

25th February 2022

Australian Competition and Consumer Commission

Via: [Consultation Hub](#)



Re: Consultation on revising the Broadband Speeds Claims – Industry Guidance

ACCAN would like to thank the ACCC for the opportunity to comment on the consultation on revising the Broadband Speeds Claims – Industry Guidance. Broadband speed claims and performance has historically been an issue for many internet consumers. Despite the TIO recording a 21% reduction in complaints regarding slow speeds between 2020 and 2021,¹ slow speeds continue to be an issue for communications consumers. Indeed, recent data from the TIO shows that 17% of the complaints it receives relate to slow internet speeds.²

The Broadband Speeds Claims Industry Guidance (the Guidance) plays an important role in ensuring consumers are accurately informed prior to purchasing a service. This allows consumers to not only compare products prior to sale, but enable fault diagnosis when problems occur, and seek recourse if the service doesn't meet their expectations. As the market develops, it is appropriate for the Guidance to be reviewed to ensure that it is fit for purpose and that it meets the six principles on which the Guidance is based.

ACCAN is aware of variation amongst RSPs as they promote their 5G mobile broadband packages. For example, TPG and iiNet reference off peak speeds only,^{3 4} whilst Telstra and Optus show the speeds consumers can expect between 7-11pm as well as maximum speeds achievable.^{5 6} ACCAN considers that there would be merit in providing guidance on mobile broadband speed claims based on the 6 principles already disclosed in the Broadband Speeds Claims Industry Guidance.

Upload speed information

ACCAN considers that all retailers should make information on typical busy period upload speeds easily available when advertising their broadband offerings. Consumers value upload speeds, and therefore having this information provided in a clear and easily accessible way would support end users in making their purchasing decisions. ACCAN is unable to say whether the busy period for upload speeds sits outside the period 7pm-11pm for which download busy hours are referred to in the Guidance, because busy upload times are very dependent on differing needs of consumers at different times of day. If the four busiest hours for upload speeds vary between RSPs, it could prove difficult for consumers to compare plans directly. However, we nonetheless consider it important that consumers

¹ https://www.tio.com.au/sites/default/files/2021-09/TIO_AR_Accessible_LR.pdf

² https://www.tio.com.au/sites/default/files/2022-02/TIO%202022%20Q2%20Report_03.pdf

³ <https://www.tpg.com.au/5g-home-broadband>

⁴ <https://www.iinet.net.au/internet-product/broadband/5g-home-broadband>

⁵ <https://www.optus.com.au/broadband-nbn/5g-home-broadband>

⁶ <https://www.telstra.com.au/internet/5g-broadband-plans>

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are provided accurate information on service attributes. Thus, if peak upload times do vary across RSPs, the peak times need to be clearly shown to potential consumers so they are able to decide whether the peak upload speed and associated time period is appropriate for them.

Similarly, if there is a significant difference to the upload busy hours across fixed wireless broadband providers, then this needs to be presented and explained clearly to consumers. Furthermore we consider that a similar sample size should be used to test upload speeds as is currently being used to test download speeds.

Fixed wireless broadband services

Consumers who have contacted ACCAN regarding issues with speed are usually using fixed wireless technology or Fibre to the Node. Thus, we are supportive of any attempts to improve consumer satisfaction regarding either of these access technologies. ACCAN supports the proposal to amend the Guidance section on 'Services utilising fixed wireless technology' to provide best practice guidance to RSPs on disclosing to consumers the factors that would affect the download and upload speeds received by an end-user. In addition to distance, line of sight to the tower and whether the cell is congested, RSPs should inform consumers that factors such as vegetation, tree density, mountains, hills and buildings can affect the signal from a fixed wireless tower.

Finally ACCAN understands that consumers consider attributes such as availability, packet loss, dropouts and latency to be important to a positive experience of using the internet. For example, consumers who require specific attributes for certain applications, such as the low latency needed for gaming, would benefit from being provided this additional information. That said, we are unable to say how these attributes may vary between fixed-line and fixed wireless technologies.

If you have any questions regarding our response, please do not hesitate to contact me.

Sincerely,

Megan Ward
Economic Adviser