



Internet Activity Record Keeping and Reporting Rules (RKR) – Proposed amendments

Consultation paper

August 2024

Acknowledgement of country

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Australian Competition and Consumer Commission

Land of the Ngunnawal people

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Proposed amendments to the Internet Activity Record Keeping and Reporting Rules

1.1. Purpose of this paper

The purpose of this consultation paper is to seek stakeholders' views on the Australian Competition and Consumer Commission's (ACCC) proposed amendments to the Internet Activity Record Keeping and Reporting Rules (Internet Activity RKR) to:

- add Starlink Australia Pty Ltd (ACN 636 841 533) (Starlink) as a record keeper under the Internet Activity Record Keeping and Reporting Rules
- amend the requirement on the reporting of non-NBN fixed services information to include details about wholesale services in operation for satellite access technology, and
- make other minor amendments to update references to the relevant ACCC Division responsible for administering the Internet Activity RKR.

The proposed amendments will assist the ACCC in administering a range of its regulatory functions and responsibilities under Part XIB and Part XIC of the *Competition and Consumer Act 2010* (CCA).

1.2. Internet Activity Record Keeping Rules

1.2.1. Legislative background

The ACCC has the power to collect information from industry to undertake its regulatory functions under the CCA and other relevant telecommunications legislation.

Subsection 151BU(1) of the CCA provides that the ACCC may make record keeping rules which require specified carriers or carriage service providers to keep and retain records and provide reports of information in those records to the ACCC. Subsection 151BU(4) of the CCA requires the ACCC to only require records to be kept and retained that contain, or will contain, information relevant to the operation of certain parts of the CCA, or certain other pieces of legislation.

The [Internet Activity RKR](#) was made in December 2018 (and last amended in December 2023) and collects information bi-annually from various retail service providers. Information reported by record keepers includes the number of services in operation and the volumes of data downloaded across NBN, non-NBN fixed and mobile services. The full suite of information collected under the RKR is released as part of the [Internet Activity Report](#).

1.2.2. How we use information collected under the Internet Activity RKR

The ACCC uses information and data from the Internet Activity RKR to inform its reports to the Minister for Communications on competitive safeguards within the Australian telecommunications industry under subsection 151CL(1) of the CCA, and to assist with reporting on prices paid by consumers for telecommunications services under subsection 151CM(1) of the CCA.

The information and data collected will be used to provide a variety of information on internet activity including:

- retail market shares for fixed, mobile and wireless broadband services
- internet subscribers by access technology
- volume of data downloaded by access technology, and
- broadband data usage per customer.

The ACCC also periodically releases aggregate level internet activity metrics based on the data gathered from the Internet Activity RKR. This output seeks to inform the general public, industry, government agencies and other users about internet activity in Australia.

More generally, ongoing updates to the record keepers listed in the Internet Activity RKR ensures comprehensive and transparent market coverage. This enables the ACCC to collect timely and reliable information concerning retail telecommunications services across Australia.

1.2.3. Proposed addition of Starlink to the Internet Activity RKR

Starlink is a licensed carrier that commenced its Australian operations in 2021. Since then, it has become a significant supplier of satellite broadband internet services, with a reported customer base of more than 200,000 services in early March 2024.¹

Starlink has a customer base (both residential and business) that is growing quickly as consumers transition from:

- legacy Telstra DSL services (particularly in regional and remote areas)
- existing geostationary satellite services (including NBN satellite services), and
- current USO services delivered by copper technologies.

This growth is likely to continue as USO services delivered over Telstra copper shift to newer technologies. The ACCC notes that Telstra has recently started to resell Starlink services.²

The ACCC considers that the inclusion of Starlink as a reporting entity would provide the ACCC with a more accurate picture of the market for retail and wholesale broadband services in Australia and assist it in administering a range of regulatory functions and responsibilities under Part XIB and Part XIC of the CCA.

¹ Starlink, 'Starlink is now connecting more than 200K customers and counting across Australia', X (formerly known as Twitter) 5 March 2024, accessed 19 July 2024.

² <https://www.telstra.com.au/internet/starlink>

1.2.4. Collection of wholesale non-NBN fixed services in operation and volume of data downloaded for satellite access technology

The current Internet Activity RKR requires record keepers to keep and retain records and report on the number of retail services on non-NBN fixed services as well as the volume of data downloaded over those services over a three-month period.

Concurrent with the emergence of Low Earth Orbit satellite (LEOSat) retail services, the ACCC has identified a rapidly emerging market for the resale of these services to residential and business customers.

The proposed requirement for relevant record keepers to report on both wholesale and retail non-NBN satellite services will allow the ACCC to monitor developments in both markets. Record keepers will be required to record and report to the ACCC on the number of services in operation and the volume of data downloaded for those services in a three-month period.

The separate reporting of wholesale SIOs would also contribute to ensure the integrity of the reported data.

1.3. Proposed changes to the Internet Activity RKR

The ACCC is proposing to amend the Internet Activity RKR to:

- add Starlink Australia Pty Ltd (ACN 636 841 533) as a record keeper listed in sub-clause 4(1). Starlink would also be listed in Schedule A of the Internet Activity RKR within the Non-NBN fixed services information category and will be required to report the information listed in Schedule C.
- amend the requirement on the reporting of non-NBN fixed services information to include details about Wholesale SIOs for satellite access technology, in addition to the existing requirement to report details about Retail SIOs (Schedule C)
- make consequential changes to the templates for the submission of reports in Schedule F, and
- make minor amendments to update the references to 'Infrastructure Regulation Division' to refer to 'Infrastructure Division', which is the relevant ACCC Division responsible for administering the Internet Activity RKR (sub-clause 6(8) and Schedule E).

A draft of the proposed amended Internet Activity RKR is available on the consultation page on the ACCC website.

The ACCC is proposing that Starlink's first report would cover the December 2024 reporting period, which requires data relating to the period of 1 October 2024 to 31 December 2024. This report would be due no later than 28 February 2025.

1.4. Submission process and next steps

The ACCC is seeking submissions from stakeholders, including industry and Internet Activity RKR data users.

Submissions should be emailed to iarkr@acc.gov.au by **30 August 2024**.

The ACCC will consider all submissions on the matters raised in the consultation paper and may undertake further consultation if required.

Subject to consultation outcomes, the ACCC is proposing to issue an amended Internet Activity RKR in September 2024.

1.4.1. Submission of commercial-in-confidence material

All submissions will be considered by the ACCC as public submissions and will be posted on the ACCC website. Interested parties wishing to submit commercial-in-confidence material to the ACCC should submit both a public version and commercial-in-confidence version of their submission. The ACCC has issued a [guideline](#) setting out the process parties should follow when submitting confidential information to communications inquiries commenced by the ACCC.