

---

**From:** Lloyd, Bruce [REDACTED]  
**Sent:** Thursday, 17 September 2020 11:20 AM  
**To:** Hatfield, David; Martin, Jaime  
**Cc:** Evans, Linda; Kapur, Anchal; Seymour, Ed; Cosgrave, Michael  
**Subject:** RE: nbn Co authorisation - Protocol para 3 report w/c 14 September 2020 [SEC=OFFICIAL]

Dear David and Jaime

## Report of “material decisions” for the week commencing 14 September 2020

We are instructed that with respect to the meetings of the Special Working Group (**SWG**) or its sub-committees (**Committees**) held up to 16 September this week, there is one matter to be reported under paragraph 3 of the Reporting Protocol.

Following consultation in the SWG, it was agreed that the SWG would communicate with the main Over The Top (**OTT**) video streaming providers to inform them that the SWG no longer regards it as necessary for those the OTT providers to continue to apply their voluntary bit rate reduction measures to help support data transmission rates of services supplied using the **nbn**<sup>™</sup> network. It was acknowledged that these are voluntary measures and that it would be a matter for each OTT video streaming provider to individually decide when they reinstate normal bit rates.

**nbn** has notified retail service providers (**RSPs**) of this decision and is reporting it to the ACCC during this week’s reporting period in the interests of time so it is also visible to other interested parties. **nbn** will provide a further report in the event there are any further material decisions made by the SWG in this week’s reporting period.

We are instructed to provide the following update more generally:

### **Committee meeting cadence**

The SWG has returned to a fortnightly meeting cadence for the time being.

### **Summary of matters discussed at the Committee meeting held this week**

In brief, the following matters were addressed at the Committee meeting held this week:

- analysis of recent **nbn** network performance data, including upstream and downstream traffic and usage patterns, with a focus on traffic patterns nationally and in Victoria and the areas in which that traffic has stabilised;
- discussion regarding the decision reported above having regard to the changes in downstream traffic that have been observed; and
- discussion about the ongoing voluntary measures adopted by the main OTT videoconferencing providers and the further analysis to be undertaken regarding elevated levels of upstream traffic.

Regards

Bruce

**Bruce Lloyd, Partner**  
**Clayton Utz**

Level 15, 1 Bligh Street, Sydney NSW 2000 Australia | D [REDACTED] | F [REDACTED]  
[REDACTED] | [www.claytonutz.com](http://www.claytonutz.com)