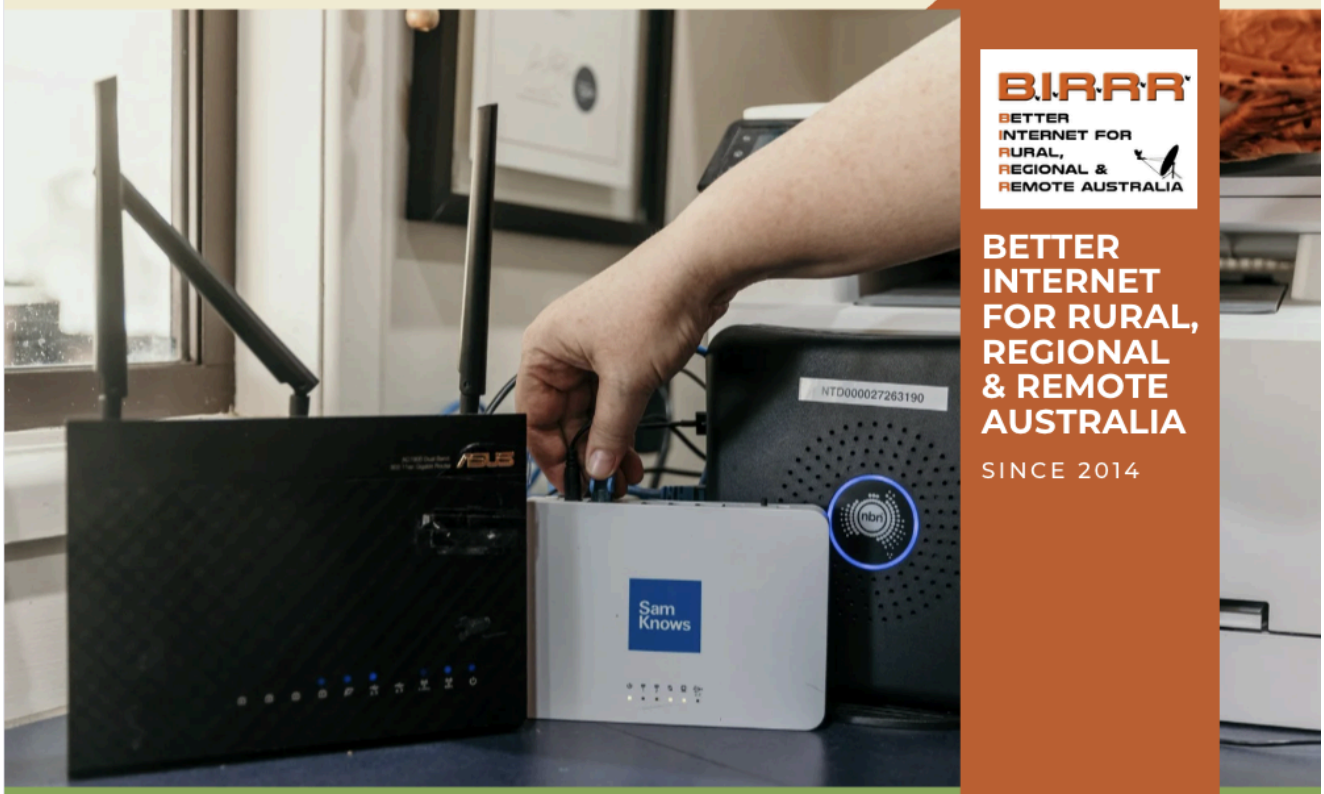
BIRRR SUBMISSION



B.I.R.R.R
BETTER INTERNET FOR RURAL, REGIONAL & REMOTE AUSTRALIA

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SINCE 2014

ACCC RECORD KEEPING RULES REVIEW 2025 CONSULTATION

ACCC AUSTRALIAN COMPETITION & CONSUMER COMMISSION

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Submission date: *13th August 2025 (with approved extension)*

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This submission was prepared in good faith by a voluntary team. Please address any queries to BIRRR at birrraus@gmail.com

Executive Summary

Better Internet for Rural, Regional and Remote Australia (BIRRR) strongly supports the Australian Competition and Consumer Commission's (ACCC) proposed modernisation of its telecommunications Record Keeping Rules (RKRs). Replacing legacy obligations with two consolidated and fit-for-purpose RKRs, one focused on retail services, and the other on wholesale and network-level activity, is a critical step toward improved transparency, competition, and consumer outcomes, particularly in underserved regional areas.

BIRRR endorses the Retail Telecommunications RKR's focus on location-based, technology-specific data collection across all access technologies, including satellite and mobile broadband. This level of detail is vital to enable the development of a national broadband and mobile availability map that empowers consumers, guides infrastructure investment, and supports regional planning.

The Wholesale and Networks RKR presents an opportunity to monitor competitive dynamics, wholesale footprints, infrastructure availability, and the impact of emerging technologies such as LEO satellite services. Its design must ensure inclusion of smaller providers, regional aggregators, and infrastructure operators, especially those delivering publicly funded services in remote communities.

BIRRR supports the revocation of legacy RKRs, only once equivalent functionality is embedded in the new system. Until then, continued operation of the NBN Services in Operation RKR is essential to avoid data loss during transition.

BIRRR urges the ACCC to ensure that the final framework:

- Enables address-level data reporting and improved service transparency;
- Includes all carriers and specifically regional providers below the current 30,000 SIO threshold;
- Supports a public, searchable broadband and mobile map with address and coverage dispute capability;
- Tracks market conduct during technology migrations;
- Enables reporting of any insights or concerns in RRR markets.

If implemented effectively, these reforms can significantly enhance connectivity outcomes for rural, remote and regional (RRR) Australians, encouraging competition and making the market fairer, more accountable and more responsive to consumer needs.

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BIRRR Background

Better Internet for Rural, Regional and Remote Australia (BIRRR) is a grassroots not-for-profit volunteer group which advocates for viable and sustainable solutions to a wide range of rural, regional and remote (RRR) telecommunication issues. BIRRR is independent, apolitical and technologically agnostic. Since 2014 we have provided information, practical support and advice, primarily through our Facebook platform, website and extensive consumer engagement in RRR areas. The organisation boasts a membership of over 16,200 individuals across Australia giving BIRRR a unique appreciation, insight and understanding of the issues and impacts of the connectivity challenges and barriers to access facing regional consumers.

Over the past decade, BIRRR has made significant strides in advocating for improved connectivity and services in underserved areas. We have successfully raised awareness of the unique challenges faced by rural and remote consumers, influencing policy changes and encouraging more effective government and industry responses. BIRRR has also provided crucial support to its members through guidance on navigating service issues, advocating for better service standards, and highlighting gaps in coverage and service quality. These efforts have helped drive improvements in telecommunications infrastructure and service delivery, fostering greater equity in access to RRR consumers across Australia. In addition, BIRRR has developed and promoted the concept of Connectivity Literacy[1], which empowers individuals, communities and industry to better understand and navigate telecommunications services and infrastructure. BIRRR is a founding member of the Rural, Regional and Remote Communications Coalition (RRRCC).

[1] *https://birrraus.com/connectivity-literacy-2/*

Introduction

The Australian Competition and Consumer Commission's (ACCC) proposed reform of the telecommunications Record Keeping Rules (RKRs) is a timely opportunity to improve the quality, consistency, and utility of data used to regulate and inform the sector. BIRRR broadly supports the proposals to consolidate, streamline, and modernise RKRs, while emphasising the critical need to retain and expand visibility over rural, regional and remote (RRR) telecommunications services. The ACCC's recognition that telecommunications availability is geographically varied and rapidly evolving reinforces the need for granular, geospatially tagged data and performance metrics.

Support for Consolidation and Modernisation

The creation of a Retail Telecommunications RKR and a combined Wholesale and Networks RKR is a positive step toward improving market transparency and regulatory insight, particularly if the data collected is consistently address-based and technology-specific. The changes should ensure that:

- Reporting remains address-based and technology-specific.
- RRR-specific providers, technologies, and geographies are retained, the RKRs must clearly define each access technology (e.g. fibre, fixed wireless, Low Earth Orbit (LEO) satellite, mobile broadband) and ensure terminology consistency across all providers.
- Data granularity is not lost to national-level or overly aggregated statistics
- The record keeping framework is designed with long-term flexibility, ensuring the data collected can adapt to emerging technologies and changing consumer behaviours.

BIRRR appreciates ACCC considering what information will best inform its responsibilities under the Competition and Consumer Act 2010. These include promoting the long-term interests of end users by promoting competition in markets for listed services under the telecommunications access regime (Part XIC), and reporting on competitive safeguards within the telecommunications industry and charges paid for telecommunications services (Part XIB), among other responsibilities.

As an organisation that advocates for improved telecommunications services and consumer awareness in RRR areas, BIRRR welcomes the ACCC's intent to improve and simplify telecommunications record

keeping. We particularly support efforts to make data more geographically precise and usable for both regulatory and public purposes. The key reasons for our support include:

- Improved ability to analyse and respond to service and infrastructure gaps in RRR areas, enabling local, state and Federal governments and communities to identify priorities for investment.
- Enhanced potential to inform consumer choice at a granular, local level.
- Greater accountability for carriers and carriage service providers regarding where and how services are actually delivered.
- Opportunity to standardise the industry's reporting language and metrics, enabling fairer competition and more accurate public understanding.

Due to the size of the market in RRR areas, ACCC should take steps to ensure the reporting system does not exclude valuable data on RRR technologies and providers (e.g. Wireless Internet Service Providers (WISP), community wifi initiatives and alternate fibre providers). Additionally, the reporting system should not impose excessive burdens on smaller providers who often operate in these areas.

Standardised, Publicly Available Coverage + Availability Maps

BIRRR strongly supports the creation of mandatory, standardised coverage and availability maps across all carriers and technologies. Current map systems vary significantly in quality and clarity; and some obscure known coverage gaps through generalised reporting. Clear definitions of what constitutes "coverage" (e.g. minimum speed, useability, signal strength, real-world performance) should be standardised to prevent misleading representations.

National Broadband and Mobile Coverage Map

Subsection 151BU(4B) of the *Competition and Consumer Act 2010* requires the ACCC, in its review of record keeping rules, to consider: (a) whether the information is publicly available; (b) whether consumer demand has changed; and (c) the usefulness of the information to consumers, industry, the Minister and Parliament.

Consumers and small businesses, especially in RRR areas, often have difficulty identifying which technologies (e.g. satellite, fixed wireless, fibre) and which providers and plans are available at their specific address. This lack of clarity is exacerbated by inconsistent provider data, sales bias, and the absence of a reliable, independent source of truth. In line with ACCC's obligations and in the context of

the proposed changes to the RKRs, BIRRR believes there is a compelling case for the Government to instruct the ACCC to pursue a publicly accessible, **national broadband and mobile coverage availability map**.

BIRRR recommends the ACCC require **all** carriers, wholesalers and service providers to contribute to a centralised, address-based lookup tool, map or platform, covering both mobile and fixed broadband services, regardless of number of connections. This platform must be:

- Consumer-friendly, enabling easy address searches without technical knowledge
- Comprehensive, including all technologies and providers (e.g. WISPs, alternative fibre networks, alternate satellite services, community wi-fi initiatives)
- Regularly updated and accurate, with mechanisms to flag and resolve mapping inaccuracies
- A single source of truth regarding mobile coverage and broadband availability across Australia

The current Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (DITRDCSA) spatial infrastructure map[2] does not display all providers or technologies, is not easy to use or consumer friendly and lacks the information needed by a consumer to make informed decisions.

As recommended by the 2024 Regional Telecommunications Independent Review Committee (RTIRC), BIRRR supports the development of an independent and standardised platform, modelled on the United States (US) Federal Communications Commission (FCC) Broadband Map[3]. The FCC map includes address-level data and a consumer dispute process, allowing address and coverage inaccuracies to be challenged and corrected. It serves not only as a public resource but also as a tool to guide infrastructure funding and policy decisions. Such a platform would help:

- Inform consumer choice, by making availability and service options transparent
- Promote competition, by reducing sales biases and misinformation which is prominent in RRR areas
- Support evidence-based policy, enabling local, state, and federal governments to identify gaps and prioritise investment, assisting Local Government Areas (LGAs) and RRR communities to develop digital plans and attract infrastructure funding based on accurate need
- Reduce duplication of services and help maximise investment in RRR areas

[2] *https://spatial.infrastructure.gov.au/portal/apps/webappviewer/index.html?id=cebfe7afe0894bd9bda06edbd65b9d17*
[3] *https://broadbandmap.fcc.gov/home*

BIRRR urges the ACCC to ensure that the revised record keeping framework enables and supports the development of this kind of national mapping tool, delivering benefits not only to regulators, but to communities, consumers, and governments alike.

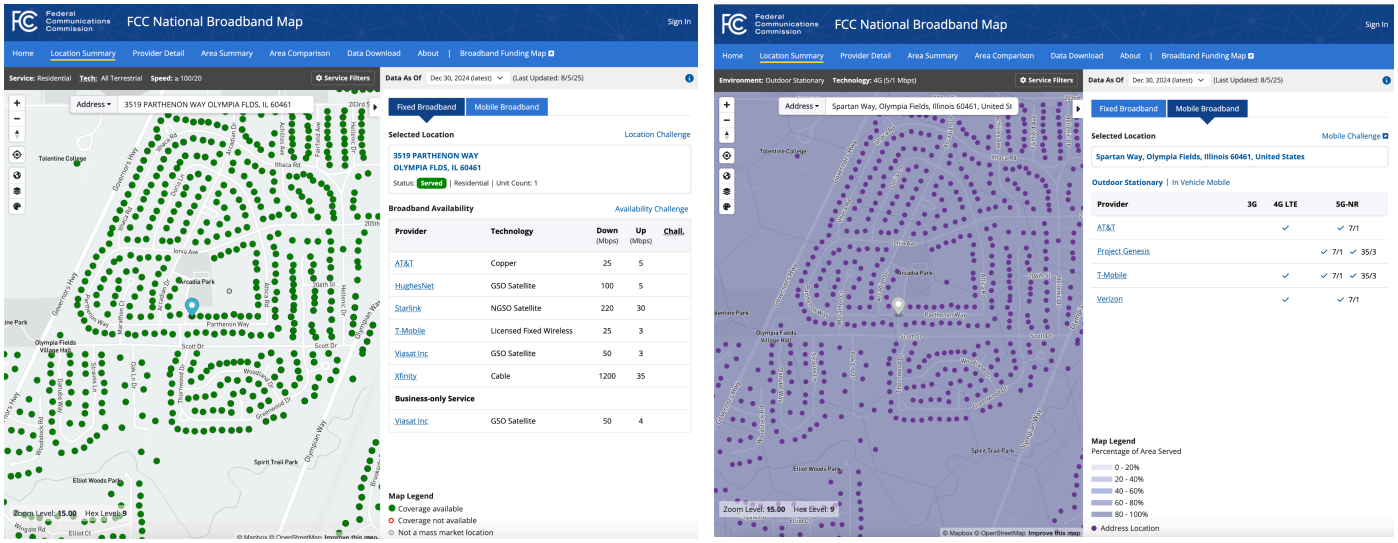


Figure 1: US FCC National Broadband Map - Fixed Broadband and Mobile Broadband

Consumers and stakeholders such as local governments should have the ability to input locations via address and GPS coordinates to view the estimated broadband availability and mobile coverage at a given location. The data should include available providers and technologies, expected speeds, the necessity for equipment such as antennas or repeaters to access coverage, and clear distinctions between outdoor and in-vehicle coverage, as demonstrated by the FCC Broadband Map. Additionally, the platform should allow consumers to lodge a location challenge if their address maps incorrectly or is not mapped at all.

As per the FCC map, the platform should allow consumers to challenge coverage claims made by telcos. If the information on mobile coverage submitted by your provider does not match your experience, you should be able to dispute that information by taking outdoor or in-vehicle challenge speed tests on your mobile device using an app similar to the FCC Mobile Speed Test app[4].

This platform should incorporate data from datasets such as the Measuring Broadband Australia (MBA) Program, the National Audit of Mobile Coverage [5], existing coverage maps submitted by carriers, other

4

https://help.bdc.fcc.gov/hc/en-us/articles/10468786141723-How-to-Use-the-New-FCC-Mobile-Speed-Test-App-to-Challenge-Mobile-Coverage

5 *https://d1zckiwudrcznp.cloudfront.net/*

mobile coverage maps, such as Powertec's National Coverage Model (NCM)[6] and crowd-sourced real-world performance data, to reflect the usability and availability of mobile coverage and broadband quality and availability at specific locations, ensuring accountability and transparency.

Expected Impact on Record Keepers

BIRRR recognises that transitioning to a new reporting framework, especially one requiring more granular data, may impose additional costs on record keepers. This could include system upgrades to align with location-based reporting standards, staff training or outsourcing to manage compliance, and process redesign to ensure data consistency across services and technologies.

BIRRR acknowledges the ACCC's goal to limit the burden on record keepers by narrowing the scope of required entities. However, it is equally important to not exclude smaller or alternate providers, such as regional WISPs or alternate private fibre operators, whose services are often essential in RRR areas. Their inclusion, even through lightweight reporting or opt-in mechanisms, would support more accurate mapping and market analysis.

BIRRR recommends ACCC explore phased implementation, supported by guidance materials and clear technical documentation, to reduce the compliance burden, especially for smaller or regionally-focused providers. Once embedded, the new system could actually reduce duplication and inefficiencies by consolidating existing reporting mechanisms. Ongoing costs should stabilise if the framework is well-supported by automated systems and clearly defined rules.

Reliance on ACCC Data and Reports

BIRRR and our stakeholder community rely heavily on ACCC data, particularly the Communications Market Report, Mobile Infrastructure Report, Measuring Broadband Australia reports (see Appendix 1) and other ACCC program and pricing transparency reports, for the following purposes:

- **Advocacy**: Evidence-based engagement with government and industry on RRR telecommunications issues and digital inclusion.
- **Policy Development**: Informing submissions to inquiries, strategic reviews, and draft funding programs.
- **Improving Connectivity Literacy Information:** Helping consumers understand their connectivity options and rights as a consumer.

[6] *https://powertec.com.au/mobile-coverage-surveying/*

- **Mapping Service Gaps:** Identifying priority areas for infrastructure investment and maximising funding opportunities for RRR areas.

We do not see significant overlap between ACCC's functions and those of other agencies. If anything, ACCC's role is uniquely positioned and the record keeping rules review presents an opportunity to bring together retail, wholesale, pricing and competition data in a single, coherent framework.

Appropriate Transition Timeframe

BIRRR suggests a minimum 12 month transition period following the finalisation of the new RKRs to allow providers adequate time to upgrade data systems, test reporting mechanisms, train relevant staff, and engage with technical guidance and compliance checklists. This is especially important for carriers with large rural portfolios or diverse service technologies.

Extension of the NBN Services in Operation RKR

BIRRR supports extending the NBN Services in Operation RKR beyond September 2025 to ensure there is no data gap during the transition. This RKR provides critical visibility into service uptake across regions and technologies, and a lapse could risk losing continuity in market oversight.

Market Transparency and Consumer Protection

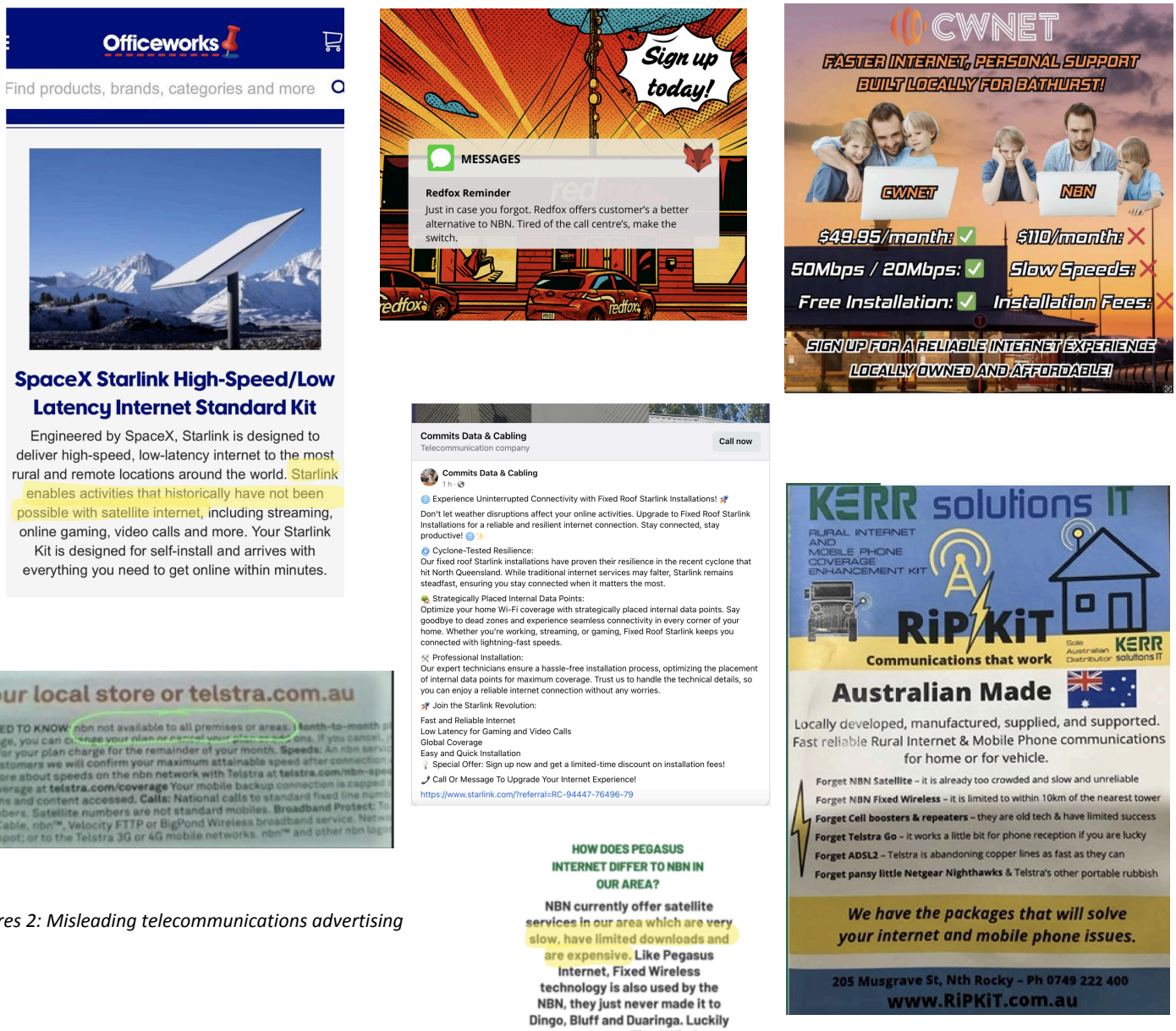
BIRRR supports the ACCC's intention to scrutinise sales and marketing practices, particularly in low-competition regions. Misleading advertising, mis-selling, misinformation, and biased sales tactics often disproportionately affect RRR and First Nations consumers.

BIRRR welcomes the ACCC's intent to investigate anti-competitive conduct by carriers and carriage service providers, particularly through a more detailed, location-based understanding of market dynamics. This is vital for identifying geographic areas where competition is limited or non-existent, or where consumers are being misled about their telecommunications choices.

In our experience, anti-competitive behaviours frequently emerge in low-competition markets, often in RRR areas, where only one or two providers may operate, and where marketing and sales tactics go unchallenged due to limited consumer Connectivity Literacy and a lack of independent information.

Through consumer analysis and on the ground experience, BIRRR has observed a growing number of sales and marketing practices that often mislead or misinform consumers, either by omission or by making unsupported claims about product superiority. These behaviours damage trust, inhibit fair competition, and often lead to consumers being steered away from the most suitable solution for their location, needs or budget.

Negative, misleading advertising targeting NBN or other competitors, such as a Facebook advertisement from *Redfox Internet* which claimed: "*Just in case you forgot—Redfox gives you a better alternative to the NBN. No overseas call centres. Fast, local support. Internet that actually works*" [7]



Figures 2: Misleading telecommunications advertising

[7] *https://www.facebook.com/redfoxcorporation/*

The images above show just some of the examples of misleading advertising that BIRRR has encountered. This kind of marketing is misleading and harmful to informed decision-making. These examples demonstrate sales bias and misinformation that is particularly problematic in markets with low competition and limited consumer recourse. Such practices can distort retail competition and lead to inefficient market outcomes and confused consumers. Likewise, sales bias practices of many providers often give incomplete or incorrect information to a consumer about what telecommunications services are available at their specific address.

To support identification and monitoring of anti-competitive behaviour, sales and marketing behaviour could be monitored through systematic auditing of advertising claims, consumer complaints, and provider responses, particularly in areas where competition is limited. BIRRR supports market transparency and accountability, and we encourage the ACCC to pursue its powers under Part XIB and Part XIC to scrutinise not just the structure of telecommunications markets, but also the conduct of participants, especially where vulnerable or geographically disadvantaged consumers are concerned.

Consumer Information Transparency

In addition to record-keeping reforms and enhanced infrastructure visibility, BIRRR supports the ACCC's intent to monitor and assess competitive dynamics such as pricing behaviours, service inclusions, and consumer "stickiness" (i.e., the difficulty or reluctance of consumers to switch providers). These are particularly relevant in regional and remote areas, where there is a lack of competition and technology migrations (e.g. Next Generation Wireless Loop (NGWL) / 3G migration) disproportionately affects consumers.

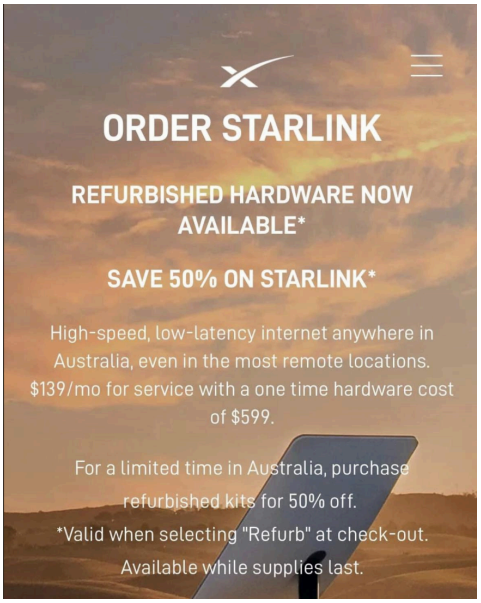


Figure 3 : Starlink advertising with no end date

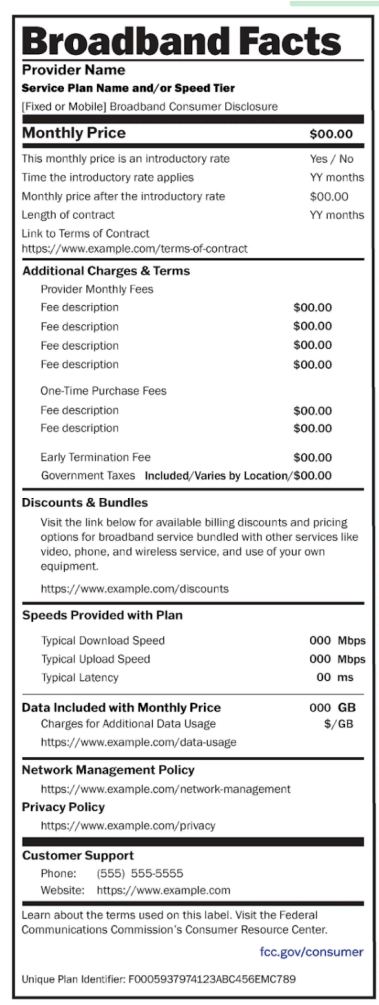
It is increasingly difficult for consumers to accurately compare telecommunications options. Many retail plans lack transparency around eligibility for promotional pricing, demand surcharges, contract length and cancellation penalties, inclusions and data limits, expected speeds and availability. For example, promotions such as Starlink's have previously lacked clarity, with varying or conflicting end dates and

demand surcharges[8] that aren't clearly advised on purchase (from resellers of equipment). Such inconsistencies can cause confusion, especially in areas where connectivity options are limited and switching carries financial, reliability or logistical risk.

In RRR markets, consumer stickiness is often compounded by practical and psychological barriers. These include the use of provider-linked email addresses (e.g., @bigpond.com), which deter switching for fear of losing access; locked or proprietary customer-premises equipment tied to long contracts; and entrenched historic beliefs about certain technologies or providers that persist even after market conditions change. Such barriers, when combined with unclear plan information, create inertia in the market and reduce the likelihood that consumers will seek out better-value or better-performing alternatives, ultimately weakening competitive pressure on providers.

BIRRR recommends that as part of any expanded Retail Telecommunications RKR or broader data-sharing initiative, the ACCC should consider working with Australian Communications and Media Authority (ACMA) to enforce consistent broadband labelling mechanisms that allow consumers to easily view accurate plan information before signing up.

Critical Information Summaries (CIS) documents need to be much easier to understand and compare for consumers. BIRRR recommends introducing a similar system to the US government to help consumers make sense of complicated technologies, plans, charges and promotions via a ' food labelling' initiative for telecommunications plans. The Federal Communications Commission (FCC) labels[9] are modelled on nutrition labels and are intended to help consumers comparison shop for the internet service plan that will best meet their needs and budget. The labels must disclose information about the type



Broadband Facts

Provider Name
Service Plan Name and/or Speed Tier
[Fixed or Mobile] Broadband Consumer Disclosure

Monthly Price	**$00.00**
This monthly price is an introductory rate	Yes / No
Time the introductory rate applies	YY months
Monthly price after the introductory rate	$00.00
Length of contract	YY months

Link to Terms of Contract
https://www.example.com/terms-of-contract

Additional Charges & Terms

Provider Monthly Fees	
Fee description	$00.00
Fee description	$00.00
Fee description	$00.00
Fee description	$00.00
One-Time Purchase Fees	
Fee description	$00.00
Fee description	$00.00
Early Termination Fee	$00.00
Government Taxes	Included/Varies by Location/$00.00

Discounts & Bundles
Visit the link below for available billing discounts and pricing options for broadband service bundled with other services like video, phone, and wireless service, and use of your own equipment.
https://www.example.com/discounts

Speeds Provided with Plan

Typical Download Speed	000 Mbps
Typical Upload Speed	000 Mbps
Typical Latency	00 ms

Data Included with Monthly Price	000 GB
Charges for Additional Data Usage	$/GB

https://www.example.com/data-usage

Network Management Policy
https://www.example.com/network-management
Privacy Policy
https://www.example.com/privacy

Customer Support
Phone: (555) 555-5555
Website: https://www.example.com

Learn about the terms used on this label. Visit the Federal Communications Commission's Consumer Resource Center.
fcc.gov/consumer

Unique Plan Identifier: F0005937974123ABC456EMC789

Consumer broadband labels will be required for internet providers starting on Wednesday — in many cases in both English and Spanish. Federal Communications Commission

Figure 4: FCC Broadband Labelling Example

8 *https://www.starlink.com/au/support/article/63d885d3-c269-21f9-69d6-3ed1b2fd18e9?srsltid=AfmBOoqbLrlQcTp0ySTEEPyiUimcZ3vQiR9_l38YkJhIU_OPDDwbnWu5*

9 *https://www.fcc.gov/broadbandlabels*

of technology used, plan prices, introductory rates, availability, data allowances, contract specifics and broadband speeds and must be shown at point of sale, both online and in person sales (including resellers of telecommunications equipment). They should also include links to information about network management practices and privacy policies.

Additionally, consumers should be able to view set plan and technology metrics (such as speed, availability and latency metrics) on Retail Service Provider (RSP) websites and address checker sites, such as the nbn address checker and mobile coverage maps. Such initiatives would empower consumers to make informed choices, reduce reliance on potentially biased and often, connectivity illiterate, sales representatives, and increase market discipline through competitive pressure.

Infrastructure Ownership and Grant Impact Monitoring

In relation to infrastructure transparency, BIRRR also supports the ACCC's focus on tracking investment models, including multi-operator sharing agreements (e.g. Optus-TPG MOCN) and the use of third-party infrastructure providers. In many recent grant rounds, government funding has explicitly encouraged or required infrastructure sharing to promote coverage efficiency and prevent overbuild. However, in the absence of transparent data on who owns or controls infrastructure, it is difficult to evaluate whether such policy goals are being met.

We suggest that the ACCC's infrastructure RKR reforms also consider:

- Requiring grant recipients to disclose how shared infrastructure arrangements are being operationalised
- Mapping which operators have access to which towers and spectrum bands
- Tracking passive infrastructure (e.g. towers) and active sharing agreements (e.g. backhaul, RAN sharing)
- Ensuring government-subsidised infrastructure is used in a competitively neutral way

Reporting when a site is owned by a third party improves transparency in the passive infrastructure market. This would help assess whether taxpayer-funded infrastructure is facilitating fair access or entrenching monopoly behaviour, particularly in RRR markets.

Use Data to Drive Informed Consumer Choice

To encourage competition and inform consumer choice, the revised record keeping framework should support accurate comparisons for consumers across price, speed, technology type, and reliability, at the local level. This includes improved visibility and the ability for consumers to understand the difference between technologies and providers.

Home Wireless Broadband Classification and Reporting

BIRRR supports the ACCC's proposal to record home wireless broadband and 4G and 5G fixed wireless services alongside other fixed broadband services, rather than grouping them with mobile broadband.

While home wireless broadband is technically delivered over mobile networks, it is typically designed for use at a fixed location and serves as a primary broadband connection for many households, especially in RRR areas. For these consumers, it is functionally a substitute for fixed broadband, and should be treated as such in record keeping and market analysis.

Aligning home wireless broadband reporting with other fixed broadband services would:

- Provide a clearer picture of how Australians are accessing internet services at home, particularly outside metropolitan areas
- Help policy makers and regulators identify underserved regions, based on true availability of fixed-like services
- Allow for more accurate analysis of infrastructure reliance and potential strain or capacity issues on mobile networks
- Avoid misleading overestimation of mobile broadband take-up or usage figures by separating portable/mobile-only services from fixed-location services

This reclassification would also assist in distinguishing mobility-limited consumers, who often cannot rely on portable devices or services, from those who choose mobile broadband for flexibility or convenience.

Given the increasing consumer uptake of home wireless broadband, particularly in areas where consumers are unaware of their options, it is essential that it be reported in a way that reflects its real-world role in the broadband ecosystem.

Address-Level and Technology-Specific Data

While streamlining is welcome, BIRRR urges the ACCC not to dilute regional or location-specific data in favour of national or aggregated statistics. Granular, regional-level insights are essential to understanding infrastructure gaps, consumer experience, and investment priorities in RRR areas. For RRR consumers, generalised geographic data (e.g. postcode or locality) often fails to reflect the lived experience of availability and reliability, with generalised reporting by postcode or region often masking infrastructure gaps or misleading coverage claims.

BIRRR supports continued breakdowns by technology type, service availability and speed tier to track the impact of performance upgrades, such as NBN's 2025 planned speed enhancements. For accurate market insights in all areas, the ACCC should require address-level reporting, harmonised across all record keepers, and with a consistent definition of what counts as "serviceable".

We agree that for each connected service, the following data should be recorded, retained and reported:

- Service location address - additionally if a roaming service this should be stated.
- Customer access network carrier and technology
- Monthly charge, including any add-on or usage charges
- Download and upload data volumes
- Whether any bundling or discounts apply

We also strongly recommend including the following additional fields to better capture the real-world experience and competitiveness of services:

- Speed tier of plan (both download and upload), or an indicator that it is a 'best effort' service, where no defined performance metrics are offered
- Download/upload speeds at peak and off-peak times
- If the plan is data limited or has peak/off peak data limits
- Initial cost of any equipment or activation, installation fees or demand surcharges
- Whether VoIP is included or available as an add-on
- Whether the plan is a legacy product or currently available and if it is pre-paid or post-paid
- The consumer-facing RSP name should be recorded alongside the carrier licence holder
- Overall service availability experienced by the customer for fixed broadband services e.g. 99.99%

BIRRR endorses the move toward service-level data reporting and believes the additional fields such as speed tier, installation costs, legacy status, and availability would enhance the ACCC's ability to assess price and non-price competition. To capture the real-world consumer experience, particularly in RRR areas where congestion can often be time-dependent, reporting should also include actual measured download and upload speeds during both peak and off-peak periods. Furthermore, ongoing reporting of data-limited plans, while less common, remains important for transparency in targeted low-income offers and some postpaid mobile markets. Maintaining visibility of these offers ensures accountability and supports advocacy for vulnerable consumers.

The consumer-facing RSP name is particularly important in RRR areas where the carrier and the RSP are often different entities, and the RSP may change over time. For example, Channel Wireless holds the carrier licence for services in Bluff, Dingo, and Duaringa (Queensland), and the consumer-facing RSP was Pegasus Internet, which no longer has an active website, despite the project (applicant Queensland Capacity Network (QCN)) receiving significant public funding through the Regional Connectivity Program (RCP). Without ACCC recording this information, it is difficult for consumers, regulators, and policymakers to track service continuity, accountability, community take-up and the effective use of taxpayer-funded infrastructure.

Including the above data fields would greatly enhance the ability of the ACCC to assess both price and non-price competition, identify product gaps, and monitor the evolution of broadband offerings in different markets. This is particularly important in RRR areas, where a lack of visibility into available services often leads to poor consumer outcomes and ineffective policy responses.

Record Keeper Thresholds and Coverage

BIRRR welcomes the ACCC's intent to increase the number of record keepers under the Retail Telecommunications RKR to improve coverage across a wider range of markets. However, we believe the proposed 30,000 Services In Operation (SIO) threshold for record keepers is too high and risks excluding many regionally significant providers from reporting obligations.

While some stakeholders support this threshold to reduce regulatory burden, in rural and remote markets even providers with far fewer than 30,000 services can be the primary, or only, infrastructure-based competitor. In these areas, market share is measured not in subscriber numbers but in geographic coverage and critical service provision. Many NBN Sky Muster, alternate fibre providers and WISPs, for example, fall below this threshold yet play a crucial role in delivering services to areas

with limited competition or no other choices. Excluding them from reporting would weaken visibility over RRR markets and undermine the ability of the ACCC to assess market dynamics, competition, performance issues and consumer outcomes in these regions

BIRRR recommends significantly lowering the threshold or implementing a base set of data, tiered reporting model for all carriage service providers, that maintains visibility of smaller RRR providers while minimising compliance impacts. Without this adjustment, key data needed for RRR infrastructure planning, competition oversight, and consumer protection will be lost. In BIRRR's view, the risk of regulatory "blind spots" in underserved areas outweighs the marginal administrative burden of collecting streamlined datasets from smaller operators.

Our view that **all carriage service providers** should be considered record keepers, for a base set of data would ensure:

- Accurate representation of providers servicing low-competition or hard-to-reach areas
- Better visibility of niche markets and emerging service delivery models
- Stronger consumer protection, particularly in communities with limited options
- More comprehensive monitoring of competitive behaviours and investment trends

BIRRR notes that access seeker groups with under 1% market share are grouped into "Other Access Seekers." This risks obscuring the role of small RSPs, many of whom are critical in RRR markets. ACCC should consider the ability to break out RRR RSP data, regardless of national share. Without the inclusion of these smaller providers, key trends, such as mis-selling, price discrepancies, and infrastructure gaps, may go undetected, and regulators and policymakers will have a distorted view of the actual competitive landscape in RRR Australia.

BIRRR supports a transparent and regularly updated list of record keepers, but reiterates the need for it to be inclusive of smaller, regionally significant providers to enable true market transparency and informed regulatory decision-making. Small-scale, regional-focused providers, who often plug critical service gaps, must also be considered in the design of RKRs to ensure their voices are heard and compliance is feasible.

Reporting Frequency and Timing

BIRRR supports the ACCC's proposed half-yearly reporting frequency for the Retail Telecommunications RKR, with reference dates of 31 March and 30 September. This strikes a practical balance between regulatory needs and industry reporting pressures, especially around end-of-financial-year changes.

We also support the proposed 6-week reporting window following each reference date, and the move to align usage records with billing periods rather than requiring bespoke data. These adjustments will reduce burden on providers while maintaining timely and meaningful data collection for trend analysis and regulatory oversight.

Wholesale and Networks RKR (WNRKR)

The ACCC is proposing to replace several existing wholesale-focused Record Keeping Rules (RKRs) with a new, consolidated Wholesale and Networks RKR. This new RKR would streamline reporting by revoking the Division 12, Internet Activity, NBN Services in Operation, and Telstra Customer Access Network RKRs. It would require carriers to report on broadband, mobile, and telephony services in a simplified, standardised format. Wholesale service providers, including aggregators, would need to report on services sold and to whom, while broadband providers like NBN, Starlink, Opticomm, and others would be required to report broadband SIO by point of interconnect (or, for mobile/home wireless broadband, by suburb or region). Mobile network operators would also need to report usage metrics and details on their top five MVNO customers. The new RKR would be reported half-yearly, on 31 March and 30 September, with reports due six weeks after each reference date.

While the new framework may reduce duplication and align datasets across the industry, BIRRR urges the ACCC to ensure the new framework also tracks active and passive network sharing arrangements, and neutral host infrastructure to ensure public investment is used competitively and transparently. Regarding the proposed framework BIRRR notes the following:

- The importance of ensuring that smaller or newer RRR providers are not disproportionately burdened by reporting obligations.
- Suburb-level reporting for mobile/home wireless broadband may be too coarse for remote performance analysis.

- The lack of clarity around aggregation and MVNO thresholds, risks under-reporting of rural service aggregators, it is unclear whether smaller aggregators servicing RRR users will be adequately captured.
- The exclusion of public-funded infrastructure providers, who play key roles in RRR wholesale markets.

Additionally, the record-keeping framework must also be flexible enough to capture emerging technologies and new providers, such as satellite-to-mobile technology and Amazon Project Kuiper, who aim to sell directly to consumers and not just via nbn. Ensuring these services are reported appropriately will be vital for maintaining visibility over usage and performance in remote areas. Finally, although the ACCC indicates it will undertake internal and unpublished analysis, BIRRR recommends that any insights relevant to regional connectivity be consolidated and publicly reported on, to better inform stakeholders and community advocates.

Proposed changes to current RKRs

BIRRR supports the extension and modernisation of the ACCC's Record Keeping Rules (RKRs), particularly in capturing a more detailed and dynamic view of regional telecommunications markets. BIRRR strongly supports the extension of the NBN SIO RKR beyond September 2025. Maintaining the NBN Services in Operation RKR is essential, as the data it provides, including service types, speed tiers, and access seeker market share, helps identify technology uptake and performance. Additionally, this RKR provides critical insight into any geographic disparities in service delivery, especially as new NBN speed tiers become available in 2025 and NBN satellite consumers are migrated to new LEO satellite technology starting from 2026. Therefore, BIRRR believes the NBN services in Operation RKR should remain in place until the new frameworks are fully implemented. We also recommend adopting a staged transition over at least two reporting cycles (one year) to allow for alignment, testing, and refinement of new data requirements without risking gaps in public and regulator access to essential market information.

BIRRR urges the ACCC to ensure granularity remains for all technologies, including satellite, which has unique relevance in RRR Australia. Transparency in how satellite services, especially LEO satellites, are reported is crucial, including whether services are delivered via NBN or directly by providers such as Starlink and Amazon's Project Kuiper.

BIRRR also welcomes the proposed streamlining of infrastructure RKRs to reflect evolving industry practices such as active network sharing and use of neutral host infrastructure. However, a major

concern is the removal of certain regional infrastructure providers, such as QCN from the reporting list. Many of these entities have received public funding (e.g. under the RCP) and play a vital role in delivering wholesale and backhaul services in underserved areas. Excluding them risks overlooking critical infrastructure developments and competition dynamics in regional and remote areas. Additionally, there is a need to explicitly require reporting when mobile sites are owned by third parties, as this would improve transparency, identify passive infrastructure competition, and track regional dependency on non-Mobile Network Operator site owners.

We support the proposal to collect data on mobile network sharing arrangements, but caution that suburb-level reporting for home wireless broadband and mobile services is too coarse to reveal performance issues in remote areas, where often a single congested tower can affect large geographic areas. Reporting frameworks must retain sufficient geographic granularity to detect congestion, capacity, and backhaul constraints, rather than masking them in aggregated suburb-level data. Similarly, aggregation and MVNO reporting obligations must be clearly defined to ensure small regional aggregators and regionally focused MVNOs, who are often critical to service delivery in RRR communities, are captured. Without this visibility, competition analysis and service planning for RRR markets will be incomplete.

While we support half-yearly reporting and streamlined collection, BIRRR encourages the ACCC to ensure data transparency, especially for internal analysis that may affect policy or regulatory decisions. Public access to relevant regional insights can empower community groups, policy makers, and consumers to better understand and respond to connectivity challenges in rural, regional and remote areas.

Revoking the Division 12 RKR, Internet Activity RKR, NBN Services In Operation RKR and Telstra Customer Access Network RKR

BIRRR supports the streamlining of record keeping through the proposed new Retail Telecommunications and Wholesale and Networks RKRs, provided they continue to capture the critical data currently reported under the Division 12, Internet Activity, NBN Services in Operation (SIO), and Telstra Customer Access Network RKRs. However, care must be taken to ensure that valuable insights are not lost in the transition. For example, during the NGWL (Next Generation Wireless Local Loop) migration, as part of 3G Shutdown, data from Telstra showed that a significant proportion of services, 2,328 out of 6,373[10], were

[10] *Pers Comm Telstra CEO Vicki Brady to BIRRR 24 February 2025*

disconnected due to consumers “electing not to migrate.” This figure is likely more indicative of broader issues such as poor migration processes, misinformation, and consumer fatigue. Robust, ongoing reporting must be able to detect and highlight such anomalies, allowing the ACCC to investigate whether systemic problems, including misleading conduct or poor transition support, are impacting service continuity and consumer outcomes in regional and remote areas.

Administrative and Process Changes Summary

BIRRR supports the ACCC’s proposal to standardise and modernise administrative processes for record submissions across the new RKRs. Transitioning to secure data portals like the Electronic Evidence Vault is a necessary step forward, replacing outdated and insecure methods such as email. A secure and consistent platform will benefit both record keepers and the ACCC by improving data integrity and workflow management. We note that the portal’s 10 GB file size limit may have implications for larger datasets, particularly mapping files. It’s important that clear guidance and support be provided for submitting large or split files, particularly for smaller providers with limited technical resources.

Data Sovereignty and AI Transparency

BIRRR notes that existing Australian data sovereignty and cybersecurity requirements already provide a strong framework for managing sensitive telecommunications data. We encourage the ACCC to ensure that any consumer-facing or AI-driven tools derived from RKR data are transparent, unbiased, and validated against real-world performance in regional and remote contexts.

Conclusion

BIRRR stresses the importance of detailed, disaggregated data by technology, geography, and provider size, particularly for satellite, fixed wireless, and regional mobile services and smaller RSPs or aggregators. BIRRR advocates that the new RKRs continue to capture and publish meaningful insights for RRR Australians, despite their market size. Any exclusions or over-aggregation should not mask the performance, migration practices and access realities faced by these consumers.

BIRRR urges the ACCC to ensure that the revised RKR framework:

- Captures disaggregated data by technology, location, and provider size
- Enables a national, address-based mapping tool for consumers and policymakers

- Includes small and regionally significant providers (not just carriers) in reporting obligations
- Tracks satellite, fixed wireless, and emerging technologies accurately
- Promotes transparency around consumer offers, competition and market conduct

The review presents an opportunity to improve data quality, market fairness, and public confidence in telecommunications services, particularly for RRR Australians. BIRRR remains committed to working with the ACCC to ensure that RRR voices and realities are reflected in the new record keeping regime.

Appendix 1 – Importance of the Measuring Broadband Australia Program and Proposal for an Overall Availability Metric

BIRRR regularly uses the ACCC's Measuring Broadband Australia (MBA) program data to validate consumer experiences, identify performance issues, and provide an independent evidence base in advocacy work. The MBA program is particularly valuable for:

- Identifying underperforming services and systemic network issues that disproportionately affect rural and remote consumers.
- Comparing performance between technologies and providers to highlight where regional Australians are disadvantaged relative to metropolitan consumers.
- Supporting community-led and local government advocacy for targeted investment in telecommunications infrastructure.
- Providing independent data to counter or confirm retail service provider (RSP) marketing claims.

BIRRR has used MBA data in submissions to inquiries, in consultations with carriers, and when working with government agencies to improve service outcomes in under-served areas. Its transparent, independently collected results give weight to community experiences that are often dismissed as anecdotal.

Proposal for an Overall Availability Metric

While the MBA program provides detailed performance data for download/upload speeds, packet loss and latency, there is no single, publicly reported measure of service availability (the percentage of time a broadband service is usable within its advertised performance parameters).

BIRRR recommends the ACCC reporting introduce an Overall Availability Metric for each technology and provider, measured over the MBA testing period. This would capture not only outages, but also periods where speeds or latency drop below usable thresholds. Having an overall service availability metric displayed in the Sam Knows dashboard is also recommended.

Value of Availability Data:

1. **Revealing Reliability Issues** – Many rural and remote services may achieve acceptable speeds during optimal times, yet suffer frequent dropouts or degradation. An availability metric would quantify these reliability issues in a clear, consumer-friendly way.

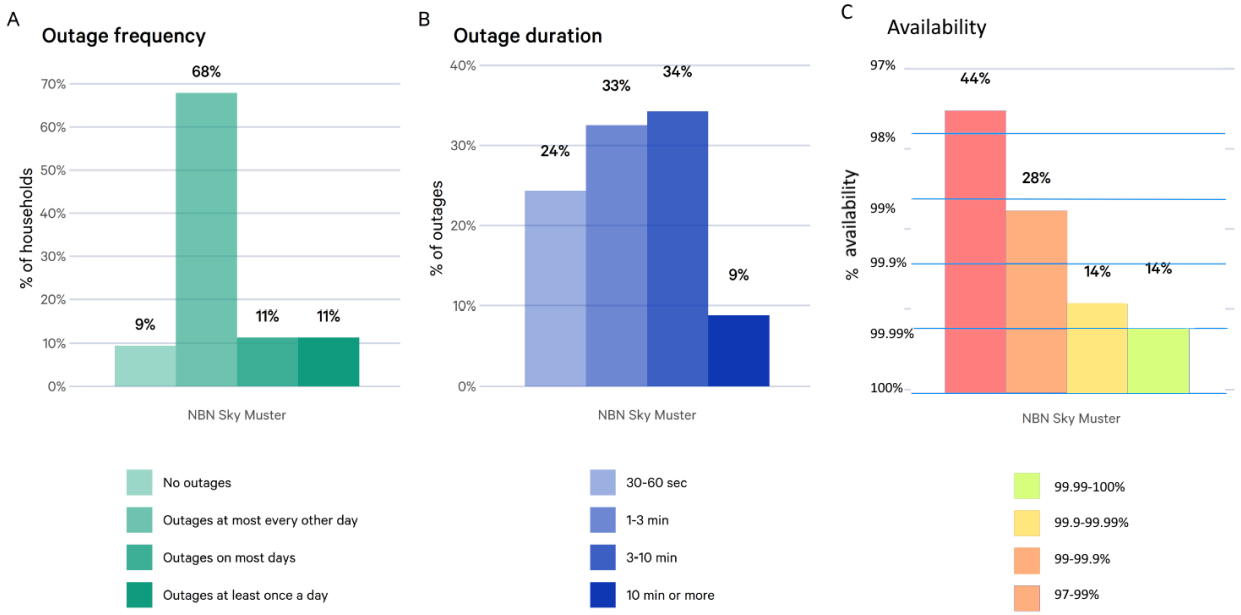
2. **Supporting USO Reform** – As Australia moves toward a modernised Universal Service Obligation (USO), availability will become as critical as speed in defining an acceptable standard of service. Policymakers and regulators need consistent, independent availability data to set realistic performance benchmarks for essential services.
3. **Consumer Transparency** – Availability percentages give consumers a straightforward way to compare providers and technologies, complementing speed and latency results.
4. **Highlighting Technology Limitations** – Availability data can help identify structural limitations in certain technologies, such as weather-related satellite outages, congestion-related dropouts, or performance during peak demand.

BIRRR believes adding an availability metric to MBA reports would strengthen its value for all stakeholders and directly inform both regulatory decision-making and consumer choice, particularly in RRR areas where network reliability is often the biggest challenge.

Sample Availability Graph

Figure 18: Outage characteristics

NBN Sky Muster. All hours.



Sample Sam Knows report from nbn Sky Muster user south West of Longreach QLD

For example, the following NBN Sky Muster service SamKnows box has recorded a total of 2201 disconnections (12h 22min 18s) in the past month, which equals an availability metric of **98.16%**. Although this might appear high at first glance, it is far from the “five nines” (99.999%) availability often cited as a benchmark for critical communications systems. Five nines equates to less than 5 minutes of downtime per year, whereas this service experienced over 12 hours of downtime in a single month. This level of availability is inadequate for regional and remote consumers who increasingly rely on their internet connection for work, education, telehealth, and emergency communications. Reporting such metrics would provide a realistic view of service reliability, expose persistent gaps against any future USO performance standards, and highlight technologies or regions where availability consistently falls short of consumer and community needs.

Five Nines Availability Table[11]

Availability %	Downtime per year[note 1]	Downtime per quarter	Downtime per month	Downtime per week	Downtime per day (24 hours)
90% ("one nine")	**36.53 days**	**9.13 days**	**73.05 hours**	**16.80 hours**	**2.40 hours**
95% ("one nine five")	18.26 days	4.56 days	36.53 hours	8.40 hours	1.20 hours
97% ("one nine seven")	10.96 days	2.74 days	21.92 hours	5.04 hours	43.20 minutes
98% ("one nine eight")	7.31 days	43.86 hours	14.61 hours	3.36 hours	28.80 minutes
99% ("two nines")	**3.65 days**	**21.9 hours**	**7.31 hours**	**1.68 hours**	**14.40 minutes**
99.5% ("two nines five")	1.83 days	10.98 hours	3.65 hours	50.40 minutes	7.20 minutes
99.8% ("two nines eight")	17.53 hours	4.38 hours	87.66 minutes	20.16 minutes	2.88 minutes
99.9% ("three nines")	**8.77 hours**	**2.19 hours**	**43.83 minutes**	**10.08 minutes**	**1.44 minutes**
99.95% ("three nines five")	4.38 hours	65.7 minutes	21.92 minutes	5.04 minutes	43.20 seconds
99.99% ("four nines")	**52.60 minutes**	**13.15 minutes**	**4.38 minutes**	**1.01 minutes**	**8.64 seconds**
99.995% ("four nines five")	26.30 minutes	6.57 minutes	2.19 minutes	30.24 seconds	4.32 seconds
99.999% ("five nines")	**5.26 minutes**	**1.31 minutes**	**26.30 seconds**	**6.05 seconds**	**864.00 milliseconds**

[11] *https://en.wikipedia.org/wiki/High_availability*