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Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

By email: superfastbroadbandinquiry@acc.gov.au

RE: SBAS 2023 Final Access Determination – Exposure Draft

Thank you for the opportunity to express the Internet Association of Australia's (**IAA**) perspective on the Exposure Draft of the Superfast Broadband Access Service Determination (**Draft Determination**).

IAA is a member-based association representing Australia's Internet community. Our membership is largely comprised of small to medium sized Internet service providers (**ISPs**), many of whom are also retail service providers (**RSPs**) on the Superfast Broadband Access Service (**SBAS**) network. As such, we have been actively involved in the ACCC's SBAS Determination Inquiry since 2021.

Generally, we recognise and acknowledge the ACCC's work in developing a Final Access Determination (**FAD**) that will be fit for service and in the long-term interests of end-users. We are similarly committed to this objective, and our submission to the Draft Instrument is in representation of the perspective of our members, and for the public good of the Internet more generally to promote the interest of end-users as well as RSPs who are on the SBAS network.

We appreciate that this Draft Determination reflects the ACCC's positions expressed in its draft decision published in October 2022 (**Draft Decision**). Noting that a public consultation was held in late 2022 regarding this Draft Decision, – to which IAA also submitted a response – it seems that the Draft Determination does not reflect many changes or consideration of the feedback received during this consultation.

With regards to IAA's response, this is particularly in the case of our recommendations on the following:

- Expansion of the FAD to cover all residential TC-4 speed tiers, benchmarked to NBN Co's pricing; and
- Network-to-network interface (**NNI**) services and state-based aggregation service charges.

We therefore request that you refer to our submission¹ in response to the Draft Decision for our position on these areas to include this in the FAD.

¹ https://internet.asn.au/wp-content/uploads/2023/01/SBAS-Access-Draft-Determination_IAA-Response-151222.pdf

We note that other respondents also discussed these matters with stakeholders similarly recommending the expansion of the FAD to include speed tiers greater than the 50/20 Mbps,² as well the need to regulate on NNI and state-based aggregation service charges, provided these charges should exist at all.³

As detailed in our response to the Draft Decision, these matters are of great significance and have a substantive impact on not only RSPs but also therefore, the services being provided to end-users. Therefore, we strongly reiterate our recommendation to include these issues in the FAD.

In relation to the RBS Levy, we appreciate that the ACCC intends to preclude SBAS providers from passing through the Regional Broadband Scheme (**RBS**) levy to access seekers as per wide stakeholder support for this removal. We understand that this is reflected by the removal of clause 1.4 of the *Interim Access Determination No. 1 of 2021 (SBAS)* which currently states:

1.4 The prices in this IAD are exclusive of the Regional Broadband Scheme levy1 introduced by Government for the purpose of funding regional fixed wireless and satellite broadband services.

However, we do not view that the removal of this clause sufficiently ensures that SBAS providers are precluded from on-charging the RBS levy. We recommend that FAD clearly sets out that the regulated access prices are inclusive of the RBS levy, and not to be passed through to access seekers.

Furthermore, with regards to access providers' service quality reporting obligations, in general, we support the provisions set out in Schedule 13. However, we reiterate our proposal from our response to the Draft Decision that SBAS providers should be obliged to report on and advise RSPs of its service performance regardless of whether or not the RSP has requested this information. This is as opposed to clause 13.6 which sets out when an SBAS provider is required to provide information about its service quality.

Once again, IAA appreciates the opportunity to contribute to the Exposure Draft of the Superfast Broadband Access Service Determination. As we continue to see increased uptake of the Internet and digital services in Australia, ensuring high-speed and high-quality broadband services that is also affordable is vital. As such, it is necessary that an appropriate framework regulating the SBAS network exists in promotion of the interest of end-users, which also requires consideration of the interest of RSPs. To this end, IAA is sincerely committed to working with the ACCC, the telecommunications industry and other stakeholders to develop a fit-for-purpose SBAS Final Access Determination that will serve Australian consumers and telecommunications industry.

² Also supported by the Australian Small Business and Family Enterprise Ombudsman and X Integration Pty Ltd.

³ Also supported by Aussie Broadband Limited and X Integration Pty Ltd.

ABOUT THE INTERNET ASSOCIATION OF AUSTRALIA

The Internet Association of Australia (IAA) is a member-based association representing the Internet community. Founded in 1995, as the Western Australian Internet Association (WAIA), the Association changed its name in early 2016 to better reflect our national membership and growth.

Our members comprise industry professionals, corporations, and affiliate organisations. IAA provides a range of services and resources for members and supports the development of the Internet industry both within Australia and internationally. Providing technical services as well as social and professional development events, IAA aims to provide services and resources that our members need.

IX-Australia is a service provided by the Internet Association of Australia to Corporate and Affiliate members. It is the longest running carrier neutral Internet Exchange in Australia. Spanning six states and territories, IAA operates over 30 points of presence and operates the New Zealand Internet Exchange on behalf of NZIX Inc in New Zealand.

IAA is also a licenced telecommunications carrier, and operates on a not-for-profit basis.

Yours faithfully,

Narelle Clark
Chief Executive Officer
Internet Association of Australia