



Internet  
Association  
of Australia

INTERNET ASSOCIATION OF AUSTRALIA LTD  
ABN 71 817 988 968  
ACN 168 405 098  
PO Box 8700  
Perth Business Centre WA 6849  
Phone: 1300 653 132

30 November 2023

Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra ACT 2601

By email: [superfastbroadbandinquiry@acc.gov.au](mailto:superfastbroadbandinquiry@acc.gov.au)

## **RE: SBAS Final Access Determination – Further Consultation**

The Internet Association of Australia Ltd (**IAA**) thanks the Australian Competition and Consumer Commission (**ACCC**) for the opportunity to respond to the further consultation being undertaken with respect to the SBAS Final Access Determination Inquiry (**Inquiry**).

IAA is a member-based association representing Australia's Internet community. Our membership is largely comprised of small to medium sized Internet service providers, many of whom are also retail service providers on the Superfast Broadband Access Service (**SBAS**) network. Our response therefore, is primarily in representation of these members.

We understand that the ACCC has been waiting for the conclusion of the NBN Co Special Access Undertaking Variation (**SAU**) to finalise the Final Access Determination and that changes to the SAU since the last consultation with respect to the Inquiry have implications for the regulation of the SBAS network that require further consideration. We offer our response to the matters raised in the ACCC's consultation paper, as well as a remaining point of concern with regard to the regulation of specified speed tiers.

### **Pricing Terms for declared Layer 2 wholesale SBAS**

Given the breadth of our membership, the SBAS pricing terms may have varying commercial implications for different members. However, overall, we believe that many of the members we represent would lack the resources to implement the 'floor and ceiling' methodology. As such, in general, we would view a total monthly charge that does not exceed NBN Co's average combined charge would be more practicable for many small to medium RSPs.

### **NNI Charges**

We understand that the ACCC's proposal is to absorb the state-based aggregation service charge into the NNI charges, and in turn, for NNI charges to be benchmarked to NBN Co's equivalent prices. As mentioned in our submission to the Draft Decision of the Inquiry (**December 2022**

**Submission**), the state-based aggregation service charge is a major issue that causes issues for RSPs as well as undesirable results for consumers. To that end, we support this proposal.

### **Speed Tiers**

We reiterate our concerns raised in our December 2022 Submission, and also noted in our response to the Exposure Draft in April 2023, that the regulation of speed tiers only up to 50Mbps is not adequate. The Final Access Determination is likely to be soon insufficient in maintaining its relevancy and ensuring competition in the market as Internet usage continues to grow, and more consumers choose service plans higher than 50Mbps.

Also, although we understand that NBN Co is no longer offering the 25/10Mbps service as its entry-level offer, we are concerned that the ACCC's proposal to therefore no longer regulate it under the Final Access Determination could have adverse consequences for end-users if those services are not benchmarked to NBN Co's prices. This speed tier still forms part of the TC-4 bundle, and should therefore still be benchmarked against NBN Co's price.

Once again, IAA appreciates the opportunity to contribute to the ACCC's further consultation on the SBAS Final Access Determination Inquiry. We look forward to the ACCC's final determination that will reflect a regulatory framework that ensures efficiency, improved competition and is overall, in the best interest of Australian consumers and the telecommunications industry. We are committed to continue working with the ACCC, industry and other stakeholders as required, to ensure such a fit-for-purpose SBAS Final Access Determination.

## **ABOUT THE INTERNET ASSOCIATION OF AUSTRALIA**

The Internet Association of Australia Ltd (**IAA**) is a not-for-profit, 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.

Yours faithfully,

Narelle Clark  
Chief Executive Officer  
Internet Association of Australia