



Australian Government

Department of the Prime Minister and Cabinet Office of Best Practice Regulation

Reference: 17261
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Mr Rod Sims
Chairman
Australian Competition and Consumer Commission (ACCC)
GPO Box 3131
CANBERRA ACT 2601

Dear Mr Sims

Regulation Impact Statement – Domestic Mobile Terminating Access Service (MTAS)

Thank you for letter of 13 August 2014 concerning the Regulation Impact Statement (RIS) requirements for the Domestic Mobile Terminating Access Service (MTAS). I note that the ACCC has decided to further extend the MTAS declaration for five years and to vary the declaration to include SMS termination services.

In your letter you advise that, under section 152AL of the *Competition and Consumer Act 2010*, the ACCC must hold a public inquiry under Part 25 of the *Telecommunications Act 1997* before declaring a service. You also explain that the public inquiry process included the release of a discussion paper in May 2013, a draft decision in December 2013, and a final decision in June 2014.

It is your assessment that the MTAS public inquiry process undertaken by the ACCC satisfies a similar process to that required for a RIS as set out in the Australian Government Guide to Regulation.

Therefore, the ACCC is compliant with the Government's requirements on the basis that:

- the ACCC's self-assessment is that the public inquiry has followed a similar process to that required for a RIS and has adequately addressed all seven RIS questions; and
- the regulatory costs have been agreed with the OBPR.

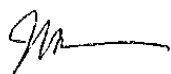
However, it is best practice that self-assessment and agreement to costs are done prior to a final decision. I note this did not occur and therefore the ACCC has not followed best practice.

Publication requirements

The OBPR maintains a RIS website and the Government requires that RISs be posted within five business days of a regulatory decision being publicly announced. We would appreciate you forwarding a final copy of the discussion paper, draft and final decisions in Microsoft Word .doc format in a form meeting the Australian Government's *Web Content Accessibility Guidelines*. We suggest liaising with your web services team to ensure these guidelines are met. The website provides a public comment facility on RISs posted on the site. The OBPR moderates this facility for offensive content but does not moderate debate.

Please retain this letter as a record of the OBPR's advice. Our reference number for this issue is 17261. If you have any further queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to be 'JM', followed by a horizontal line extending to the right.

Jason McNamara
Executive Director
August 2014