

2016-2017-2018

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Competition and Consumer Amendment  
(Misleading Representations About  
Broadband Speeds) Bill 2018**

**No.     , 2018**

*(Mr Wilkie)*

**A Bill for an Act to amend the *Competition and  
Consumer Act 2010*, and for related purposes**



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# **A Bill for an Act to amend the *Competition and Consumer Act 2010*, and for related purposes**

The Parliament of Australia enacts:

## **1 Short title**

This Act is the *Competition and Consumer Amendment (Misleading Representations About Broadband Speeds) Act 2018*.

## **2 Commencement**

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### **3 Schedules**

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## **Schedule 1—Amendments**

### ***Competition and Consumer Act 2010***

#### **1 After section 37 of Schedule 2**

Insert:

##### **37A Misleading representations about broadband services**

- (1) A person must not, in trade or commerce, in connection with the supply or possible supply of broadband services or in connection with the promotion by any means of the supply or use of broadband services:
  - (a) make a representation that the services are of a particular standard, quality, value or grade; or
  - (b) make a representation with respect to the price of the services;unless the representation includes the information required by subsection (2).
- (2) The representation must include the following information:
  - (a) information about typical (not maximum) broadband speeds that the average customer supplied with the services can expect to receive;
  - (b) information about typical busy periods for customers supplied with the services and about what impact this has on speeds the average customer supplied with the services can expect to receive;
  - (c) information about any other factors of which the person is aware or ought reasonably to be aware that may affect the performance of the services.
- (3) This section does not limit the operation of any other provision of this Division.

#### **2 After section 159 of Schedule 2**

Insert:

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**159A Misleading representations about broadband services**

- (1) A person commits an offence if the person, in trade or commerce, in connection with the supply or possible supply of broadband services or in connection with the promotion by any means of the supply or use of broadband services:
- (a) either:
    - (i) makes a representation that the services are of a particular standard, quality, value or grade; or
    - (ii) makes a representation with respect to the price of the services; and
  - (b) the representation does not also include the following information:
    - (i) information about typical (not maximum) broadband speeds that the average customer supplied with the services can expect to receive;
    - (ii) information about typical busy periods for customers supplied with the services and about what impact this has on speeds the average customer supplied with the services can expect to receive;
    - (iii) information about any other factors of which the person is aware or ought reasonably to be aware that may affect the performance of the services.

Penalty:

- (a) if the person is a body corporate—\$1,100,000; or
  - (b) if the person is not a body corporate—\$220,000.
- (2) Subsection (1) is an offence of strict liability.