



Telecommunications (NBN Consumer Information) Industry Standard Variation 2020 (No. 1)

The Australian Communications and Media Authority determines the following industry standard under subsection 125AA(1) of the *Telecommunications Act 1997*.

Dated: 16 October 2020

Creina Chapman
[signed]
Member

Cathy Rainsford
[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

1 Name

This is the *Telecommunications (NBN Consumer Information) Industry Standard Variation 2020 (No.1)*.

2 Commencement

In this instrument:

- (a) the variation at item 1 of Schedule 1 commences on 14 December 2020; and
- (b) the remaining variations commence on 1 April 2021.

Note: The Federal Register of Legislation may be accessed free of charge at www.legislation.gov.au.

3 Authority

This instrument is determined under subsection 125AA(1) of the *Telecommunications Act 1997* and in accordance with sections 5 and 6 of the *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017*.

Note: The *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017* was given to the ACMA by the Minister under subsection 125AA(4) of the Act.

The power to make an industry standard determined under subsection 125AA(1) includes the power to vary that standard in a like manner: see subsection 33(3) of the *Acts Interpretation Act 1901* and subsection 5(4) of the *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017*.

4 Variations

The instrument that is specified in Schedule 1 is varied as set out in the applicable items in that Schedule.

Schedule 1—Variations

Telecommunications (NBN Consumer Information) Industry Standard 2018 [F2018L00814]

1 Section 5 (at the end of subparagraph (b)(ii) of the definition of *consumer*)

Omit “\$20,000”, substitute “\$40,000”.

2 Section 5 (definition of *typical busy period download speed*)

After “the download speed, expressed” add “, as a single number,”

3 Subparagraph 8(1)(b)(i)

Omit “set out numerical information describing”, substitute “state”.

4 Subparagraph 8(1)(c)(iii)

Omit “limited data speed”, substitute “low download and upload data speeds”.

5 Paragraph 8(1)(d)

After “available to consumers”, insert “, including all those remedies required to be made available under the *Telecommunications Service Provider (NBN Service Migration) Determination 2018*,”.

6 Paragraph 8(2)(a)

Omit “setting out numerical information describing”, substitute “stating”.

7 Paragraph 9(a)

Repeal the paragraph, substitute:

(a) state that in most cases NBN services will not function during a power failure; and

8 Paragraph 10(b)

Before “identify” insert “to”.

9 Subsection 11(1)

Repeal the subsection and substitute:

(1) Where its advertising material relates to an NBN consumer plan for a fixed line NBN connection, a retail carriage service provider must:

(a) include the information referred to in paragraph 8(1)(b), and subsection 8(2) where applicable, in its description of the NBN consumer plan in any such

advertising material that is published in printed form or online, or broadcast by any means;

- (b) not use the term “up-to” or any term or phrase having a similar meaning when making claims in such advertising material about speed for NBN broadband services; and
- (c) where speed tier information is included as text in that advertising material, state the typical busy period download speed in a font size that is at least as large as the speed tier information, and is positioned in close proximity to the representation of speed tier information and pricing information about that NBN consumer plan.