

Internet Activity Record-Keeping and Reporting Rules

**Issued under section 151BU of the
*Competition and Consumer Act 2010***

August 2018

1. TITLE

- (1) These Rules, made by the Australian Competition and Consumer Commission under section 151BU of the *Competition and Consumer Act 2010*, may be referred to as
- (a) the Internet Activity Record-Keeping and Reporting Rules; or
 - (b) Rules.

2. COMMENCEMENT

- (1) These Rules will take effect on the date they are issued by the Commission.

Note: The Commission will issue the Rules by making a public announcement and placing the Rules on its website.

3. INTERPRETATION

Access Seeker	has the same meaning as in section 152AG of the Act.
access technology	means the methods for gaining access to the internet, using the following types of telecommunications infrastructure: DSL; cable/HFC; fibre (FTTB, FTTC, FTTN, FTTP); fixed wireless; and satellite.
Act	means the <i>Competition and Consumer Act 2010</i>
All SIOs	means, in respect of mobile services, Retail SIOs and Wholesale SIOs taken together.
Australian Private Networks	means Australian Private Networks Pty Ltd (ABN 27 103 009 552)
Australian subsidiary	means a subsidiary that is registered with ASIC under section 118 of the Corporations Act.
broadband	means an internet connection that enables high speed usage with high capacity limits and download speeds of greater than or equal to 256kbps.
cable	means broadband internet technology that uses cable television (CATV) infrastructure. The connection uses a coaxial cable or Hybrid Fibre Coaxial (HFC) and is typically used as the 'last mile' or 'access network' technology.
carriage service provider	has the same meaning as in the <i>Telecommunications Act 1997</i> .

carrier	has the same meaning as in the <i>Telecommunications Act 1997</i> .
Commission	means the Australian Competition and Consumer Commission.
consumer	means a person who has a contract with a carrier or carriage service provider for the supply of a telecommunications service. It does not include a carriage service provider or carrier acquiring a telecommunications service in its capacity as a carriage service provider or carrier for the purposes of resale.
Data Transfer Rate	means the speed with which data can be transmitted from one device to another.
Data Volume	means, in respect of a Reporting Period, the volume of data download by means of Wholesale SIOs or Retail SIOs (as applicable) during a Reporting Period.
directly connected customer	means an end user (whether a person, business or other entity) to whom an ISP provides an internet service under a direct contractual relationship.
DSL	means digital subscriber line, and is a broadband internet transmission technique.
entertainment products	means a content package supplied to the carrier or carriage service provider by a third party provider, and provided by the carrier or carriage service provider to its customers either at no charge and on an unmetered basis, or for a fee that is directly attributed to that package.
fixed wireless	means a terrestrial point-to-point microwave or radio link, generally building to building or tower to building, which allows subscribers within the receiving building to access the internet.
FTTB	means fibre to the building and generally refers to connections used for connecting an apartment block or similar type of building. A fibre optic line runs to the fibre node in the building's communications room and then the existing technology in the building is used to connect each apartment
FTTC	means fibre to the curb and refers to circumstances where fibre is extended close to the premises, connecting to a Distribution Point Unit (DPU),

generally located inside a pit on the street. From here, the existing copper network is connected to the fibre to form the final connection

FTTN	means fibre to the node and refers to circumstances where the existing copper phone and internet network from a nearby fibre node is used to make the final part of the connection to the access network
FTTP	means fibre to the premises and refers to circumstances where a fibre optic line runs from the nearest available fibre node, directly to the premises
Harbour ISP	means Harbour ISP Pty Ltd (ABN 44 154 752 968)
HFC	means a network that combines optical fibre and coaxial cable (commonly known as 'Hybrid Fibre Coaxial').
Internet	means a world-wide public system of interconnected computer networks that uses the Internet Protocol (IP). Organisations and individuals can connect their computers to this network and exchange information across a country and/or across the world. The internet provides access to a number of communication services including the World Wide Web and carries email, news, entertainment and data files. For ACCC purposes, the internet connection counted must provide the user with access to the World Wide Web.
Internet protocol	means a method or protocol by which data is sent from one computer to another on the internet.
Internet service	means a retail service supplied to directly connected customers and provided by means of an IP network.
IP network	means a facility consisting of equipment utilising: the internet protocol stack; routers, whether domestic or international; and transmission links used primarily for transmission of internet traffic, and includes internet exchange points.
IPStar	means IPStar Australia Pty Ltd (ABN 85 107 338 901)
ISP	means an internet service provider.
kbps	means kilobits per second, and is a data communications transmission rate of one thousand bits per second.

Mbps	means megabits per second, and is a data communications transmission rate of one million bits per second.
mobile broadband	means an internet connection which provides short range, high data rate connections between mobile data devices and access points connected to a network. Examples include mobile WiMax and 3G/4G accessed through a datacard, USB modem, tablet SIM card or any other device used to connect a computer to a cellular network (excluding a mobile handset)
mobile handset	means a hand held, electronic, mobile device used to transmit or communicate data, images or voice over a cellular network. This includes smartphones such as the iPhone, Windows phone and Android based phones, but excludes tablets such as the iPad.
mobile services	means prepaid mobile, post-paid mobile and mobile broadband services.
MyRepublic	means MyRepublic Pty Ltd (ABN 75 603 909 815)
NBN	means National Broadband Network.
NBN Co	means NBN Co Limited (ACN 136 533 741).
NBN services	means telecommunications services provided by means of the NBN.
no data limit plan	means an internet plan which does not have a cap on the amount of data that can be used
Non-NBN fixed services	means services provided over DSL, cable/HFC, fibre (FTTB, FTTC, FTTN, FTTP), fixed wireless and satellite, excluding services provided by means of the the NBN.
post-paid mobile	means mobile telephony services for which a consumer contracts to pay a specified monthly charge (or a charge based on some other discrete time period) that includes a payment for a handset, access, subscription and some call usage. The consumer generally agrees to pay this amount for a minimum number of months (or other discrete time period). If the consumer consumes services during a particular month whose value exceeds the agreed minimum, the customer is generally billed an additional amount for the consumption of such services.

prepaid mobile	means mobile telephony services for which a consumer is not billed regularly, but rather pays upfront for handset, access, call charges etc.
Reference Date	means 30 June (for a Reporting Period ending on that date) or 31 December (for a Reporting Period ending on that date).
reporting carrier or carriage service provider	means a carrier or carriage service provider to which these Rules apply, to the extent it is required to report.
Reporting Period	means each 3 month period ending on 30 June or 31 December in a year. That is, 1 April to 30 June, and 1 October to 31 December, in each year.
RP	means a Reporting Period.
Rules	means these Internet Activity Record-Keeping and Reporting Rules.
satellite	means a wireless connection which involves three satellite dishes; one at the internet services providers hub, one in space and one attached to the property of the end user
Singtel Optus	means Singtel Optus Pty Limited (ABN 90 052 833 208).
Standard Form of Access Agreement	means NBN Co's standard form of access agreement, published on its website, that relates to the supply of the relevant services to Access Seekers.
Retail SIO	means, in respect of a carrier or carriage service provider, an active telecommunications service in operation that is being supplied by the carrier or carriage service provider to one of its own directly connected customers..
Skymesh	means Skymesh Pty Ltd (ABN 38 613 736 137)
subsidiary	has the same meaning as in the Corporations Law.
Telstra	means Telstra Corporation Limited (ABN 33 051 775 556).
TB	means terabyte, a measure of data download volume. A data unit of one thousand billion bytes, sometimes interpreted as 1,024 gigabytes.
TPG	means TPG Telecom Limited (ABN 46 093 058 069)

VHA	means Vodafone Hutchison Australia Pty Limited (ABN 76 096 304 620)
Vocus Group	means Vocus Group Limited (ABN 96 084 115 499)
Wholesale SIO	means, in respect of a carrier or carriage service provider, an active telecommunication service in operation that is being supplied by the carrier or carriage service provider, but does not include a Retail SIO.
wholesale speed tiers	means the download Data Transfer Rate (speed) tiers specified in NBN Co's applicable Standard Form of Access Agreement.

4. APPLICATION

- (1) These Rules apply to:

Aussie Broadband Pty Ltd (ABN 29 132 090 192)
 Australian Private Networks Pty Ltd (ABN 27 103 009 552)
 Harbour ISP Pty Ltd (ABN 44 154 752 968)
 IPStar Australia Pty Ltd (ABN 85 107 338 901)
 MyRepublic Pty Ltd (ABN 75 603 909 815)
 Singtel Optus Pty Limited (ABN 90 052 833 208)
 Skymesh Pty Ltd (ABN 38 613 736 137)
 Telstra Corporation Limited (ABN 33 051 775 556)
 TPG Telecom Limited (ABN 46 093 058 069)
 Vocus Group Limited (ABN 96 084 115 499)
 Vodafone Hutchison Australia Pty Limited (ABN 76 096 304 620), and
 their Australian subsidiaries.

- (2) Subject to Paragraph 5(3), these Rules also apply to a carrier or carriage service provider that supplies or uses a listed carriage service and has been notified in writing by the Commission that the Rules apply to that carrier or carriage service provider.

5. RECORD KEEPING

- (1) Carriers and carriage service providers listed in Paragraph 4(1), or to which Paragraph 4(2) applies, must keep and retain the records prescribed in **Schedule A**.
- (2) The information that must be contained in the records kept in accordance with **Schedule A**, and the manner and form in which it is to be kept, is specified in **Schedules B, C and D**.

- (3) A carrier or carriage service provider may, in writing to the Commission, request that the Commission vary the requirements of the Rules as they relate to that carrier or carriage service provider.

6. REPORTING REQUIREMENTS

- (1) Each carrier or carriage service provider listed in Paragraph 4(1) must provide to the Commission every six months a report containing the information required to be kept in accordance with these Rules.

Note: A reporting carrier or carriage service provider only needs to report on services actually provided by it or its Australian subsidiaries.

- (2) A report is required to be prepared in respect of each Reporting Period, and must be lodged with the Commission by 31 August for a Reporting Period ending on 30 June, and 28 February for a Reporting Period ending on 31 December, respectively.
- (3) If a carrier or carriage service provider, in compiling this report, varies their method of defining, recording and reporting information from the previous Internet Activity report then this must be explained in this report. That carrier or carriage service provider must also provide the new method of defining, recording and reporting information, and must provide information using the new method of defining, recording or reporting information for both the current and previous financial years.

7. MANNER AND FORM OF REPORTS

- (1) A reporting carrier or carriage service provider must provide to the Commission an electronic copy of all reports prepared under these Rules.
- (2) Information provided by carriers and carriage service providers pursuant to **Schedule A** of these Rules must be prepared in the format outlined, as relevant, in **Schedules B, C and D**.
- (3) The templates specified in **Schedule F** may be amended by the Group General Manager of the Communications Group from time to time.

8. RECORD-KEEPING DECLARATIONS

- (1) At the time that a carrier or carriage service provider submits information to the Commission under Paragraph 6, the carrier or carriage service provider must submit a Record-Keeping Declaration signed by its Chief Executive Officer (CEO) or Chief Financial Officer (CFO) in accordance with **Schedule E**.

Schedule A

Categories of information to be recorded by carriers and carriage service providers under these Rules

<i>Category No.</i>	<i>Category name</i>	<i>Reporting carriers and carriage service providers</i>	<i>Reporting requirements outlined in:</i>
(1)	NBN services information	Telstra, Singtel Optus, TPG, Vocus Group, Skymesh, Australian Private Networks, Harbour ISP, IPStar Australia, Aussie Broadband, MyRepublic	Schedule B
(2)	Non-NBN fixed services information	Telstra, Singtel Optus, TPG, Vocus Group	Schedule C
(3)	Mobile services information	Telstra, Singtel Optus, VHA, TPG	Schedule D

Schedule B

NBN services information to be reported by carriers and carriage service providers to the Commission

- (1) For each Reporting Period, the carriers and carriage service providers listed in Category (1) of **Schedule A** must provide to the Commission the information set out in paragraph (2) below, in accordance with the template set out in section 1 of **Schedule F**.

- (2) For NBN services, the carrier and / or carriage service provider must state:
 - (a) The total number of Retail SIOs as at the Reference Date

 - (b) The total number of Retail SIOs as at the Reference Date, by wholesale speed tiers

 - (c) The total number of Retail SIOs as at the Reference Date, that have
 - (i) no data limit plans
 - (ii) entertainment products

 - (d) The total Data Volume for the Reporting Period

 - (e) The total Data Volume for the Reporting Period, by wholesale speed tiers.

Schedule C

Non-NBN fixed services information to be reported by carriers and carriage service providers to the Commission

- (1) For each Reporting Period, the carriers and carriage service providers listed in Category (2) of **Schedule A** must provide to the Commission the information set out in paragraph (2) below, in accordance with the template set out in section 2 of **Schedule F**.
- (2) For non-NBN fixed services, the carrier and / or carriage service provider must state:
 - (a) The total number of Retail SIOs as at the Reference Date, by access technology
 - (b) The total number of Retail SIOs as at the Reference Date, that have
 - (i) no data limit plans
 - (ii) entertainment products
 - (c) The total Data Volume for the Reporting Period, by access technology.

Schedule D

Mobile services information to be reported by carriers and carriage service providers to the Commission

- (1) For each Reporting Period, the carriers and carriage service providers listed in Category (3) of **Schedule A** must provide to the Commission the information set out in paragraph (2) below, in accordance with the template set out in section 3 of **Schedule F**.
- (2) For each type of mobile service identified in the template set out in section 3 of Schedule F, the carrier and / or carriage service provider must state:
 - (a) The total number of Wholesale SIOs as at the Reference Date
 - (b) The total number of Retail SIOs as at the Reference Date
 - (c) The total number of Retail SIOs as at the Reference Date, that have
 - (i) no data limit plans
 - (ii) entertainment products
 - (d) The total number of All SIOs as at the Reference Date
 - (e) The total Data Volume for Wholesale SIOs for the Reporting Period
 - (f) The total Data Volume for Retail SIOs for the Reporting Period.
 - (g) The total Data Volume for All SIOs for the Reporting Period.

Schedule E

Record-Keeping Declaration – Statement by CEO or CFO

(Date)
General Manager
Telecommunications
Australian Competition and Consumer Commission

Statement by CARRIER'S or CARRIAGE SERVICE PROVIDER'S Chief Executive Officer or Chief Financial Officer

I declare that:

- (a) the reports are prepared in accordance with the requirements of the Rules;
- (b) the reports are accurate in all material respects; and
- (c) the reports are consistent with the internal reporting procedures of (Company name)

Dated at this day of 20

Chief Executive Officer/ Chief Financial Officer
(or delegated authority)

Schedule F

Templates for submission of reports

Internet Activity Record-Keeping and Reporting Rule

Spreadsheet for submission to the ACCC

Issued under s 151BU of the Competition and Consumer Act 2010

Reporting Carrier: *(please complete)*
**Reporting Period and
Year:**

Spreadsheet Table of Contents:

Service Information

- 1 *NBN services information*
- 2 *Non-NBN fixed services information*
- 3 *Mobile services information*

Instructions

This spreadsheet forms part of the Internet Activity Record-Keeping and Reporting Rule. It is designed to provide a template for submission of information and is not a complete statement of obligations under the rule.

For those carriers who report on multiple service types, please complete each relevant section and submit as one Microsoft Excel file.

The following table illustrates those sections of the spreadsheet that each type of reporting carrier is required to complete:

Reporting Type	Required to complete
<i>NBN services information</i>	1
<i>Non-NBN fixed services information</i>	2
<i>Mobile services information</i>	3

(1) NBN services

(a) Retail SIOs¹

(i) By wholesale speed tiers

	<i>Last RP</i>	<i>This RP</i>
Less than 12 Mbps		
12 Mbps to less than 25 Mbps		
25 Mbps to less than 50 Mbps		
50 Mbps to less than 100 Mbps		
100 Mbps or greater		
Total Retail SIOs		

(ii) By specific features

	<i>Last RP</i>	<i>This RP</i>
No data limit plans		
Entertainment products		

(b) Data Volume², by wholesale speed tiers

	<i>Last RP</i>	<i>This RP</i>
Less than 12 Mbps		
12 Mbps to less than 25 Mbps		
25 Mbps to less than 50 Mbps		
50 Mbps to less than 100 Mbps		
100 Mbps or greater		
Total Data Volume		

¹ As at the Reference Date

² To the nearest Terabyte (TB) for the Reporting Period.

(2) Non-NBN fixed services

(a) Retail SIOs³

(i) By access technology

	<i>Last RP</i>	<i>This RP</i>
DSL		
HFC/cable		
Fibre (FTTB, FTTC, FTTN, FTTP)		
Fixed wireless		
Satellite		
Total Retail SIOs		

(ii) By specific features

	<i>Last RP</i>	<i>This RP</i>
No data limit plans		
Entertainment products		

(b) Data Volume,⁴ by access technology

	<i>Last RP</i>	<i>This RP</i>
DSL		
HFC/cable		
Fibre (FTTB, FTTC, FTTN, FTTP)		
Fixed wireless		
Satellite		
Total Data Volume		

³ As at the Reference Date.

⁴ To the nearest Terabyte (TB) for the Reporting Period.

(3) Mobile services

(a) Wholesale SIOs and Retail SIOs,⁵ by type of mobile service

	<i>Last RP</i>	<i>This RP</i>
Wholesale SIOs - prepaid mobile		
Retail SIOs - prepaid mobile		
All SIOs - prepaid mobile		
Wholesale SIOs post-paid mobile		
Retail SIOs post-paid mobile		
All SIOs - post-paid mobile		
Wholesale SIOs - mobile broadband		
Retail SIOs mobile broadband		
All SIOs - mobile broadband		

(b) Retail SIOs, by type of mobile service and specific features

	<i>Last RP</i>	<i>This RP</i>
Retail SIOs - No data limit plans - prepaid mobile		
Retail SIOs - Entertainment products - prepaid mobile		
Retail SIOs - No data limit plans - post-paid mobile		
Retail SIOs - Entertainment products - post-paid mobile		
Retail SIOs - No data limit plans - mobile broadband		
Retail SIOs - Entertainment products - mobile broadband		

(c) Data Volume,⁶ by type of mobile service

	<i>Last RP</i>	<i>This RP</i>
Wholesale SIOs - Data Volume - prepaid mobile		
Retail SIOs - Data Volume - prepaid mobile		
All SIOs - Data Volume - prepaid mobile		
Wholesale SIOs - Data Volume - post-paid mobile		
Retail SIOs - Data Volume - post-paid mobile		
All SIOs - Data Volume - post-paid		

⁵ As at the Reference Date

⁶ To the nearest Terabyte (TB) for the Reporting Period.

mobile		
Wholesale SIOs - Data Volume - mobile broadband		
Total SIOs - Data Volume - mobile broadband		
All SIOs - Data Volume - mobile broadband		