

**Senate Economics Legislation Committee****ANSWERS TO QUESTIONS ON NOTICE****Treasury Portfolio**

Budget Estimates, 1 to 4 June 2004

**Question: Bud 74****Topic: ADSL****Hansard Page: E29**

Senator Lundy asked:

That is one problem. The other problem is that I still get complaints from people who get a positive response – ‘Yes, your exchange is ADSL enabled’ – but for whatever reason they are not able to get it. It might be a pair gain; it might be distance from the exchange. I know Telstra has made some refinements to it, but there are still a lot of gaps. Is there any action you can take under sections of the Trade Practices Act, not necessarily the telco section, to stop Telstra misleading people through that broadband demand register? I ask primarily because I had some constituents who bought a house on the back of checking that it could be connected to ADSL and subsequently found that it could not. I think that it is misleading, and that is the charge that the constituent has put to me. Can you take that on notice – whether or not there is any scope under the Trade Practices Act to direct Telstra to either make it an accurate service or desist from using it?

**Mr Cosgrave** – Yes, we can take that on notice.

Answer:

If the ACCC considered that the information provided via the website may be misleading and deceptive, and thereby contravene Part V of the Trade Practices Act, the ACCC can request that Telstra take corrective action, which may include making amendments to the website.

The Telstra website allows a consumer to test whether their exchange supports ADSL. If the consumer's exchange does support ADSL, the website then indicates that further checks will be required in order to ensure that ADSL can be connected to the consumer's service number. The website also indicates that there is no guarantee that individual services connected to an ADSL-enabled exchange would qualify for ADSL service provision.

In circumstances where consumers applied for ADSL, had their application checked by BigPond, were advised that they could obtain ADSL, and then were subsequently advised that the ADSL service was unavailable, such conduct is likely to raise issues under Part V of the Trade Practices Act.

The Commission can investigate any complaints received of this nature.