

30 July 2025

To the Australian Competition and Consumer Commission

By email: superfastbroadbandinquiry@accc.gov.au

RE: Public inquiry into whether to vary the superfast broadband access service access determination – Position Paper

The Internet Association of Australia Ltd (**IAA**) thanks the Australian Competition and Consumer Commission (**ACCC**) for the opportunity to respond to the ACCC's public inquiry into whether to vary the superfast broadband access service (**SBAS**) access determination (**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 (**RSPs**) on the SBAS network. Our response is therefore primarily in representation of these members. However, as a not-for-profit association, we are also interested in the broader public good of the internet, and therefore the underlying telecommunications network and infrastructure, as well as the regulatory regimes that support fair and efficient access to the Internet.

IAA has been keenly involved in the ACCC's Inquiry, and as expressed in earlier responses to the ACCC's consultations on the matter, we consider the price and other terms and conditions for access to SBAS networks an important issue that affects the telecommunications sector and Australian public more broadly.

We are therefore generally in support of the ACCC's position on interconnection arrangements and other access terms set out in the Position Paper which aims to set safeguards to prevent anticompetitive behaviour that would further entrench imbalances in the sector. We also welcome the update that the ACCC is considering introducing additional rules to promote transparency including reporting on service quality and performance.

We propose the below minor recommendations (our recommendations provided in bold) to the proposed clause 15.3 of Schedule 15 to better promote transparency and fairness:

"The Access Provider must consult with its Access Seekers, **in good faith**, for a period of no less than **three** Months prior to making changes to its Wholesale Agreement Terms. On completion of this consultation period and prior to making changes to its Wholesale Agreement Terms, the Access Provider must **publish publicly** a statement responding to how feedback **from its Access Seekers** was considered."

We also use this opportunity to reiterate the need to extend the SBAS Access Determination to include speed tiers above 50Mbps services, as expressed in our other submissions. While we appreciate the ACCC's acknowledgement and response to this feedback in the Position Paper that

the 25Mbps and 50Mbps currently represent the majority of the overall broadband services market, we note that since the ACCC's final decision was made in 2024, NBN Co has accelerated its provision of higher speed tiers which will soon become available from September 2025. We consider this is likely to soon change consumer preferences, and overall indicates the trajectory towards higher speed tiers in Australia, thereby necessitating variation of the SBAS to also regulate higher speed tiers to ensure the SBAS Access Determination remains fit for purpose. Thus, we look forward to this being considered by the ACMA in its 2025-26 statutory review of the SBAS Declaration.

Once again, IAA appreciates the opportunity to contribute to the ACCC's public inquiry into whether to vary the SBAS access determination. As the ACCC looks to commence its statutory review of the SBAS declaration in 2025-26, we look forward to working with the ACCC, other industry entities, consumer groups and other stakeholders to ensure a fit-for-purpose regulatory framework that best serves the telecommunications sector.

ABOUT THE INTERNET ASSOCIATION OF AUSTRALIA

The Internet Association of Australia (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.

IAA is also a licenced telecommunications carrier and provides the IX-Australia service to Corporate and Affiliate members on a not-for-profit basis. It is the longest running carrier neutral Internet Exchange in Australia. Spanning seven 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,
Internet Association of Australia