



24 September 2018

Mr Ray Abdul Rahim

By email: [iarkr@accc.gov.au](mailto:iarkr@accc.gov.au)

Dear Ray,

## Internet Activity – Proposed Record Keeping Rules Consultation Paper (9 August 2018)

**nbn** welcomes the opportunity to comment on the ACCC's Consultation Paper on 'Internet Activity – Proposed Record Keeping Rules'.

**nbn** understands that the Australian Bureau of Statistics (ABS) will discontinue its Internet Activity Survey after the June 2018 iteration. The ACCC has proposed to collate (a modified) collection of this information via a Record Keeping and Reporting Rule (RKR) from selected RSPs providing fixed and mobile services (over various technologies including fixed line, fixed wireless and satellite services) in Australia. The ACCC also proposes to release 'outputs' using information collected under the RKR after every reporting period.

The ACCC has not explained in its Consultation Paper the basis for how it has selected the identified RSPs to report under the proposed Internet Activity RKR. We note that the ABS used a very clear rule for identifying the reporting parties (the ABS's Internet Activity Survey extended to ISPs with over 1000 subscribers) and this provided a very wide coverage of the retail sector. **nbn** considers that it would be useful for the ACCC to explain the principles underlying its selection of the identified RSPs and to provide a 'rule' for how the ACCC may update the list of reporting parties in the future.

**nbn** considers that retail SIOs provided over all competing (fixed-line, fixed wireless, satellite and mobile), telecommunications networks should be collected under the proposed RKR. Our concern is that the range of RSPs captured by the proposed RKR does not provide sufficient coverage of RSPs providing fixed services over non-NBN networks (such as networks in new developments). **nbn** considers the ACCC should extend the application of the proposed RKR to also include retail services provided over other networks such as those operated by LBNCo, OptiComm, OPENetworks, Superloop, Lightning Broadband and Spirit Telecom.

Further, the list of 'Subsidiaries and / or related entities' identified in the ACCC's Consultation Paper does not comprehensively list, in respect of each of the named parent companies, all of the Australian subsidiaries that operate as RSPs. It would be useful for the ACCC to confirm that the proposed Internet Activity RKR will nonetheless capture statistics for such subsidiaries as part of those captured for the parent company.

**nbn** argues that expanding the proposed Internet Activity RKR to capture all RSPs, including services supplied over non-**nbn** fixed networks will allow users of the RKR information, including the ACCC, to develop a more comprehensive and accurate understanding of the retail market, which would better inform the ACCC's monitoring, analysis and reporting functions. It will also better inform other policy making processes.



If you would like to discuss any aspects of this letter, please contact Priya Balachandran, Advisor at [priyabalachandran@nbnco.com.au](mailto:priyabalachandran@nbnco.com.au) or on 0423 238 287.

Yours sincerely

A handwritten signature in black ink, appearing to read 'James Endres', with a long horizontal stroke extending to the right.

James Endres  
Executive General Manager – Regulatory Strategy (Acting)