to their customers from their allotment (2nd tier Allocation) of numbers.

When a customer is Issued with a number in association with a telecommunications Service, the customer gains ROU of that number. For the purpose of the Code, the customer having ROU of a number is referred to as a Rights of Use Holder (ROU Holder). Customers have an interest in the numbers that are Issued to them. For example, individuals or organisations might advertise their number in a published directory. These customers therefore have an interest in the advertised number, irrespective of any change in their CSP.

Current Regulatory Arrangements

Numbering of carriage services is regulated under Part 22 of the Act, and by the Numbering Plan, made by the ACA under the Act.

Part 22 of the Act sets out the broad requirements for the numbering of carriage services including the requirement that the ACA develop, after a consultation process, a numbering plan, that CSPs comply with the plan and that the plan provides for number portability, upon direction of the Australian Competition and Consumer Commission (ACCC). The ACA also has general powers of administration of the plan.

The Numbering Plan provides the broad policies for number Allocation, CSP Issuing of numbers, the Transfer of numbers, and the placement in/withdrawal of numbers from Quarantine. The policies apply to various number categories including Geographic Numbers, freephone and local rate numbers, and data numbers.

The ACA also uses a public auction system to allocate certain freephone and local rate numbers. It uses the trademark name 'smartnumbers' to identify the numbers allocated by this process. The enhanced rights of use and entitlements associated with these numbers are fully described in the Numbering Plan. These matters are referred to in Clause 2.1.4(e) as outside the scope of this Code.

Regulatory Gaps

While the Act and Numbering Plan provide CSPs with high level guidance on the processes of the Allocation, Issue, Transfer, withdrawal, and Quarantine of numbers, the Numbering Plan does not provide a level of detail to ensure CSP consistency in the various numbering processes. Whilst the 1993 and later AUSTEL numbering plans provided some policy guidance for the implementation of the numbering plan, the level of detail provided in the 1997 Numbering Plan may lead to inconsistent industry views and practices in relation to a customer's ROU of numbers. The Act envisages that industry will develop Codes to provide a level of detail on issues that is not provided by legislation or legislative instruments.

How the Code Builds on and Enhances the Current Regulatory Arrangements

The Code is designed to clarify the rights and obligations of all parties, particularly covering those issues and processes which were covered in AUSTEL's ROU policy document, but not included in the Numbering Plan.

The Code clarifies a number of issues including when CSPs must consider that a customer has Reserved a number, when a number must be considered as Issued by a CSP, when a Service is considered as Disconnected and therefore placed in

Quarantine, and when the number can be re-issued either to the last ROU Holder or a new customer.

The Code clarifies that a customer gains Rights of Use (ROU) of a number when a CSP Issues a number in association with a Service, and may enjoy beneficial use of the number freely and without hindrance while a Service is provided in association with the number. A customer who is the ROU Holder may also Port their number to another CSP if the number is identified as Portable under the Numbering Plan. The Code also requires that customers are informed of important processes which may affect their ROU of their number.

How the Objectives will be Achieved

The Code will provide guidance for CSPs for the various processes involving numbering, ensuring that all CSPs can have a common understanding of those processes, and can incorporate those understandings into their internal processes. The Code will also ensure that customers can share a common understanding of their ROU of their numbers.

Registration of the Code will ensure that the Code can be enforced against all CSPs, regardless of whether they have voluntarily signed the Code. This will ensure a consistent industry approach to numbering processes.

Anticipated Benefits to Consumers

The Code will ensure that ROU Holders have access to information about their ROU of numbers and, as a result, can expect a consistent, industry wide approach to the various processes followed by CSPs in the Reservation, Issuing, Quarantine and re-Allocation of numbers. Registration of the Code will ensure that this consistent industry approach can be enforced against all CSPs.

Anticipated Benefits to Industry

The industry will benefit from the introduction of a consistent view of the three tier numbering processes, particularly to identify when a customer's ROU of numbers arise for number portability. The Code also provides rules to enable identification of which CSP or person has the authority to Issue or Reserve a number to a customer. This will ensure there are consistent and correct industry mechanisms regarding the Reservation, Issuing, Transfer and Quarantine of numbers, allowing simplified industry processes, which will avoid disputes or make them easier to settle and lead to less legal disputation.

Anticipated Cost to industry

The Code envisages that CSPs will be required to support a single industry view of the three tier numbering process that clearly identifies requirements for arrangements with numbering management, particularly where numbers are to be recovered from one party and Issued to another. This may involve some industry members changing their internal systems and processes, and additional staff training.

Review of the Code

In accordance with ACIF practice a decision on whether to review the Code will be made within five years of registration, or when changes are made to the numbering plan that significantly impact on the Code. This means that, if necessary, the Code can promptly be updated to suit the new arrangements.

Gary Smith
Chairman

OCRP/WC 14 : *Rights of Use of Numbers* Working Committee

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The Working Committee that developed this Industry Code consisted of the following organisations and their representatives:

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1 INTRODUCTION AND REGISTRATION WITH ACA

1.1 Introduction

- 1.1.1 Telecommunications numbers are regarded as a national resource and are not in any sense owned by any party to whom they are Allocated, Transferred or Issued.
- 1.1.2 The Code covers the use of numbers which have been specified in the Numbering Plan, the circumstances in which customers have a right to use the number and the obligations on CSPs in respect of those rights.
- 1.1.3 In the first tier process, the ACA specifies numbers in a Numbering Plan, which it makes under section 455(1) of the Act.
- 1.1.4 In the second tier process the:
 - (a) ACA Allocates numbers to CSPs; and
 - (b) CSPs can provide those numbers to other CSPs.
- 1.1.5 In the third tier process, CSPs Issue a number to the customer who then becomes the ROU Holder of that number.
- 1.1.6 Section 112 of the Act sets out the intention of the Commonwealth Parliament that bodies and associations in the telecommunications industry develop industry codes relating to the telecommunications activities of those bodies.
- 1.1.7 The development of the Code has been facilitated by the Australian Communications Industry Forum (ACIF) through a Working Committee comprised of representatives from the telecommunications industry, Government regulatory agencies, and consumer groups.
- 1.1.8 The Code should be read in the context of other relevant Codes, including ACIF C554:2004 **Rights of Use of Premium Rate Service Number** Industry Code, ACIF C531:2002 **Commercial Churn** Industry Code, ACIF C540:2003 **Local Number Portability** Industry Code, ACIF C541:2003 **Credit Management** Industry Code and ACIF C570:2003 **Mobile Number Portability** Industry Code.
- 1.1.9 The Code should be read in conjunction with related legislation and related instruments, including the:
 - (a) *Telecommunications Act 1997*;
 - (b) *Telecommunications (Numbering Charges) Act 1997*; and
 - (c) *Telecommunications Numbering Plan 1997*.
- 1.1.10 Any personal information collected under the Code must be handled in accordance with the *Privacy Act 1988*.
- 1.1.11 If there is a conflict between the requirements of the Code and any requirements imposed on a CSP by statute, the CSP will not be in breach of the Code by complying with the requirements of the statute.

1.1.12 Statements in boxed text are a guide to interpretation only and not binding as Code rules.

1.2 Registration with ACA

The Code registered with the Australian Communications Authority pursuant to section 117 of the *Telecommunications Act 1997*.

2 SCOPE AND OBJECTIVES

2.1 Scope

- 2.1.1 The Code is applicable, under section 110 of the Act, to all CSPs holding numbers under the Numbering Plan, for use by them or their agents in connection with the supply of a carriage service.
- 2.1.2 The Code deals with the Reservation and Issue of numbers to customers and putting numbers into Quarantine, in relation to the telecommunications activities of CSPs, as defined in section 109 of the Act, including the following:
- (a) carrying on business activities as a CSP; or
 - (b) supplying goods or services for use in connection with the supply of a listed carriage service.
- 2.1.3 The Code covers:
- (a) numbers specified and Allocated under the Numbering Plan that are used in connection with the supply of carriage services to the public; and
 - (b) CSP obligations in regard to ROU of numbers.
- 2.1.4 The Code does not cover:
- (a) CSP obligations in relation to the imposition of annual numbering charges by the Commonwealth of Australia, which are covered by the *Telecommunications Numbering Charges Act 1997*;
 - (b) payments between CSPs, between customers and CSPs, or between customers in relation to the use of numbers;
 - (c) Private Numbers, Private Numbering Schemes, or numbers that are not used in connection with the supply of carriage services to the public;
 - (d) premium rate service numbers, where they are covered by the ACIF C554:2004 **Rights of Use of Premium Rate Service Numbers** Industry Code; or
 - (e) the enhanced ROU of numbers that have been acquired by means of a public auction allocation system authorised by the ACA or subsequent trade.

2.2 Objectives

The objectives of the Code are to:

- (a) define when a number is Issued to a customer in association with a Service and to clarify CSP obligations in managing the numbers; and
- (b) confirm and clarify ROU of numbers and the obligations of CSPs in relation to the Reservation, Issue, Porting, Disconnection and Quarantine of numbers.

3 CODE ADMINISTRATION AND COMPLIANCE

3.1 Code Administration and Compliance Scheme

Under ACIF Code signatory arrangements, Signatories to the Code are subject to ACIF's Code Administration and Compliance Scheme (December 2003) (the Scheme). Accordingly, all Signatories who are bound by the Code are also bound by the Scheme.

3.2 Power to handle Industry Complaints under the Code

3.2.1 Complaints may be made under the Code to ACIF by a member of the industry (or a voluntary or non-profit consumer organisation or similar body) (an "Industry Complaint") about a contravention of the Code by a Signatory to the Code.

3.2.2 Complaints by a member of the industry (or a voluntary or non-profit consumer organisation or similar body) about a contravention of the Code by a Signatory to the Code may be referred from the ACA under the power granted to the ACA in section 514 of the *Telecommunications Act 1997*, subject to ACIF's agreement to accept the referral. Without limiting the grounds on which ACIF may withhold its agreement to accept a referral, ACIF may withhold its agreement where it considers that the complaint can be more conveniently dealt with in another forum or that handling the complaint may impose an unreasonable cost burden on ACIF.

3.2.3 ACIF must handle Industry Complaints under Clause 3.2.1 or 3.2.2 of the Code in accordance with the provisions of the ACIF G514:2001 **Code Administration and Compliance Scheme**.

3.3 Code review

Review of the Code will be conducted after five years of the Code being registered by the ACA and every five years subsequently, or when changes are made to the Numbering Plan that significantly impact on the Code.

4 ACRONYMS, DEFINITIONS AND INTERPRETATIONS

4.1 Acronyms

For the purposes of the Code, the following acronyms apply:

ACA	Australian Communications Authority
ACIF	Australian Communications Industry Forum
CSP	Carriage Service Provider
FLRN	freephone and local rate numbers, as specified in the Numbering Plan
INMS	Industry Number Management Services, Ltd.
ROU	Rights Of Use
SFOA	Standard Forms of Agreement

4.2 Definitions

For the purposes of the Code, the following definitions apply:

Act

means the *Telecommunications Act 1997*

Active (Service)

means the carriage service associated with a number or numbers in a Managed Number Block can be used by the customer for the purpose for which it was provided. Activate and Activation have corresponding meaning.

Allocate

means the process by which a number passes from the ACA to a CSP.

Associated Number

means a number that is part of a Managed Number Block.

NOTE: Examples of Associated Numbers could include numbers that are associated with:

- (a) a Service number on a single device (e.g. voice, fax and data numbers on a mobile Service);
- (b) a Service using a block of contiguous numbers (e.g. a block of geographic numbers associated with a PABX); or
- (c) a Service using a Managed Number Block. This may be made up of contiguous or non-contiguous numbers (e.g. VPN, 3G-mobile managed block features, etc)

Carrier

has the meaning given to it in section 7 of the Act.

Carriage Service Provider (CSP)

has the meaning given in section 87 of the Act.

Disconnected (Service)

means that the Service to which the number is associated has been cancelled, either at the request of the customer, or as a result of CSP action (e.g. the culmination of credit management activity). Disconnection has corresponding meaning.

NOTE: After the Service is Disconnected, the number is recovered and placed in Quarantine

Donor CSP

means the CSP to which a number has been Allocated or Transferred under the Numbering Plan.

Geographic Number

has the same meaning as defined in the Numbering Plan.

INMS Business Rules

means a document titled *INMS, Business Rules for the Management of Portable Freephone and Local Rate Numbers, Version 1.3.*

Issued (number)

has the same meaning as the term used in the Numbering Plan. Issue has corresponding meaning.

NOTE; Further clarification of the meaning of Issue within this Code is provided in Clause 8.2.1

Managed Number Block

means a block of numbers a CSP has agreed to manage for a ROU Holder as an integral block of numbers for their Service.

NOTE: Numbers in a Managed Number Block do not have to be contiguous. The Managed Number Block remains in existence while any of the Associated Numbers provide a working Service on any network or until the ROU Holder no longer requires the Managed Number Block. (see Appendix B)

Network

means a network made up of one or more network units as defined in Part 2 of the Act, that is used to supply carriage services to the public.

Numbering Plan

means the *Telecommunications Numbering Plan 1997* made by the ACA pursuant to section 455(1) of the Act.

Port

means the movement of a number between CSPs or carrier networks where the number is associated with a Service which has been declared as Portable under the Act. Portable, Ported and Porting have corresponding meaning.

NOTE: On completion of a Port back to the Donor CSP the number is no longer considered Ported.

Private Number

has the same meaning as defined in the Numbering Plan.

Private Numbering Scheme

has the same meaning as defined in the Numbering Plan.

Quarantine (a number)

means the state a number (or a number in a Managed Number Block) goes into after the Service associated with the number has been Disconnected and the CSP recovers the number. Quarantined has corresponding meaning.

NOTE: The number is not available to be re-Issued for use for a minimum period of time, other than subject to exceptions permitted in the Numbering Plan or relevant industry codes.

Reserved (number)

means the state of a number as a result of a contract between a customer and a CSP or its delegate, where the customer requests an option to use the number for the supply of a Service at some time in the future and the CSP agrees to keep that number for that customer's future use. Reserved and Reservation have corresponding meaning.

Rights Of Use

means the customer's right, subject to the provisions of the Code, the Numbering Plan and the Act, to enjoy the beneficial use of an Issued number, and includes the ability to authorise a Port of the number (where Portability exists).

Rights Of Use Holder (ROU Holder)

means the person to whom a number is Issued and has ROU of that number.

*NOTE: A ROU Holder is analogous to the defined term Customer, used in ACIF C540:2003 **Local Number Portability** Industry Code and ACIF C570:2003 **Mobile Number Portability** Industry Code.*

For avoidance of doubt, the ROU Holder is the person with a contractual relationship with the CSP and to whom the CSP has Issued the number. The ROU Holder is not necessarily the end user of that service

Where the ROU Holder changes CSP, either as a result of Porting, entering into a reseller arrangement, or transfer of the number range to another CSP, the new CSP recognises the ROU Holder's ROU. The ROU Holder maintains ROU with the new CSP. This is explained in Appendix A

Service

means a telecommunications Service supplied in connection with a listed carriage service, as defined in section 16 of the Act.

Suspended (Service)

means the state of a Service that is restricted as a result of customer request or CSP action (e.g. credit management activity). Suspension has corresponding meaning.

NOTE: For example, restrictions may include disabling of certain call types.

Transfer

means a transfer of a number between CSPs for the purposes of the Numbering Plan. Transferred has corresponding meaning.

4.3 Interpretations

In this Code, unless the contrary appears:

- (a) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (b) words in the singular includes the plural and vice versa;
- (c) words importing persons include a body whether corporate, politic or otherwise; and
- (d) a reference to a person includes a reference to the person's executors, administrators, successors, officer, employee, volunteer, agent and/or subcontractor (including but not limited to, persons taking by novation) and assigns.

5 REFERENCES

Publication	Title
Industry Codes	
ACIF C513:2003	Customer and Network Fault Management Industry Code
ACIF C531:2002	Commercial Churn Industry Code
ACIF C540:2003	Local Number Portability Industry Code
ACIF C541:2003	Credit Management Industry Code
ACIF C554:2004	Rights of Use Premium Rate Service Numbers Industry Code
ACIF C570:2003	Mobile Number Portability Industry Code
Industry Documents	
<i>Privacy Act 1988</i>	
<i>Telecommunications Act 1997</i>	
<i>Telecommunications (Numbering Charges) Act 1997</i>	
<i>Telecommunications Numbering Plan 1997</i>	

6 BACKGROUND: THE NUMBERING PROCESS

NOTE: For diagrammatic representation of the Numbering Process, see chart on page 12.

6.1 ACA Specification of Numbers (1st Tier)

In the first tier process, the Numbering Plan specifies numbers that are for use in connection with the supply of carriage services to the public and includes specification of numbers for use in connection with the supply of different types of carriage services.

Reserve powers allow the ACA to modify the Numbering Plan. CSPs must comply with any ACA directions to withdraw numbers as a result of them having been de-specified from the Numbering Plan. In relation to ROU, the ACA exercising its reserve powers may mean that ROU Holders lose the beneficial use of their numbers.

6.2 ACA Allocation and Withdrawal of Numbers (2nd Tier)

In the second tier process, the ACA Allocates numbers to CSPs in accordance with the rules set out in the Numbering Plan. CSPs apply to the ACA, or a delegate of the ACA, for Allocation of certain number types. (e.g., to the INMS for FLRN).

If the ACA has Allocated numbers to a CSP, that CSP must manage those numbers until such time as they are either Transferred to another CSP or temporarily provided to another CSP under a contractual arrangement, or surrendered to, or withdrawn by the ACA.

If the ACA has Allocated numbers to a CSP (the first CSP) and that CSP provides another CSP (the second CSP) with numbers, the first CSP will enter into contractual arrangements with the second CSP in relation to the provision of numbers, and their use by the second CSP.

The ACA may, in accordance with the Numbering Plan, withdraw numbers from a CSP. Withdrawal of numbers from a CSP may affect the ROU Holder.

6.3 CSP Issue of Numbers to Customers (3rd Tier)

In the third tier process, CSPs manage numbers in conjunction with a Service. This number management activity includes the Reservation, Issue, Porting and Quarantine of numbers.

THE NUMBERING PROCESS

First Tier

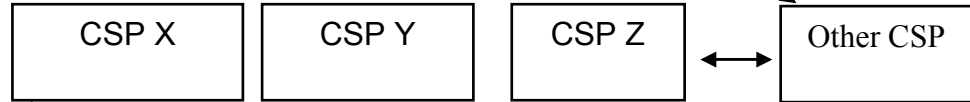
ACA specifies numbers in the number plan

Number Plan

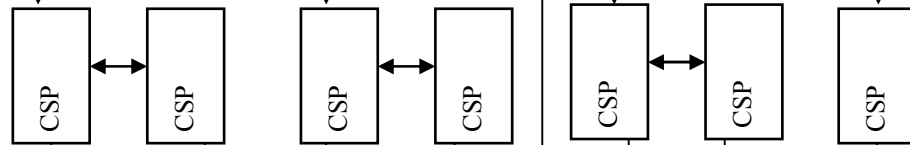
Second Tier (multi-level)

CSP-Allocates

Activity(a) The ACA Allocates numbers to CSPs
(b) The CSP makes numbers available for use by other CSP.



CSPs



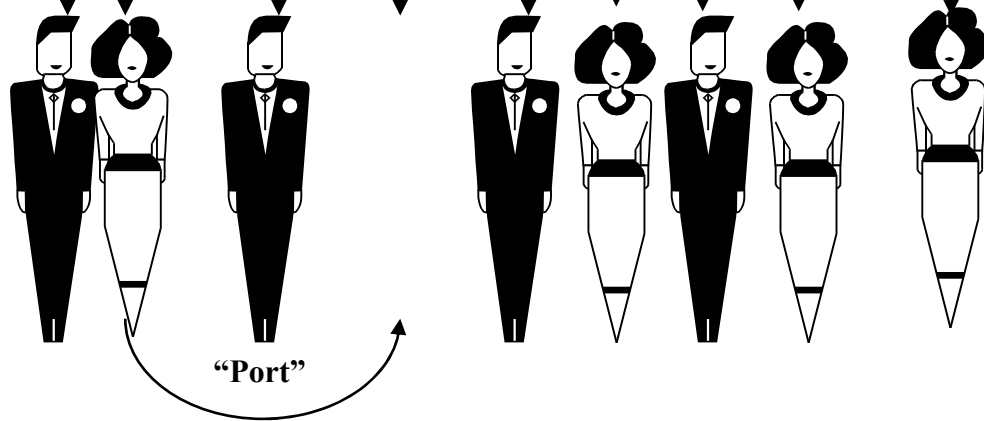
Third Tier

A CSP Issues numbers to customers

The customer has the rights of use (ROU) of their number.

Customer is "ROU Holder"

A Port occurs when the Customer moves their number from CSPX to CSPY



7 AUTHORITY TO ISSUE NUMBERS (2ND TIER)

NOTE: The person who holds ROU to a number is the person to whom it is Issued under the Numbering Plan.

To establish whether a customer has been Issued a number by a CSP, it is first necessary to establish which CSP held the number at the relevant time, and whether that CSP, or someone authorised by that CSP, Issued the number to the customer.

It is also possible under Chapter 10 of the Numbering Plan for the CSP that holds a number to, for example, on sale of a business, recover the number from the customer to whom it was Issued, and then Issue it to the new customer. When a number is recovered from a customer, the customer loses ROU to the number. A CSP can also recover a number from a customer in other circumstances, but its ability to do so is constrained by the Numbering Plan. To be able to trace the ROU of a number, it is therefore necessary to be able to establish whether a person was authorised to Issue or recover the number.

7.1 Which CSP holds the number

A CSP holds a number in the following circumstances:

- (a) when a number has been Allocated to it by the ACA under the Numbering Plan;
- (b) when a number has been Transferred from another CSP; or
- (c) when a number has been Ported to the CSP in accordance with the Numbering Plan and the relevant industry code for number portability.

NOTE: The ACA keeps a Register of Allocated and Permanently Transferred numbers. Ported numbers are identified on the Donor CSP's Ported number registers.

There are two types of Transfer between CSPs:

- (a) permanent Transfers; and
- (b) Transfers which are not permanent Transfers, where the rights and obligations of the parties are determined by agreement.

7.2 Authority to Issue and recover numbers

7.2.1 The CSP who holds the number Allocated or Transferred to it has the authority to Issue and recover a number until such time as that number is either:

- (a) Transferred to another CSP; or
- (b) Ported.

*NOTE: In accordance with the ACIF C540:2003 **Local Number Portability** Industry Code and ACIF C570:2003 **Mobile Number Portability** Industry Code, a CSP holding a Ported number that was Allocated or Transferred to another CSP may not Issue that Ported number to another customer except in limited circumstances set out in those Codes.*

- 7.2.2 A CSP who holds numbers Allocated or Transferred to it may enter into an arrangement to authorise another person to Issue and recover numbers on its behalf.
- 7.2.3 The CSP who holds the number Allocated or Transferred to it and authorises another person to Issue and recover numbers on its behalf must make and keep a record of the authorisation.

NOTE: An authorisation may be contained in a contract, or be a 'stand-alone' document.

- 7.2.4 A CSP must provide a copy of the authorisation to the person it has authorised to Issue and recover numbers on its behalf.
- 7.2.5 The CSP holding the number must ensure that the record of the authorisation:
- (a) outlines the scope of the authority to Issue and recover numbers;
 - (b) identifies the person who is authorised; and
 - (c) states:
 - (i) when the authority has effect;
 - (ii) when the authority terminates; and
 - (iii) the circumstances in which the authority will terminate.

NOTE: An authority may deal with number management activities other than Issuing and recovering numbers.

- 7.2.6 A CSP must not Issue or recover numbers that it does not hold unless it has been authorised to do so.
- 7.2.7 A CSP must ensure that the Transfer of a number does not affect the ROU of the ROU Holder.

8 CSP OBLIGATIONS REGARDING RIGHTS OF USE OF NUMBERS (3RD TIER)

NOTE: The third tier processes in the use and management of numbers are those involving CSPs and customers. In the third tier processes, a CSP can

- *Reserve a number for future Issue to a customer;*
- *Issue a number to a customer in association with the supply of a Service; and*
- *recover an Issued number and place the number into Quarantine.*

The Rights of Use Matrix in Appendix C (the Matrix) provides a chart showing when numbers are considered to be Reserved, Issued and in Quarantine, and the implications for ROU arising from each state. It is recommended that the Code rules are read in conjunction with the Matrix.

8.1 Number Reservation

NOTE: A CSP may agree with a customer to Reserve a number for the future use of that customer. (See Step 2 of the Matrix for a description of the implications of numbers in this state.) Such Reservation of a number does not infer ROU of that number to the customer.

- 8.1.1 When a CSP agrees with a customer to Reserve a number, it must not Issue or Reserve that number to another customer for the duration of the agreement.
- 8.1.2 A CSP must advise the customer who has Reserved a number not to trade the number or make it available to another customer unless the customer has obtained prior approval from the CSP.

NOTE: If the customer trades or makes available a reserved number without prior approval of the CSP, the CSP is not required to recognise the reservation of that number for the second customer.

8.2 Issue of a Number

NOTE: A CSP Issues a number to a customer in association with the provision of a Service(s) to that customer. (See Step 3 of the Matrix for the implications of a number being Issued.)

- 8.2.1 For the purposes of this Code a number is considered Issued at the time that a CSP or its delegate and the customer agree to the provision of a specific number for the customer's use in association with a Service.

NOTE: Where agreement has been reached with the customer for the provision of Service at an agreed future date, in association with a specific number, ROU of that number arise from the commencement date of the agreement subject to Clause 8.6.

A CSP that holds Allocated or Transferred numbers can Issue a number to itself in association with a Service supplied to itself.

- 8.2.2 A customer becomes the ROU Holder when that number is Issued to them.
- 8.2.3 A CSP must inform the customer that ROU arise when a number is Issued.

NOTE: The information that a number is Issued when agreement is reached for the provision of Service in association with the number can be provided to customers in the standard terms and conditions of service or in SFOAs See also Clause 8.10 on information provision.

- 8.2.4 A CSP may accept a customer's request to provide a specific number but is under no obligation to do so.
- 8.2.5 Where a CSP Issues multiple numbers for use with a Service, it may agree to manage the numbers as a Managed Number Block.
- 8.2.6 A CSP must manage a Managed Number Block in accordance with the Code.
- 8.2.7 A Customer becomes the ROU Holder of all the Associated Numbers in a Managed Number Block when the CSP issues the Managed Number Block. Where a Managed Number Block has been Issued, the CSP must treat all numbers in that Managed Number Block as Issued while any Associated Number in the Managed Number Block is Issued (see Appendix B) or until the ROU Holder advises the CSP that it no longer requires the Managed Number Block.

8.3 Number Portability

- 8.3.1 A CSP must Port a number on request of the ROU Holder:
- (a) if the number is declared as Portable by the Numbering Plan;
 - (b) if the ROU Holder is eligible to Port the number, as identified in Column 5 of the Matrix; and
 - (c) in accordance with rules set out in the Numbering Plan and the relevant Industry Code for number portability.

8.4 Moving Numbers Between Customers

- 8.4.1 A CSP may agree, on request by the ROU Holder, to recover a number from one customer and Issue it to another customer.
- 8.4.2 A CSP must have authority from the ROU Holder before recovering the number and Issuing it to another customer.

NOTE: A CSP is not required to agree to recover a number from the ROU Holder and Issue it to another customer if requested. It is in the ROU Holder's interest to make arrangements with their CSP before considering such a change.

8.5 Recovery and Replacement of Numbers

CSPs must only recover and replace a number which they have Issued in accordance with Part 3 of Chapter 10 of the Numbering Plan.

NOTE: There are only limited circumstances where a CSP may recover a number (with or without replacement) and thereby affect the ROU-Holders' ability to continue using the number. Full detail of the limited circumstances and other associated rules is available in Part 3 and Part 4 of the Numbering Plan. To assist in the interpretation and comprehension of the rules at 8.5 and 8.6, Appendix D provides a brief description of these circumstances.

8.6 Recovery of Numbers without Replacement

CSPs must only recover numbers without replacement in accordance with Part 4 of Chapter 10 of the Numbering Plan.

NOTE: There are only limited circumstances where a CSP may recover a number (with or without replacement) and thereby affect the ROU-Holders' ability to continue using the number. Full detail of the limited circumstances and other associated rules is available in Part 3 and Part 4 of the Numbering Plan. To assist in the interpretation and comprehension of the rules at 8.5.1 and 8.6, Appendix D provides a brief description of these circumstances.

8.7 Conditional Issue of Numbers by CSPs

CSPs must not set conditions on the use of numbers unless those conditions are consistent with this and other Industry Codes and Part 6 of Chapter 10 of the Numbering Plan.

8.8 Disconnection

NOTE: The Disconnection of a Service can be either at the request of the ROU Holder or initiated by a CSP. (see the Matrix, Step 6 for Disconnection and Step 7 for Quarantine.)

8.8.1 A CSP must act on the basis that the ROU Holder's rights continue until the Service associated with the number is Disconnected. A Customer ceases to be the ROU Holder of the Associated Numbers in a Managed Number Block when all the Services associated with those numbers have been Disconnected or the ROU Holder advises the CSP that it no longer requires the Managed Number Block.

NOTE: When a Managed Number Block is no longer required, the numbers that were part of that Managed Number Block revert to the applicable status had that Managed Number Block not existed. E.g., Disconnected numbers will go into Quarantine.

8.8.2 If a ROU Holder wishes to Port their number, the gaining CSP must advise the ROU Holder not to Disconnect their Service prior to Porting.

NOTE: For process and legal reasons, CSPs' service provisioning systems may not be able to prioritise conflicting requests from a ROU Holder in the same timeframe. For example, if a ROU Holder concurrently requests Disconnection with their current CSP and Porting of their number to a new CSP in the same time frame. In that case, a ROU Holder may have to request their CSP to reactivate their Service. A ROU Holder initiated Disconnection will generally take precedence over a Porting request.

8.9 Quarantine and Issue of Recovered Numbers

- 8.9.1 After a Service is Disconnected, a CSP must recover and Quarantine the number previously associated with that Service in accordance with:
- (a) Part 4 of Chapter 10 of the Numbering Plan;
 - (b) any applicable industry Codes; and
 - (c) Division 9, Part 5 of Chapter 3 of the Numbering Plan for FLRN.
- 8.9.2 A CSP may Issue a recovered number in accordance with Part 4 of Chapter 10 of the Numbering Plan.
- 8.9.3 A CSP may Issue a recovered number to a customer in a shorter period than is provided for under the Numbering Plan if the customer is the previous ROU Holder.

NOTE: The Numbering Plan requires that numbers must be held in Quarantine for a six or twelve month period, unless one of a limited set of circumstances arises in which it is permissible to release the number early and Issue it to a customer. Full detail of the limited circumstances and other associated rules is available in Part 4 of the Numbering Plan. To assist in the interpretation and comprehension of the rules at 8.9, Appendix D provides a brief description of these circumstances.

- 8.9.4 Notwithstanding clause 8.9.2, a CSP must not issue a recovered Number in accordance with section 10.12(5) of the Numbering Plan unless the CSP determines that it has no other suitable numbers to Issue.

NOTE: No other suitable numbers may include the situation where the CSP has no other similarly specified, Allocated, Transferred, new or Quarantined numbers available to Issue.

8.10 Informing Customers of their Rights Of Use

NOTE: Part 5 of Chapter 10 of the Numbering Plan requires CSPs to provide certain information to customers in regard to numbers that they have been Issued, including what the CSPs' obligations are and how the customer can obtain further information.

Upon request, a CSP must provide information to customers about ROU of a number in a timely manner.

NOTE: Information to customers can be provided in standard terms and conditions, or other material such as SFOAs and should be provided as soon as practicable, for example within 15 business days.

APPENDIX A CSP OBLIGATIONS TO RECOGNISE ROU

The following table identifies the relationship between CSPs and ROU Holders. The table does not deal with situations where the end user does not have a direct contractual relationship with a CSP for the provision of that service. This table should be read in conjunction with Column 4 of Appendix C

	CSP(1)	CSP(2)	ROU Holder
Provision of Service by CSP(1)	Number holder recognises ROU of the ROU Holder.	N/A	ROU Holder has commercial relationship with CSP (1)
Number Transferred from CSP(1) to CSP(2)– service provided by CSP(2)	Recognises CSP (2) as the number holder post-Transfer	Becomes the number holder and recognises ROU of the ROU Holder post-Transfer	ROU Holder has commercial relationship with CSP (2)
Number Ported to CSP(2)	Recognises CSP (2) as the number holder post-Porting	Becomes the number holder and recognises ROU of the ROU Holder post-Porting.	ROU Holder has commercial relationship with CSP (2)
Provision of service by CSP(2). CSP(2) resells CSP(1)'s service	CSP(1) has contractual relationship with CSP(2) for resale of service. CSP(1) recognises CSP(2) has contractual relationship with ROU Holder	Recognises ROU of the ROU Holder	ROU Holder has commercial relationship with CSP (2).

APPENDIX B STATE OF NUMBERS

The Table below illustrates that there is a distinction between the state of an individual number and a number in a Managed Number Block, in the state of a service, and the possible relationships between the two.

TABLE 1

State of Numbers

State of Individual Number	State of Service	State of Managed Number Block	State of Services within the Managed Number Block
Reserved	Inactive	Reserved	Inactive
Issued	Can be <ul style="list-style-type: none"> • Pending Activation • Active; or • Suspended 	Issued	At least one service in the Managed Number Block must be <ul style="list-style-type: none"> • Pending Activation • Active; or • Suspended; The remainder of the Services in the Block can be in any of the above states or <ul style="list-style-type: none"> • Disconnected.
Quarantine	Disconnected	Quarantine	Disconnected (only when all numbers in the Managed Number Block are Disconnected)

APPENDIX C RIGHTS OF USE MATRIX

TABLE 2

Rights Of Use of Numbers Matrix

This Matrix covers activities involving all numbers except Premium Service numbers where they are covered by the ACIF C554: 2003 *Rights of Use of Premium Rate Service Numbers* Industry Code.

COLUMN 1: Activity	COLUMN 2: Is the number Reserved?	COLUMN 3: Is the number Issued?	COLUMN 4: Do ROU exist?	COLUMN 5: Can the number be Ported?
Step 1 Preliminary discussions about supply of Service The CSP may have a conversation with a potential customer about supply of a Service, that may include discussion of the possible number for use with the Service. However, there is no agreement in place between the CSP and the customer.	No	No	No	No

COLUMN 1: Activity	COLUMN 2: Is the number Reserved?	COLUMN 3: Is the number Issued?	COLUMN 4: Do ROU exist?	COLUMN 5: Can the number be Ported?
<p>Step 2: Number Reservation</p> <p>(a) The customer may have identified the number that it would like to use for future Service but has not entered into contractual arrangements with the CSP to Reserve the number</p> <p>(b) The CSP enters into a contractual arrangement to Reserve the number for that customer; (e.g. a single number, or a contiguous block of numbers</p> <p><i>NOTE: Purchase of a prepaid Service does not constitute entering into a contractual arrangement for that number</i></p>	<p>(a) No (b) Yes</p>	<p>(a) No (b) No.</p> <p>Reserved for future use and possible Issue subject to the contractual commitments being satisfied</p>	<p>(a) No (b) No</p>	<p>(a) No (b) No.</p> <p>However, a customer may choose to have the number Issued by the CSP that Reserved the number, following which Porting may occur.</p>

COLUMN 1: Activity	COLUMN 2: Is the number Reserved?	COLUMN 3: Is the number Issued?	COLUMN 4: Do ROU exist?	COLUMN 5: Can the number be Ported?
<p>Step 3 CSP agrees to provide Service to the customer.</p> <p>(a) For post-paid Service</p> <p>When the CSP agrees to provide Service:</p> <p>(i) associated with a Number, or</p> <p>(ii) where the Service is associated with a Managed Number Block. (Note: Services to some or all of the numbers in that Managed Number Block may be Activated at the same time, or some may be Activated at a later date.)</p>	<p>(a)</p> <p>(i) No</p> <p>(ii) No.</p>	<p>(a)</p> <p>(i) Yes</p> <p>(ii) Yes</p> <p>All the numbers which are part of the Managed Number Block are Issued.</p>	<p>(a)</p> <p>(i) Yes,</p> <p>(ii) Yes</p> <p>ROU commence when the CSP advises that they have agreed to provide Service on any number in that Managed Number Block</p>	<p>(a)</p> <p>(i) Yes.</p> <p>(ii) Yes</p> <p>Numbers in a Managed Number Block may be Ported.</p> <p>NOTE: In practical terms, to enable the number to be Ported the customer may have to wait until the Service is Activated and logged into the CSP's systems.</p>

COLUMN 1: Activity	COLUMN 2: Is the number Reserved?	COLUMN 3: Is the number Issued?	COLUMN 4: Do ROU exist?	COLUMN 5: Can the number be Ported?
<p>Step 3 CSP agrees to provide Service to the customer.</p> <p>(b) For prepaid Service</p> <p>The agreement from the CSP can only occur at the point when the customer has contacted the CSP to Activate the Service and the customer has fulfilled the legislated identification obligations. The agreement must include the number that will be used for the Service and may include confirmation of the time and date for activation.</p> <p><i>Note: The number associated with some prepaid Services may be subject to an expiry date after which the service cannot be Activated on that number.</i></p>	<p>(b) No.</p> <p>Because the number is Issued when the agreement to provide Service is made by the CSP.</p>	<p>(b) Yes.</p> <p>The number is Issued with Service Activation pending. After the CSP agreement is made there may be a period of time between the actual physical Activation of the Service with the number.</p>	<p>(b) Yes</p>	<p>(b) Yes.</p> <p>In practical terms, to be able to give effect to the Port, the customer may have to wait until the Service is Activated and logged into the CSPs systems so Porting can occur.</p>
<p>Step 4: Active Service</p>	<p>No</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>

COLUMN 1: Activity	COLUMN 2: Is the number Reserved?	COLUMN 3: Is the number Issued?	COLUMN 4: Do ROU exist?	COLUMN 5: Can the number be Ported?
<p>Step 5: Service Suspension</p> <p>An arrangement for the temporary cessation of Service provision. This may be initiated by:</p> <ul style="list-style-type: none"> (i) the ROU Holder (e.g. holidays); (ii) the CSP (eg debt concern being managed or, in the case of pre paid Services, the credit balance has not been maintained); or (iii) Disconnection of a Service in a block of numbers associated with a particular ROU Holder. <p>Contractual relationship continues and the Service is not Disconnected. Number or Managed Number Block is still associated with the Service. The Service may still be enabled as an inbound calling Service.</p>	No	Yes.	Yes	Yes

COLUMN 1: Activity	COLUMN 2: Is the number Reserved?	COLUMN 3: Is the number Issued?	COLUMN 4: Do ROU exist?	COLUMN 5: Can the number be Ported?
<p>Step 6: Service Disconnection</p> <p>The Service and the number are disassociated and the customer no longer has a contractual arrangement with the CSP for the Service.</p> <p><i>Note: Disconnection may be initiated by the ROU Holder, or the CSP as a result of credit management activity. In the case of pre-paid Services, if contractual commitments, including maintaining a required credit balance, are not maintained, the CSP Service eventually disconnects the Service.</i></p>	<p>No</p>	<p>No</p>	<p>No. ROU cease when the Service is Disconnected</p>	<p>No.</p> <p>The ability to Port ceases when the Service is Disconnected. A ROU Holder wishing to Port a number in the process of Disconnection may request the CSP to stop the Disconnection to allow the number to be Ported.</p>
<p>Step 7: Quarantine</p> <p>After Service Disconnection, numbers are taken out of circulation and put into Quarantine in accordance with Numbering Plan requirements. Minimum period is 6 months (12 months for nuisance calls). Numbers can be made available for use earlier subject to Numbering Plan conditions.</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>No.</p> <p>A customer wishing to reactivate their Service, or Port a number they previously used may request the CSP to Issue the number to them in association with a Service, following which it can be Activated and/or Ported.</p>

APPENDIX D AID TO INTERPRETATION

Recovery and Replacement of Numbers

The Code at Section 8 makes rules about when a CSP may recover and replace numbers, and recover numbers without replacement. Such activities may directly affect an ROU-Holder's access to a number.

Because the Code rules at 8.5, 8.6 and 8.9 involve a cross-reference to obligations in the Numbering Plan, it is considered useful to provide some information in this document about the types of situation that the Numbering Plan envisages. It is expected this will assist readers of this Code in interpreting the rules.

Despite providing useful assistance in interpreting the requirements of the Code rules, the information provided below is not intended to capture all of the requirements of Part 3 and Part 4 of Chapter 10 of the Numbering Plan. Consequently, this summary information should not be relied on as an exhaustive summary of CSPs obligations under those Parts of the Numbering Plan.

Recovery and Replacement of Numbers (see also 8.5)

The rule at 8.5 makes a cross-reference to Part 3 of Chapter 10 of the Numbering Plan. That Part of the Numbering Plan sets out the rules that a CSP must follow for the recovery and replacement of a number. For example, Part 3 limits the circumstances in which a CSP may recover and replace an Issued number to the following:

- (a) the ROU Holder asks for or agrees, in writing, to the recovery and replacement of a number;
- (b) the CSP would avoid modifying or replacing plant or equipment in a way that would:
 - (i) have significant technical and financial consequences for the CSP or ROU Holders; or
 - (ii) cause significant difficulties for the ROU Holder;
- (c) the CSP applies to the ACA in writing, giving reasons for the application to change the numbers;
- (d) if the Numbering Plan requires the number to be recovered and replaced; and
- (e) if the CSP applies to the ACA in writing for the recovery and replacement of the number and the ACA approves the application.

Part 3 also contains provisions that place an obligation on CSPs who wish to recover and replace a number, to inform the ROU-Holder of its intention to do so.

Recovery of Numbers without Replacement (see also 8.6)

The rule at 8.6 makes a cross-reference to Part 4 of Chapter 10 of the Numbering Plan. That Part of the Numbering Plan sets out the rules that a CSP must follow when it recovers a number without replacing it. For example, a CSP may only recover a number without replacing it in the following circumstances:

- (a) if the ROU Holder, in writing, asks for, or agrees to, the recovery of the number (without replacement);
- (b) if the customer and the CSP agree, in writing, to move the number to another customer;

NOTE: A CSP is not required to agree to move the number to another customer if requested. It is in the customer's interest to make arrangements with their CSP before asking that a number be moved to another customer.

- (c) if the CSP ceases to offer the kind of service associated with the number or a Service which is no longer offered in a particular location;
- (d) the ROU Holder does not subscribe within a reasonable period of time to the Service for which the number was Issued;
- (e) the ACA directs the CSP that it intends to recover the number;
- (f) a temporary Issue of the number was made, a condition of which was that the number would be recovered by a specified date; or
- (g) the CSP disconnects the Service for a reason that is not provided for above.

Quarantine and Issue of Recovered Numbers (see also 8.9)

The rules at 8.9 make a cross-reference to Part 4 of Chapter 10 and Part 5 of Chapter 3 of the Numbering Plan. These parts of the Numbering Plan set out rules that a CSP must follow when recovering numbers and placing them in quarantine, and when considering whether quarantined numbers can be issued before the expiry of the quarantine period.

Section 10.12 provides that a number recovered because of nuisance calls must not be Issued to another customer, by any CSP, for at least 1 year after the number is recovered. For non-nuisance calls a CSP must not Issue the number to another customer for at least 6 months after the number is recovered.

Section 10.12 also provides that where a number was recovered for a reason other than nuisance calls then that number may be Issued to another customer before 6 months, but only in the following limited circumstances:

- (a) If the CSP has no other suitable numbers for Issue and the customer to whom the number would be Issued agrees to have the number;
- (b) If a customer occupies premises at which calls to a given Geographic Number previously terminated, and the customer does not ask for an equivalent new number when the Service is established;
- (c) If the number was Issued for a business that is still operating, and the ownership of the business has changed; or
- (d) If the number is to be moved from a ROU Holder to another customer and the new customer and the CSP agree to the Issue.

The INMS Business Rules apply to FLRNs and require that recovered numbers be Quarantined for 6 months if recovered for non-nuisance purposes or 12 months if recovered because of nuisance calls. The INMS Business Rules provide that a number may be released from Quarantine earlier only where the Quarantined number is to be Issued to the same ROU Holder from whom it was recovered and only where the CSP who recovered the number re-Issues the number.

The information provided in this Appendix is not intended to capture all of the requirements of Part 3 and 4 of Chapter 10 of the Numbering Plan and consequently should not be relied upon as an exhaustive summary of CSPs obligations.

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