

## **Ace Communications Group Pty Ltd**

**ABN: 11 100 728 158**

### **Acceptable Use Policy - ADSL**

#### **1. About the Policy**

As part of our aim to provide a quality service at a reasonable price to all our users, we have implemented this Policy to ensure that each subscriber's use of the Service:

- Meets legal requirements
- does not unreasonably interfere with other subscribers
- and does not unreasonably impact on our ability to provide the Service.

In this document, the following words have these meanings:

- you means a subscriber to the Service, or any person who accesses the Service using the subscriber's access details
- Policy means this document, as may be amended by Ace Communications from time to time on 14 days notice
- Service means an ADSL Internet service provided by Ace Communications, together with associated services such as email facilities and customer support.

#### **2. When this Policy comes into effect**

This policy applies immediately if you are a new subscriber to the Service. For current users, this policy applies 14 days after this policy is posted on Ace Communications' website. If any changes are made to this policy by Ace Communications, these changes come into effect 14 days after the revised policy is posted on Ace Communications' website.

#### **3. Security**

##### **3.1 Passwords**

You must keep confidential the password you use to subscribe to the Service. You remain responsible for any use of the service made using your password.

##### **3.2 Unauthorised access**

You must not attempt to obtain unauthorised access to any computer system, including unauthorised access to Ace Communications' system (for example, by attempting to use the account of another user).

##### **3.3 Attacks on third party systems**

You must not participate in any attempt to cause any computer system (including Ace Communications' system) to malfunction, whether by way of viruses, worms, trojan horses, denial of service attacks or otherwise.

You must not use the Service to breach any applicable criminal laws or to infringe on the rights of a third party. This includes, without limitation:

- fraudulent, deceptive or illegal activity
- infringement of copyright, trademarks or other intellectual property rights
- infringement of laws relating to censorship and classification of material
- using the Service to create, forward or distribute defamatory statements

#### **4. Electronic Mail**

You must not use the service to distribute electronic communications (including electronic mail, SMS messages, chat messages and newsgroup postings):

- to a person or group who has indicated that they do not wish to receive the communication from you
- if the communication is unsolicited bulk mail or "spam" (whether or not it is commercial in nature)
- in a way that forges or disguises the origin of the communication
- in a way which is intended, or likely to, adversely affect the functionality of any computer system (including Ace Communications' systems).

#### **5. What happens if you breach this Policy?**

If Ace Communications believes on reasonable grounds that you have breached this Policy, Ace Communications may (but is not obliged to) take one or more of the following steps:

- suspend your access to the service indefinitely or for a specific period
- place download limitations on your use of the service
- terminate your access to the service and refuse to provide the service to you or your associates in the future;

If Ace Communications considers that you are in breach of Section 5 of this policy (Inappropriate Use of Resources, Ace Communications may (in addition to other steps set out above) place you in a separate pool of users with similar usage patterns in order to free up resources for other users. If Ace Communications considers that you are in breach of Section 3 of this policy, Ace Communications may (in addition to other step set out above) inform appropriate government and regulatory authorities of suspected illegal or infringing conduct; and delete or edit any of your data (including webpage content) stored on Ace Communications' computer systems.

## **6. Traffic Management Policy**

### **What is traffic management policy?**

Ace Communications reserve the right to implement traffic management policies to ensure minority of heavy users do not affect the service for the majority of users on the network. It is known that 5% of users account for around 70% of data downloaded at peak times. This obviously impacts the majority of users and as such we reserve the rights to traffic manage specific customers download speeds during peak periods to improve the service for other users.

The network is monitored daily on how much data users download during the peak times of the day. From this analysis we can identify the small number of users who are trying to download excessive amounts of data over a small period of time and the even smaller number of users who are downloading vast amounts of data constantly during peak times. Both types of behaviour can be at the detriment of service to the vast majority of users on the network. We reserve the right to traffic manage these users during peak times using one of the following policies depending on the behaviour of the customers in question.

To ensure that all users receive the appropriate level of service at peak times we will limit customers who have downloaded an excessive amount of data during a one hour period of the peak time frame. These customers may be limited on a one off basis to 512Kbit/s for the remainder of the peak period for that day or month depending on their plan. The peak period is specified by plan type and may vary from time to time.

### **What is the 'Application Management' and how it works?**

During peak periods, we also reserve the right to manage the amount of bandwidth allocated to certain applications (such as Peer-to-Peer file sharing) and we refer to this process as 'Application Management'. Controlling the amount of bandwidth allocated to certain applications facilitates the best possible experience for the majority of users on the network. Ace Communications only apply this to applications whose operation is not time-critical as part of our acceptable usage policy.

### **Will the traffic management policy change?**

We may from time to time need to review traffic management and how we apply this across our network so that the majority of users receive the best possible internet service. Any changes to traffic management policy will be reflected in this document and will be published on our website. We reserve the right to modify this traffic management policy at any time without prior notice and solely at our own discretion.