



Our ref: 59807
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Mr Peter Saunders
Executive Director
Office of Best Practice Regulation
Department of the Prime Minister and Cabinet
One National Circuit
BARTON ACT 2600

Email: helpdesk@obpr.gov.au

Dear Mr Saunders

Re: Wholesale asymmetrical digital subscriber line (ADSL) service declaration inquiry

I am writing in relation to the Australian Competition and Consumer Commission's (ACCC) wholesale ADSL declaration inquiry, and specifically the attached draft decision for the inquiry.

To satisfy the Government's regulatory impact assessment requirements, the ACCC intends to adopt self-certification, rather than the alternative approach of seeking Office of Best Practice Regulation (OBPR) approval for a regulatory impact statement (RIS). This is consistent with the ACCC's approach to previous declaration inquiries. We are providing a copy of the draft report ahead of its release for your information (not for Early Assessment), noting that we do not consider this to be a 'major decision point' but rather, akin to a green paper to encourage submissions.

In summary, the draft report proposes to extend declaration of the wholesale ADSL service for five years on the basis that continued declaration will promote the long-term interests of end-users (LTIE).¹ The ACCC will be seeking submissions to the draft report which it will consider before finalising its position in early 2017.

The ACCC considers that the consultation process for the draft report has addressed the seven RIS questions set out on page 5 of *The Australian Government Guide to Regulation*. We note that prior to the ACCC making its final decision, we will write to the OBPR to agree the methodology of estimating the change in regulatory burden prior to self-certification of the final decision. As outlined in the draft decision, our preliminary estimation is that extending the declaration will result in a negligible change in the regulatory burden.

¹ Part XIC of the *Competition and Consumer Act 2010* (Cth) sets out the regulatory framework that applies to the declaration process. The ACCC must be satisfied that declaration will promote the LTIE

If you would like to discuss this matter, please contact Nicole Ross on 03 9290 1957 or Nicole.Ross@acc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Home', written in a cursive style.

Richard Home

Acting Executive General Manager

Infrastructure Regulation Division