

Use of numbers and numbers in quarantine

Complaints we receive about the use of numbers and numbers in quarantine include claims that:

- a consumer was given an out of area number without being told how it is charged for
- a consumer's rights of use of a number has been lost or disrupted
- a consumer's number has been quarantined and they can't get it back.

Laws, codes, and guidelines

The following laws, codes, and guidelines are relevant to the use of numbers and numbers in quarantine:

- [Telecommunications Numbering Plan 1997](#)
- [Telecommunications \(Customer Service Guarantee\) Standard 2011](#)
- [Local Number Portability Code 2013](#)
- [Telecommunications Consumer Protections Code 2012](#)
- [Mobile Number Portability Code 2009](#)
- [Rights of Use of Numbers Code 2005](#)
- [Business Rules for the Management of Portable Freephone and Local Rate Numbers 2008](#)

Our approach

When we deal with complaints about the use of numbers and numbers in quarantine we consider the law, good industry practice, and fairness in all the circumstances.

Rights of use of numbers

The law

The [Telecommunications Numbering Plan](#) states that numbers are a national resource. Numbers are allocated to a provider (the **donor**) and may then be issued to consumers with their standard telephone or mobile services. A number is not owned by the

provider it is allocated to nor the consumer it is issued to.

A consumer who is legitimately issued a number:

- may enjoy the beneficial use of the number freely and without hindrance
- is entitled to continued use of the number while an appropriate service is provided using the number.

The Telecommunications Numbering Plan also sets out the limited circumstances where a provider may take back a number from a consumer.

Good industry practice

The [Rights of Use of Numbers Code](#) sets out obligations about rights of use of numbers, including:

- once a number is issued to a consumer the consumer is the rights of use holder of the number
- on request, a provider must give information to a consumer in a timely manner about their rights of use of a number
- the rights of use continue when a consumer transfers the number to another provider
- a consumer and provider may agree to reserve a number for the consumer's future use, but this does not make the consumer the rights of use holder of the number. The provider should not issue the number to another customer for the duration of the agreement, and must tell the

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consumer not to trade the number without its approval

- a provider may accept a consumer's request to provide a specific number but is under no obligation to do so
- the consumer loses rights of use of the number when a service is disconnected.

TIO view

When there is a dispute between two consumers about who holds rights of use of a number we may decide not to be involved. Complaints of this kind may be better dealt with by the courts or tribunals.

We can consider complaints when there is a dispute between a consumer and their provider about whether or not the consumer is the rights of use holder of the number, or when the number has been lost (see **Numbers in quarantine** below).

Out of area numbers

Each geographical area in Australia is given a unique area code and charging zone. Consumers with numbers in the same charging zone can call each other at an untimed local rate.

A provider may sometimes issue a consumer an **out of area number** – a number with an area code and charging zone that do not match the consumer's actual geographical location. Sometimes the consumer may ask for an out of area number, for example, when they want to keep a number when relocating.

The law

Rules in the [Telecommunications Numbering Plan](#) include that at the time of offering to supply a service, the provider must give the consumer written notice if it intends to issue an out of area number. The notice must include that:

- calls made *to* the out of area number *from* geographically local numbers may be charged at non-local rates
- the consumer may not be able to transfer the number to another provider.

If the offer is made online, this information must be prominently displayed on each primary webpage the provider uses to make the offer.

The provider must gain the consumer's acknowledgement that they understand the limitations of the number.

TIO view

The written notice about call charges should also include that calls made *from* the out of area number *to* geographically local numbers may also be charged at non-local rates.

Numbers in quarantine

A number that is no longer attached to an active service or is withdrawn may be withheld from allocation for a period of time. The number is said to be in **quarantine**. It is usually the donor that puts a number into quarantine.

The law

The [Telecommunications Numbering Plan](#) sets out when a number may be quarantined. This may happen when a number has:

- received nuisance calls
- a level of association with a particular user that may inconvenience a new user, or
- been surrendered for technical reasons, and will be reallocated to the same user when the user is ready to take it back.

The quarantine period is twelve months for a number that has been receiving nuisance calls, and six months otherwise. Generally, a number must not be issued to another consumer during the quarantine period.

The Telecommunications Numbering Plan also sets out that a number may only be retrieved from quarantine before the quarantine period is over to be issued to:

- the consumer that last had rights of use of the number, or

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- another consumer in very limited circumstances set out in the Telecommunications Numbering Plan.

If the number was transferred to another provider before it was disconnected or placed into quarantine, other industry arrangements may also apply. See **Good industry practice** below.

Good industry practice

The Rights of Use of Numbers Code sets out that when a service is disconnected the attached number may be quarantined and the consumer loses rights of use of that number.

The Rights of Use of Numbers Code also sets out similar rules to the Telecommunications Numbering Plan about retrieving numbers from quarantine.

The Local Number Portability Code, Mobile Number Portability Code, their associated Guidelines and the Business Rules for the Management of Portable Freephone and Local Rate Numbers set out the operational processes and timeframes for providers to quarantine and retrieve different types of numbers.

Retrieving a transferred number

If a transferred number is disconnected, additional arrangements apply to the retrieval of the number depending on the type of number. These additional arrangements are set out below.

Local or geographic numbers

When disconnected, the number is returned to the provider that was originally allocated the number – the **donor**. The donor puts the number into quarantine.

The consumer's preferred provider needs to contact the provider that last supplied a service on that number. That provider, once satisfied about the validity of the request, will need to work with the donor to arrange for the retrieval of the number, to be issued to the consumer who last had rights of use. The donor should, if possible, release the number unless it has already issued the number to a new consumer, or there are technical restraints, for example the number is being used to provide an out of area service.

Mobile numbers

When disconnected, the number is held for a period of six months by the provider that last supplied a service on that number. If the provider that last supplied a service on the number is not the donor, the number is returned to the donor after the six month period.

If it is within six months of the disconnection, the consumer's preferred provider needs to contact the provider that last supplied a service with that number. That provider should, once satisfied about the validity of the request, release the number to the consumer who had last rights of use unless it has already given the number back to the donor.

If it has been more than six months since the disconnection, the consumer's preferred provider needs to contact the provider that last supplied a service on that number. That provider, once satisfied about the validity of the request, will need to work with the donor to arrange for the retrieval of the number from quarantine, to be issued to the consumer who last had rights of use. The donor should, if possible, release the number unless it has already issued the number to a new consumer.

Freephone (1800) or local rate (13/1300) numbers

When quarantined, the number is held by the Australian Communications and Media Authority (the ACMA) or its delegate.

The number can only be released on the application of the last provider that was allocated the number before quarantine, to be issued to the consumer who last had rights of use.

TIO view

Generally (once satisfied about the validity of the request, and if possible), a provider should not refuse a request to retrieve and re-issue a number to the consumer who last had rights of use of that number. If the provider cannot do this, it should tell the consumer why.

A number that is already in quarantine needs to be retrieved and re-issued if possible, to the consumer who last had rights of use, before the number can be

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transferred to that consumer's preferred provider.

TIO complaints involving quarantined numbers may be taken up with the provider that last supplied a service on that number. This may not always be the consumer's current or preferred provider.

However, when the consumer's preferred or current provider is not the provider that last supplied a service on that number but is contributing to a delay in retrieving the number from quarantine, for example:

- by not contacting the donor to request retrieval of the number, or
- by giving incorrect information about the quarantine process

we may also, or instead, take up a complaint with that provider.

When a number has been made unavailable because a provider ceased trading and the consumer has not been able to transfer their service to another provider, we recommend that the consumer:

- contacts a new provider (their preferred provider) and asks if it is possible to retrieve the number by liaising with the administrator or liquidator of the previous provider, and
- if they wish to do so, connects a service with the preferred provider.

The preferred provider should give clear information about the possibility of retrieving the number.

Dealing with a dispute and outcomes

Out of area numbers

To assess a complaint about out of area numbers, we may ask for information from the consumer and provider. This may include:

- What information was the consumer given about an out of area number?
- Has the consumer experienced any detriment?

When, in our view, a provider did not give the correct information to the consumer about an out of area number, the provider should address the effects of the

misinformation. Depending on the circumstances, this could include:

- telling the consumer about the full implications of the out of area number
- replacing the out of area number with a new local geographic number, and
- addressing any unreasonable charges incurred through use of the out of area number.

Retrieving a number

To assess a complaint about retrieving a number we may ask for information from the consumer and provider. This may include:

- Who was the provider that last supplied service on that number?
- Has the number been quarantined?
- Was it because of a provider's actions?
- What obligations apply to the provider?
- Has the consumer experienced any detriment?
- Who caused or contributed to this detriment?

When, in our view, the consumer lost rights of use to the number as a result of a legitimate action by the provider or because of a mistake made by the consumer, options for the consumer include contacting the provider that last supplied a service on that number and asking for its help to retrieve the number, if this is possible. This may involve the provider offering to connect a service and temporarily issuing the consumer a different number. If the consumer accepts, the provider should connect the service within the timeframes set out in the Customer Service Guarantee Standard, if applicable.

When, in our view, the consumer lost rights of use of the number because of a mistake made by a provider, for example a disconnection made in error, we expect the provider to:

- take appropriate action to retrieve the number, if this is possible
- address any detriment to the consumer as a result of losing rights of use of the number

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- offer a workable service which may have a temporary number issued and, if the consumer accepts this, connect the service within the timeframes set out in the Customer Service Guarantee Standard, if applicable.

When, in our view, a provider:

- is not the provider that last supplied a service on that number to the consumer, and
- has contributed to an unreasonable delay in the retrieval process,

we expect the provider to address any detriment to the consumer caused by the delay.

Effective date: 13 January 2015

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