



# **ACCC Broadband Speed Claims Guidance**

**CONSULTATION ON FURTHER  
ENHANCEMENT**

December 2018



## Introduction

Vodafone Hutchison Australia (**VHA**) welcomes the opportunity to provide this submission to the ACCC's consultation on further enhancement of the Broadband Speed Claims – Industry Guidance (**Guidance**).

VHA is a relative newcomer to the fixed broadband market, launching our Vodafone NBN service in late 2017. In preparing to launch our NBN service, we identified that one of the biggest complaints from consumers was that there was too much confusion about the differences between NBN plans and the speeds they could expect to receive.

We believe consumers should know what they can expect to receive when they sign up for an NBN service and that they should get what they pay for. We therefore implemented three key initiatives from day one of our service to give customers the best experience and address their main concerns.

Firstly, our customers are provided with a Vodafone Wi-Fi Hub™ embedded with a 4G capable SIM, which provides backup internet at no additional cost using our 4G network during installation, or when a repair on a customer's individual line needs to take place.

Secondly, we committed to conducting speed checks within 15 days of activation, so that we can make sure the customer is on the best plan for them.

Thirdly, we provide our customers with a 30 Day Network Satisfaction Guarantee, which means they can leave Vodafone within the first 30 days after service activation if they are not satisfied with the service we provide.

Since launching our NBN service we have had positive feedback from consumers who have experienced our customer-first approach to the delivery of NBN services. Recognising the benefits of our proactive initiatives, the recently introduced ACMA Service Migration Determination requires all NBN RSPs to provide an interim or NBN backup service in certain circumstances. For fixed line connections, RSPs must also confirm the maximum attainable speed after migrating to an NBN service, and if this is below the maximum plan speed, advise the consumer of the maximum attainable speed and offer appropriate remedies.

When the ACCC's Guidance was published there was significant variation in the speeds consumers were experiencing, particularly during the evening busy period. Since then, NBN Co. has introduced new wholesale pricing arrangements, first as part of the 'Focus on 50' promotion, and subsequently as part of bundled arrangements. This has resulted in material improvements being made to the speeds that customers are now experiencing, particularly in the evenings.

With the majority of industry now adopting the key elements of the Guidance and with the introduction of the ACMA Consumer Information Standard and Determination, it is timely for minor enhancements to the Guidance for clarity and alignment with the ACMA instruments.

Further consideration also needs to be given towards smaller providers where the Guidance and the Measuring Broadband Australia program both unintentionally deliver competitive advantages to larger incumbent RSPs. The Measuring Broadband Australia program currently measures the speed and performance of just 6 larger providers, some of whom choose to include these results, and the ACCC's imprimatur, in their marketing material. Our view is that this practice results in these larger providers obtaining a competitive advantage over smaller providers that are not included in the program.

## Proposed enhancements

### **Proposal 1: Update background section of the Guidance to identify complementary nature of the ACMA Information Standard and Determination**

We support enhancing in the Guidance to identify alignment with the ACMA instruments. We look forward to the ACCC consulting with Industry on the specific changes proposed for this enhancement.

### **Proposal 2: Incorporate NBN fixed wireless connections into the Guidance.**

We have no comments on this proposal.

### **Proposal 3: Provide more emphasis on the need to ensure consumer information remains current, and to provide worked examples of plans that would not support application specific claims.**

We do not believe the additional information proposed is necessary.

### **Proposal 4: A new Attachment D be added to the Guidance, which includes a worked example and minor clarifying comments to illustrate how to determine typical busy period speeds in accordance with the Guidance.**

We are mindful that the ACMA has recently introduced the *Telecommunications (NBN Consumer Information) Industry Standard 2018*. This has codified the regulatory requirements in regard to typical speed reporting.