



Australian Government

Department of Communications and the Arts

Mr Wayne Poels
Deputy Executive Director
Office of Best Practice Regulation
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600

Email: helpdesk@obpr.gov.au

Dear Mr Poels

**Regulation Impact Statements (OBPR ID Number: 21884 and 21886) – second pass final assessment
- Telecommunications Legislation Amendment (Competition and Consumer) Bill 2017**

Thank you for your letter of 11 May 2017 regarding the first pass final assessment of Regulation Impact Statements (RISs) prepared for the Telecommunications Legislation Amendment (Competition and Consumer) Bill 2017 (the Competition and Consumer Bill).

The RISs relate to:

- Amendments to the separation requirements in Parts 7 and 8 of the *Telecommunications Act 1997* and Part XIC of the *Competition and Consumer Act 2010* (Tab A)
- Introducing a Statutory Infrastructure Provider (SIP) regime into the *Telecommunications Act 1997* (Tab B)

Thank you for your comments and we have amended the RISs as set out below.

Parts 7 and 8 of the Telecommunications Act 1997 and Part XIC of the Competition and Consumer Act 2010

We have included additional information on the nature and extent of the problem to enable decision-makers to understand the importance of the proposed changes. This includes additional evidence on the Australian Competition and Consumer Commission's (ACCC) powers (page 4, Attachment A), the investment landscape for superfast access networks (page 5, Attachment A) and comparative information to other sectors subject to access regulation (page 4, Attachment A).

We have included further information to substantiate that option 2 is expected to deliver a net economic benefit (page 15, Attachment A) including outlining the entities that are likely to be affected by each of the proposals, the number of consumers to be affected, the location of these consumers as well as clarifying the effect of the proposals on the rollout of the National Broadband Network.

We have included further information on key stakeholders and their views (page 17, Attachment A).

We have described the status of the RIS at each major decision point (page 2, Attachment A).

Introducing a Statutory Infrastructure Provider (SIP) regime into the Telecommunications Act 1997

We have clarified information in the problem definition area including analysis of the SIP regime's interaction with special access undertaking (pages 2 and 7, Attachment B).

We have clarified that 'Other SIPs' in the impact analysis covers the implications on alternative providers to NBN Co Limited (pages 8, 9 & 11 Attachment B).

We have included further information on key stakeholders and their views (page 14, Attachment B).

We have included information noting that if the Minister makes legislative instruments setting out service standards following passage of the legislation, these instruments would be subject to further regulation impact analysis and consultation with industry (page 15, Attachment B).

We have described the status of the RIS at each major decision point (page 3, Attachment B).

I am submitting these RISs under delegations made by the Secretary of the Department of Communications and the Arts on 12 April 2016.

I am satisfied that the updated RISs for the Competition and Consumer Bill meets best practice consistent with the *Australian Guide to Regulation* and I submit the RISs for second pass final assessment.

Yours sincerely



Philip Mason
Assistant Secretary, Competition Branch
Market Reforms Division

22 May 2017

Enclosed:

Tab A – Update of Regulation Impact Statement—Amendments to Parts 7 and 8 of the *Telecommunications Act 1997* and Part XIC of the *Competition and Consumer Act 2010*

Tab B - Update of Regulation Impact Statement—introduction of a Statutory Infrastructure Provider Regime into the *Telecommunications Act 1997*