

30 November 2023

Australian Competition & Consumer Commission (ACCC)

By email: RKRinbox@acc.gov.au

Internet Activity Record Keeping Rules Consultation

Superloop Limited (**Superloop**) welcomes the opportunity to provide this submission in relation to the ACCC's November 2023 consultation paper "*Record Keeping Rules Update: Infrastructure Record Keeping Rule and Internet Activity Record Keeping Rules*". This submission focuses on the Internet Activity Record Keeping Rules (**IA RKR**) as it relates to Superloop's inclusion on the list of record keepers. We have no comments on the Infrastructure Record Keeping Rule.

The ACCC is proposing to include Superloop Limited on the list of record keepers under the IA RKR, and for the new rules to take effect for the 31 December 2023 reference date.

Superloop is supportive of its inclusion as a record keeper but has some concerns with the proposed scope of Superloop entities covered and the implementation timeframe.

Responses to Consultation Questions

Superloop's response to the consultation questions is set out below:

Do you have any comments about the proposed record keeper changes to the Internet Activity Record Keeping Rules?

Our understanding is the inclusion of Superloop Limited in the IA RKR would extend to all relevant Superloop Limited subsidiaries providing Retail Services in Operation (**SIOs**).

Our principal retail brands are Superloop and Exetel with the significant majority of Retail SIOs being provided through these brands. In the interests of reducing the complexity with reporting across multiple group entities and systems, we recommend that the ACCC support limiting the record keeping obligations to the Superloop and Exetel brands and reporting on a consolidated basis. This would be similar to the approach adopted for TPG in the IA RKR.

We propose working with ACCC directly to define an appropriate definition covering relevant group entities. Superloop's principal entities for providing Retail services to end users under the Superloop and Exetel brands are:

- Superloop Limited;
- Superloop Broadband Pty Ltd;
- Superloop (Operations) Pty Ltd; and
- Exetel Pty Ltd.

Is the proposed timeframe for implementation sufficient? Is the commencement date appropriate?

At this stage, while Superloop does not foresee any material issues in providing the required data by the first reporting deadline of 28 February 2024, this requirement is new to Superloop and the Christmas/New Year period is imminent. Should additional time be required to provide the required report, we will let the ACCC know as soon as possible and would kindly hope for some flexibility in complying with this deadline.

We welcome further feedback or comments from the ACCC.

Yours sincerely

Adam Foye

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