

Connection and disconnection of services

Complaints we receive involving connection and disconnection of services include claims that:

- a new service connection has been unreasonably delayed
- a technician has not turned up for an appointment to connect a service at a property
- a service has been connected but there is a delay connecting enhanced call handling features, for example call waiting, call forwarding, and calling number display
- a new service cannot be connected because a previous service at the property has not been disconnected
- a service was not disconnected on the advised or agreed date
- a service has been disconnected by mistake.

This position statement applies to:

- connecting a new landline, mobile, or internet service
- relocating an existing service to a new premises
- switching a service from one type of telecommunications infrastructure to another, for example changing from copper to fibre optic cabling
- changing internet provider
- disconnection of services other than for credit reasons.

For complaints involving a dispute about infrastructure used to connect a landline service see our [position statements about infrastructure connecting to a property](#).

For complaints involving transferring services see our position statement [Transfer of services](#).

For complaints about losing a number following a disconnection see our position statement [Use of numbers and numbers in quarantine](#).

For complaints about disconnections for credit reasons see our position statement [Restricting or disconnecting a service for credit management reasons](#).

For complaints involving connection and disconnection of priority assistance services see our position statement [Priority assistance services](#).

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See also our position statements [Pre-sale information or conduct](#) and [Contracts](#) for more information.

In this position statement, a **landline** service is any service that could be used for voice telephony that is not a mobile service.

Laws, codes, and guidelines

The following laws, codes, and guidelines are relevant to connection and disconnection of services:

- [Competition and Consumer Act 2010, Schedule 2 The Australian Consumer Law](#)
- [Telecommunications \(Consumer Protection and Service Standards\) Act 1999](#)
- [Telecommunications \(Customer Service Guarantee\) Standard 2011](#)
- The common law of contracts
- [Connect Outstanding Code 2005](#)
- NBN Co's [Wholesale Broadband Agreement 2015](#)
- ACCC's [Consumer guarantees: A guide for businesses and legal practitioners 2010](#).

Our approach

When we deal with complaints involving connection and disconnection of services we consider the law, good industry practice, and fairness in all the circumstances.

The law

Consumer guarantees for supply of services

The [Australian Consumer Law](#) sets out a number of consumer guarantees for services. These include:

- if a provider supplies services to a consumer, there is a guarantee that the services will be supplied with due care and skill
- if a provider supplies services to a consumer, and the consumer, expressly or by implication, makes known to the provider any particular purpose for

which the services are being acquired by the consumer, there is a guarantee that the services, and any product resulting from the services, will be reasonably fit for that purpose

- if a provider supplies services to a consumer and the time to supply these services is not fixed in the contract or agreed between the parties, there is a guarantee that the services will be supplied within a reasonable time.

If a service fails to fulfil one of the consumer guarantees the Australian Consumer Law provides remedies to the consumer. The actual remedy depends on which guarantee is breached, the extent of the failure to meet the guarantee, and what the consumer chooses to do in response to the failure.

Consumer guarantees relating to services cannot be excluded, restricted or modified by contract.

Connecting CSG services and enhanced call handling features

Key obligations

The [Telecommunications \(Consumer Protection and Service Standards\) Act](#) sets out:

- a universal service regime to ensure that all people in Australia, wherever they reside or carry on business, have reasonable access to a standard telephone service, or an equivalent service if the person has a disability. A service supplied under this regime is called a **USO service**. USO service obligations only apply to the **universal service provider**. Telstra is the current universal service provider

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- that the ACMA can be directed to make standards about the timeframes for providers to connect specified kinds of services
- that damages should be paid to a customer when a provider contravenes a standard.

The ACMA created the Customer Service Guarantee Standard to set out performance standards for the connection of **CSG services**. A CSG service is:

- an eligible telephone service for the purpose of voice telephony between end-users supplied with the same service, whether or not the end-users are connected to the same telecommunications network
- an equivalent to voice telephony for a particular end-user with a disability, or
- a service that would be used for the purpose of voice telephony (or its equivalent for a particular end-user with a disability) but for the fact that it is used for some other purpose

that is not:

- a mobile or satellite service, unless the mobile or satellite service has been offered as a USO service, or
- a sophisticated business oriented service.

Most residential and small business landline services are CSG services.

The Customer Service Guarantee Standard also applies to **enhanced call handling features**. An enhanced call handling feature is any of the following when activated by a provider:

- call waiting
- call forwarding
- some call barring
- calling number display
- calling number display blocking.

Timeframes

If infrastructure is available a provider must connect a CSG service or enhanced call handling feature within the **guaranteed maximum connection period** as follows:

Location of the consumer's service	Maximum connection period
An in-place connection in any location	two business days after the provider receives the connection request
A new connection in an urban area with a population equal to or more than 10,000 people	five business days after the provider receives the connection request
A new connection in a major rural area with a population between 2,500 and 10,000 people	ten business days after the provider receives the connection request
A new connection in a minor rural or remote area with a population of up to 2,500 people	fifteen business days after the provider receives the connection request
If none of the above applies	fifteen business days after the provider receives the connection request

Arrangements to connect a consumer may provide for connection in a longer period than the guaranteed maximum connection period if:

- the consumer asks for a connection on a day after the guaranteed maximum connection period, or
- the provider offers a connection on a day after the guaranteed maximum connection period and:
 - the offer is made to the consumer and a significant number of other consumers
 - the offer gives the consumer a significant service benefit, for example, the provider may waive a connection fee, and
 - the consumer accepts the offer.

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Arrangements to connect a consumer may also provide for connection in a period that is shorter than the guaranteed maximum connection period.

When a service has been disconnected because of an administrative error that does not involve damage to a facility, the service should be reconnected at the end of the first full business day after the customer reports the disconnection.

Exemptions

A provider may be exempt from these performance standards, including when:

- the consumer has agreed to waive their rights under the Customer Service Guarantee Standard
- connecting a new service will bring the number of standard telephone services at the property to six or more
- the provider cannot meet a performance standard because of maintenance or upgrading of a facility or network that is used to supply the service
- the provider has made a reasonable offer of an interim or alternative service, or
- the provider cannot meet a performance standard because of:
 - a) circumstances beyond its control, or
 - b) the need to move staff or equipment to an area affected by circumstances beyond its control.

Examples of circumstances beyond the provider's control may include:

- damage to a facility not caused by the provider
- a natural disaster causing mass outages
- extreme weather conditions causing mass outages.

An **interim service** is a service that gives a consumer a service for telephony (or the equivalent for a person with a disability), and does not cost any more than the CSG service the consumer originally requested. For example, a satellite phone, or free diversion to a mobile phone charged at local call rates. An interim

service does not have to provide data transmission, or an enhanced call handling feature, unless this is required to deliver an equivalent service to a person with a disability.

A provider must not, without the agreement of the consumer, supply the consumer with an interim service for a period exceeding six months from the consumer's request for connection of a standard telephone service.

An **alternative service** is a service that gives a consumer access to a telephone service. It does not need to be charged at the same rate as the CSG service the consumer originally requested. An example is call diversion to a mobile phone charged at mobile rates.

Good industry practice

Connection of National Broadband Network services

NBN Co's [Wholesale Broadband Agreement](#) Service Level Schedule describes the service levels that apply to connecting NBN Co products and services. It sets out the performance objectives that NBN Co will aim to achieve for certain service levels, and describes the wholesale and retail obligations for taking corrective action or compensating providers under the [Customer Service Guarantee Standard](#) when NBN Co has contributed to a connection delay.

When a previous occupant's service has not been disconnected

The [Connect Outstanding Code](#) sets out procedures for providers to arrange connection of a standard telephone service when a previous occupant's service has not been disconnected.

Rules in the Connect Outstanding Code include:

- all relevant providers should make every effort to avoid a delay between disconnection and reconnection of a standard telephone service
- the new occupant's provider must tell the new occupant if there is an existing standard telephone service that has not been disconnected and proof of occupancy is required, including the

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minimum criteria for the proof of occupancy

- if there are no objections from another provider, the new occupant's provider must make sure the new service is connected within eight clear business days of receipt of valid proof of occupancy from the new occupant, or on the new occupant's requested connection date if that is later
- wherever practical, providers should endeavour to improve on this timeframe.

Changing internet provider using the DSL transfer or DSL/SSS transfer process

The **DSL transfer** and **DSL/SSS transfer** processes are voluntary industry agreements between some providers to facilitate faster changes of internet provider. Both providers involved must be participants in the relevant process, and using Telstra ADSL infrastructure.

TIO view

Connection of CSG services and enhanced call handling features

Cancelling an order for a service because of a connection delay

A consumer who cancels an order for a CSG service because of a connection delay may, depending on the circumstances, be eligible for compensation under the [Customer Service Guarantee Standard](#) from the end of the guaranteed maximum connection period until the order was cancelled.

Interim and alternative services

An offer of an interim or alternative service must be reasonable.

An offer of an interim service may not be reasonable if, for example, the interim service is a mobile service and mobile coverage at the consumer's premises is inadequate.

If a consumer turns down an offer of an interim or alternative service based on information given by the provider that the service is due to be connected in the near future, we expect the provider to re-offer an interim or alternative service if there are further delays.

In these circumstances, if the provider does not re-offer an interim or alternative service, we will consider the consumer's eligibility for compensation under the Customer Service Guarantee Standard.

Circumstances beyond a provider's control

If a provider claims an exemption because of circumstances beyond its control, the provider must be able to show that the connection delay is a direct result of the circumstances beyond its control, or having to relocate staff and equipment to deal with the problem. If no causal link exists, the consumer may be eligible for compensation under the [Customer Service Guarantee Standard](#) for the period of the delay.

Connection of non-CSG services

When the [Customer Service Guarantee Standard](#) does not set out specific connection timeframes, for example for internet or mobile services, we expect a provider to connect a service within the timeframe the consumer and provider agree on. If no timeframe is agreed, the service must be connected within a reasonable time as required under the [Australian Consumer Law](#).

Delays in connection of any service

If there is a delay connecting a service, a provider should:

- as soon as possible, tell the consumer there is a delay, and explain the cause of the delay
- as specifically as possible, tell the consumer the new connection date
- take reasonable steps to fix the cause of the delay
- keep the consumer informed about any more delays or changes to the connection date.

When agreeing on a connection date, if there are any circumstances affecting the connection that are outside the provider's control, for example the actions of a third party provider, or extreme weather events, the provider should clearly explain these circumstances and how they affect the connection.

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A consumer should not be charged for a service until it is connected, unless the consumer has accepted an interim or alternative service.

Relocations, changing infrastructure, and changing internet providers

Some types of changes to a service involve two separate processes – a disconnection and a connection – rather than a transfer. These include:

- relocating a service to a new premises
- switching a service from one type of telecommunications infrastructure to another, for example changing from copper to fibre optic cabling
- changing internet provider, unless both providers follow the DSL transfer or DSL/SSS process.

Relevant rules for disconnections and connections apply to each process. See our position statement [Transfer of services](#) for more information about transferring a service.

Disconnections by agreement

When a consumer asks to disconnect a service and the provider agrees to disconnect that service on a particular date, the provider should disconnect the service on the agreed date.

If the consumer has made it known that they are cancelling a landline or mobile service because they want to transfer the service to a new provider, the provider should tell them to keep the service active so the new provider can transfer it correctly. The provider should tell the consumer if it is possible to keep their phone numbers, and if so, how to keep them. See our position statement [Transfer of services](#) for more information about transferring a service.

The provider should not delay a disconnection because of an overdue debt, or charge for the service past the agreed disconnection date.

Continuity of service when a provider goes into administration, receivership, or liquidation

When a provider enters into a form of external administration the appointed party should be aware the provider's obligations under telecommunications laws and regulations, as well as its obligations to the TIO, continue to apply.

Where continuity of service cannot be guaranteed – for example because a wholesale provider is proposing to discontinue service to the provider – best practice by industry participants (including the appointed party) to minimise consumer detriment includes:

- giving consumers reasonable notice about the potential disruption to services
- assisting consumers to transfer their services to another provider
- not pursuing consumers for exit fees if consumers transfer their services because continuity of service cannot be guaranteed.

If a disconnection has already occurred, industry participants should assist consumers to reconnect the service and retrieve their number from quarantine. See our position statement [Use of numbers and numbers in quarantine](#) for more information.

Dealing with a dispute

To assess a complaint about a connection delay we may ask for information from the consumer and provider, including:

- What kind of service is being connected?
- What date did the consumer ask for the service to be connected?
- Did the consumer and provider agree on a connection date?
- What is the cause and nature of the delay?
- Were there circumstances outside the provider's control, and what were the circumstances?
- Has the consumer or provider contributed to the delay?

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- What has been done to rectify the delay?
- What is the effect of the delay?
- Was the service connected and if so, when?

To assess a complaint about a delay disconnecting a service we may ask for information from the consumer and provider, including:

- Was there an agreed date to disconnect the service? Has this date passed?
- What is the cause and nature of the delay?
- What is the effect of the delay?

Outcomes

When a service has not been connected:

- within legislated timeframes if applicable, or
- by an agreed date, or if there is no agreed date, within a reasonable time in the circumstances

the provider should address the impact of the delay on the consumer. This may involve:

- connecting the service
- offering an interim service
- waiving service charges
- releasing a consumer from contract without exit fees
- paying compensation.

Remedies under the [Australian Consumer Law](#) may also apply for any failure of a consumer guarantee.

For a CSG service or enhanced call handling feature, compensation under the [Customer Service Guarantee Standard](#) may be payable to the consumer if a provider did not meet a legislated performance standard.

When a provider becomes aware that it will not be able to connect or supply a service, it should release the consumer from the contract without exit fees. See our position statement [Contracts](#) for more information.

When a service was not disconnected on an agreed date, the provider should address any detriment incurred because of the delay. For example, if the consumer is already in contract with and being charged by a new provider for the same service, the original provider should not be charging the consumer beyond the agreed disconnection date.

When, in our view, a service was disconnected prematurely or because of a provider's mistake, we expect the provider to reconnect the service if the consumer wants this, and address the impact of the disconnection on the consumer. Compensation under the Customer Service Guarantee Standard may also be payable to the consumer if the provider did not meet a legislated performance standard to rectify an incorrectly disconnected CSG service or enhanced call handling feature. See also our position statement on [Faulty equipment and services](#) for more information about timeframes under the Customer Service Guarantee Standard.

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