

25 February 2022

The Australian Competition and Consumer Commission
Via the ACCC portal

aussiebroadband.com.au

ACCC CONSULTATION ON UPDATES TO THE BROADBAND SPEED CLAIMS GUIDANCE

Aussie Broadband Limited (**Aussie Broadband**) appreciates the opportunity to contribute to the “Consultation on revising the Broadband Speeds Claims – Industry Guidance.”

Aussie Broadband is aware of the Communications Alliance detailed submission to this consultation and supports that submission. Therefore, we will only raise and emphasise issues here that are of particular concern to Aussie Broadband.

Upload speeds information

The discussion paper states that *“broadband upload speeds have become more important to consumers’ broadband experience”* and therefore, *“we are considering enhancing the Guidance to provide that upload speeds information should be made available to consumers in marketing material.”*

Aussie Broadband is content to disclose upload speeds of our service plans to an interested party; however, we are cognisant that there are restrictions placed on us by our wholesale provider on doing so for some products. Moreover, we have not experienced any significant demand for this information from our existing or potential customers. As cited by the Communications Alliance, the complaint data does not demonstrate that this is an issue for customers.

Where a customer has questions regarding upload speeds, these are typically addressed at the point of sale or via our Australian-based customer and technical support teams. Aussie Broadband allows customers to move plans to best suit their needs and circumstances, including but not limited to download and upload speeds.

Aussie Broadband recognises why upload speeds are important to some customers. However, we’re keen to know how customers have expressed dissatisfaction or difficulty in how they can obtain that information.

For fixed-line services, Aussie Broadband does not have significant technical restraints in providing upload speed information to our plans; however, the variability of the factors affecting fixed–wireless services would make this more difficult without potentially misleading consumers.

Emerging fixed wireless products

The discussion paper notes that as “...fixed–wireless broadband is increasingly supplied over more types of fixed–wireless access networks, other performance issues may need to be recognised in the Guidance” and asks:

“What additional amendments to the Guidance would assist RSPs to disclose to consumers factors that may affect the speeds, download and upload, they would expect to receive on fixed–wireless broadband services.”

We provide extensive information about factors that may affect access speeds on fixed–wireless services on our website, within an “FAQ” page where we direct existing and potential customers to. This information is too extensive to include in any marketing materials. We are not averse to adding additional information if directed to do so where we can be articulated as value-adding and of use to the customer. Some of the factors listed in the discussion paper are either already mandatory or outside of the control of the customer or us as the provider.

The discussion paper asks, *“Are there any significant barriers to RSPs providing typical busy period upload speed information for fixed wireless broadband services?”*

We feel that the variability of the access speeds for fixed–wireless services make this problematic and that the *“typical busy period”* varies over time. If the ACCC can provide Aussie Broadband with that information via the Measuring Broadband Australia report, we would be happy to explore its use with fixed-line services. However, as this information is not currently collected akin to ‘download’, we need to understand the outcomes of a regulatory impact statement should this become mandatory.

In response to *“What four-hour period in a 24-hour period is the busy period for upload speeds for fixed-line and fixed–wireless broadband services?”* we recommend that it remains in line with the current typical busy speeds (i.e., 7 pm – 11 pm) rather than choosing another alternative 4-hour periods. The alignment of these times will reduce potential confusion while standardising the typical busy speed window for customers. We do not believe this would affect the accuracy of the statement. We note the variability of fixed-wireless and the limitations noted by wholesale providers of this product. Citing typical speeds may lead to confusion from customers, which may be deemed misleading.

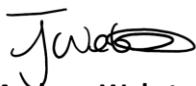
In conclusion

Aussie Broadband agrees with Principle 3 in that “*information about the performance of promoted applications should be accurate and sufficiently prominent*”, and our concern is with ‘information overload’. We continue to make information regarding our products readily available to our customers and we acknowledge the need of flexibility to do that in a manner we feel most readily consumed.

We feel that customers who demand higher/ known upload speeds are most frequently businesses. The ‘technically savvy’ or gamers are knowledgeable about upload speeds and will seek out plans that meet their requirements without relying on limited information marketing materials.

All essential information about our products is contained in the *Key facts sheets* for each product. More detailed information about our products is available on associated web pages that customers can be directed to.

We thank the ACCC for the opportunity to contribute to this consultation and are open to being contacted to discuss our submission.



Andrew Webster
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