

Like it or not, you're getting the NBN, so what are your rights when buying internet services?

Written by The Conversation

[Complaints](#) about the national broadband network (NBN), involving connection delays, unusable internet or landlines and slow internet speed are on the rise.

Read more: [When it comes to the NBN, we keep having the same conversations over and over](#)

Most Australians will be [forced to move onto the NBN](#) within 18 months of it being switched on in their area, and that means navigating what can be confusing new contracts.

So, what are your rights regarding landline and internet connections?

Landlines

Many consumers can and do manage without a landline. But particularly for those without a reliable mobile service, a landline can be essential. It is included in many phone and internet “bundles” offered by internet service providers.

Standard telephone services (primarily landline services) are subject to a [Customer Service Guarantee](#) enshrined in law under the Telecommunications Act 1997.

This means that standards apply to common services such as connection of a phone line, repairs of that line and attending appointments on time. The provider will have to pay compensation to the customer if the Customer Service Guarantee standards are not met.

Despite this, some providers suggest a customer waive his or her customer service guarantee rights. There are [safeguards](#) for this waiver to be effective, primarily in that the provider must

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explain the nature of the rights to the customer before asking for the waiver.

The idea behind allowing providers to request a waiver of the Customer Service Guarantee is that it will allow customers to obtain cheaper services than would otherwise be the case. However, we might question the integrity of the consent typically given to such waivers, given consumers generally don't read contracts and may have little understanding of the value of the Customer Service Guarantee or the likelihood of having to claim under it.

In any event, providers cannot ask for a waiver for [Universal Service Obligations](#), which ensure accessible services for all customers, including those with a disability and those who live in remote areas.

Internet

The Customer Service Guarantee does not apply to internet connections – although the [Australian Communications Consumer Action Network](#) has argued that it should.

So there are no statutory obligations for internet providers, or NBN Co, to connect customers within a particular time frame or respond promptly to complaints.

The main safeguard for customers for internet services is in the Australian Consumer Law (ACL).

If an internet service provider promises a particular broadband speed and does not provide that speed, the provider may have engaged in [misleading conduct](#) contrary to the ACL. Damages and even penalty payments could be awarded against it. And [fine print](#) qualifications to the headline statement about internet speeds will not necessarily protect the provider.

In addition, the Consumer Guarantees under the ACL (not to be confused with the Customer

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Service Guarantee under the Telecommunications Act) ensure that any equipment provided with an internet service must be of acceptable quality, and services be provided with due care and skill.

If these standards are not met, the consumer has a right to certain remedies under the ACL and damages for losses that result from the failure. These rights should go some way to protecting telecommunications consumers, although of course they do not directly guarantee that the provider will arrive on time for a scheduled appointment.

So while you may wish to charge your internet service provider for not turning up to an installation appointment, you wouldn't get far under current Australian law.

Jeannie Marie Paterson receives funding from the Australian Research Council.

Read more <http://theconversation.com/like-it-or-not-youre-getting-the-nbn-so-what-are-your-rights-when-buying-internet-services-85904>