

INTERNET ACTIVITY RECORD KEEPING RULE – PROPOSED AMENDMENTS (AUGUST 2024)

NBN Co Ltd Public Submission to the ACCC – 30 August 2024

Introduction

NBN Co Ltd (**nbn**) welcomes the opportunity to comment on the Australian Competition and Consumer Commission’s (**ACCC**) consultation paper seeking stakeholders’ views on proposed amendments to the Internet Activity Record Keeping Rule (**Internet Activity RKR**).

nbn supports measures that will provide the ACCC and industry with an accurate picture of the Australian telecommunications market for retail and wholesale broadband services. As the ACCC is aware, **nbn** is not a record keeper under the Internet Activity RKR. However, **nbn** is a consumer of the bi-annual Internet Activity Report and Internet Activity RKR data set published by the ACCC, and **nbn** recognises the value that periodic reporting on internet activity metrics has to the general public, industry, government agencies, and other users.

Since 2001, Australia has had a form of internet activity reporting, with data collected and published by the Australian Bureau of Statistics (**ABS**) in its Internet Activity Survey (**IAS**) prior to the introduction of the Internet Activity RKR. The final iteration of the IAS was June 2018, and on 9 August 2018, the ACCC released a consultation paper proposing the introduction of the Internet Activity RKR. On 11 December 2018, the ACCC released the Internet Activity RKR to effectively continue the collection of internet activity information from service providers on a bi-annual basis.

Both the IAS and the Internet Activity RKR have been critical sources of data on internet activity in Australia, providing detailed insights into subscriber numbers by access technology, speed tiers, and data usage across various connection types. This information has been instrumental for industry stakeholders, including **nbn**, government agencies, and international bodies like the Organisation for Economic Co-operation and Development (**OECD**). It is imperative that the Internet Activity RKR continues to keep pace with emerging technology and new entrants.

Proposed amendments to include Starlink

nbn supports the proposed amendments to the Internet Activity RKR to add Starlink Australia Pty Ltd (**Starlink**) as a record keeper. In support of this view, **nbn** reiterates its long held view that the Internet Activity RKR should capture all access seekers, and include services supplied over non-NBN networks. This will allow consumers of the Internet Activity RKR to develop a more comprehensive and accurate understanding of the telecommunications market, and will better inform the ACCC’s monitoring, analysis, and reporting functions. **nbn** is strongly aligned with the ACCC’s view 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.

nbn also considers that Starlink's self-reported customer base (of more than 200,000 services in Australia) represents a significant number of services for the purposes of the Internet Activity RKR. In the submission provided by **nbn** on 24 September 2018 to the introduction of the Internet Activity RKR, **nbn** noted the ABS's IAS extended to Internet Service Providers with over 1,000 subscribers.

nbn notes the current difficulty in ascertaining accurate information on internet activity in relation to Low Earth Orbit satellite (**LEOSat**) services. **nbn** suggests that, overtime, the ACCC consider the inclusion of other LEOSat operators in the Internet Activity RKR. As the ACCC has identified, there is a rapidly emerging market for the sale and resale of LEOSat services to residential and business customers. The rapid development of LEOSat services and general unavailability of publicly available information suggests a strong need for the ACCC to actively monitor both the retail and wholesale LEOSat markets and consider the inclusion of other LEOSat operators, in addition to Starlink, in the Internet Activity RKR (such as OneWeb).

Proposed amendments to report on wholesale and retail markets

nbn supports the proposed amendments to the Internet Activity RKR to include details about wholesale services in operation for satellite access technology. **nbn** reflects the ACCC's view of the importance of the ability to understand the developments in both retail and wholesale markets.

nbn recognises the importance of ensuring integrity of reported data in wholesale and retail markets. The separate reporting of retail and wholesale services is necessary to ensure integrity of the reported data and to avoid accidental double counting of services in operation. For instance, where Starlink supplies services directly to retail customers, this should be reported separately to the wholesale services Starlink supplies to Telstra.

Disaggregation of LEOSat services

The Internet Activity RKR provides a breakdown of mobile services, including prepaid mobile, post-paid mobile, mobile broadband, M2M, and home wireless broadband services. This level of disaggregation has enabled stakeholders of the Internet Activity RKR to differentiate the categories of mobile services.

Similarly, **nbn** suggests the ACCC consider the creation of a reporting requirement for the breakdown of LEOSat services, including Fixed services, Mobility services (e.g. Roam, Land mobility, Maritime) and Mobile services (e.g. Direct to cell). Doing so would allow the ACCC and stakeholders of the Internet Activity RKR to monitor and analyse the level of demand from these services as they develop over time.



Conclusion

The proposed amendments are crucial for ensuring a comprehensive and accurate understanding of the Australian telecommunications sector for all stakeholders of the Internet Activity RKR. By incorporating entities such as Starlink, the ACCC will be better equipped to monitor and analyse market dynamics, thereby fostering a more transparent and competitive environment. **nbn** considers these benefits will be further enhanced with the additional inclusion of a reporting requirement to include a breakdown of LEOSat services. The continued evolution of these regulations underscores their significance in shaping the future of Australia's digital landscape.

Should the ACCC wish to discuss the matters raised in this submission further, nbn requests that it contact Sarah Alderson, General Manager, Regulatory (Consumer & Network) at sarahalderson@nbnco.com.au.

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