

APPENDIX E
VIRGIN BROADBAND
HOME PHONE FAIR USE POLICY

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1 ABOUT THIS *APPENDIX*

- (a) This *appendix* sets out the Virgin Home Phone Fair Use Policy.
- (b) The meaning of the words printed *in italics like this* is set out at the end of the *service description* for the relevant *service*, in the *general terms* or in the *dictionary*.

2 AIM OF THIS POLICY

This policy aims to ensure *we* are able to provide quality service to all of *our* customers and to ensure no customers are disadvantaged by the behaviour of others.

3 APPLICATION OF THIS POLICY

This policy applies to Virgin Mobile's home phone *service*, that is, the home phone component of the Broadband at Home *service*. Specifically, this policy applies to Unlimited Local and National Call Promotions for customers as they relate the making of 'standard local calls' and 'standard national calls' (as those terms are defined in clause 4) by a customer on *our* home phone *service*, including:

- (a) Unlimited Local Calls plans or promotions offered on the Virgin Home Phone *service*; and
- (b) Any other unlimited call plans or promotions offered on the Virgin Home Phone *service*;

4 STANDARD CALLS

- (a) A 'standard local call' means a *local call where the person making the call* is at their *premises* and is not making the *call* for commercial purposes nor causes interference with the operation of *our network*.
- (b) A 'standard national call' means a *national call where the person making the call* is *premises* and is not making the *call* for commercial purposes nor causes interference with the operation of *our network*.
- (c) Standard local calls and standard national calls exclude:
 - (i) *calls to*:
 - (A) a Vodafone mobile service;
 - (B) a Telstra mobile service;
 - (C) an Optus mobile service;
 - (D) a Three mobile service; and
 - (E) their service providers
 - (ii) operator assistance for example, '124733' or '1223' for local and national directory assistance.
 - (iii) telephone numbers which begin with the 19 prefix;
 - (iv) a 1800 or +800 service
 - (v) a dial up packet network service (0192, 0195, 0198 prefix number)

5 EXCESSIVE USE

To ensure the availability of *our services* to all eligible customers, if *you* are an excessive user of the unlimited call plans or promotions, *we* may ask *you* to reduce *your* usage of these calls (outgoing or incoming). If usage continues at an excessive level, *we* may refuse *you* access to these offers.

6 UNREASONABLE USE

In addition, and without limiting *our* rights under the *agreement*, where *we* consider *your* use of the unlimited call plans or promotions is unreasonable, then *we* may suspend *your* access to that or any other promotion immediately and without notice to *you*.

Please note that *our* right to suspend or *cancel the service* **without notice to *you*** under this clause overrides any requirement *we* may have to give *you* notice in other parts of the *agreement*, for example under clauses 11.3(b) and 12.1(b) of the *general terms*.

Without limiting the meaning of 'unreasonable':

- (a) *we* supply the service for the purpose of *you* making calls from *your* home phone, on *our network* for *your* own personal use and not for any commercial purpose.

We consider *your* use of the *service* to be unreasonable if *you* make or receive *calls* on *our network* other than for *your* own personal use.

- (b) *we* also consider *your* use of the *service* to be unreasonable if:
- (i) *your* usage of the *service* affects other customers' access to the *network*; or
 - (ii) *you* wholesale any *service* or use the *service* in connection with any device that switches or reroutes calls which overcome the time cap on free or flat call rates, potentially keeping a line open for hours; or
 - (iii) *you* use the *service* in connection with a device that automatically transmits or receives data or other information, or
 - (iv) *you* use the *service* in connection with a device that automatically dials numbers either from a list or are generated randomly,
 - (v) *you* make or receive *calls* on *our network* for the purposes of resale, re-supply or commercial exploitation.