

ACCC Statement of Intent – Telecommunications-related functions

The Minister for Communications, Cyber Safety and the Arts, the Hon Paul Fletcher MP, has issued a Statement of Expectations for the ACCC concerning our work to protect broadband and mobile consumers, promote competition and encourage infrastructure investment in the telecommunications industry.

This Statement of Expectations is available via the ACCC website at: <https://www.accc.gov.au/about-us/australian-competition-consumer-commission/accountability#government-expectations>.

This Statement of Intent responds to the Minister for Communications, Cyber Safety and the Arts' Statement of Expectations and should be read in conjunction with the [ACCC's Statement of Intent](#) in response to the Government's whole-of-agency [Statement of Expectations](#).

Our role

The ACCC is an independent Commonwealth statutory authority whose role is to enforce and make decisions under the *Competition and Consumer Act 2010* and a range of additional legislation; promote competition and fair trading; and regulate national infrastructure for the benefit of all Australians.

The ACCC makes decisions through formal meetings of our Commission, comprised of statutory officers. The staff of the ACCC form part of the wider Australian Public Service.

The ACCC is committed to upholding the APS Values and promotes a culture in which it and its staff are impartial, committed to service, accountable, respectful and ethical.

Telecommunications-related functions

The ACCC performs telecommunications industry-specific competition and access functions under the Competition and Consumer Act. It also has telecommunications-related functions under other industry-specific legislation.

These functions are aimed at promoting competition, remedying market failure, enabling access to essential infrastructure, and protecting consumers in the telecommunications sector.

The object of the telecommunications access regime administered by the ACCC is the achievement of the long-term interests of end-users, having regard to:

- promoting competition in relevant markets,
- achieving any-to-any connectivity, and
- encouraging the economically efficient use of, and investment in, infrastructure.

The Government's priorities for the telecommunications sector

The ACCC notes the Government's policies and priorities for the telecommunications sector and also the significant changes that the sector is undergoing with completion of the volume rollout of the National Broadband Network (NBN) and emergence of 5G technology.

The ACCC will take the Government's policies and priorities that the Minister has identified into account in our regulatory activities.

These include:

- ensuring that policy and regulatory settings:
 - (a) support sustainable investment in telecommunications
 - (b) support domestic and international competitiveness
 - (c) sensibly balance national security objectives
- facilitating consumer access to affordable and reliable communications services, irrespective of where consumers live or work, and
- facilitating the efficient deployment and use of new technologies, particularly the NBN and 5G.

The ACCC notes the Minister's specific priorities in telecommunications. These are NBN wholesale pricing, business market competition and spectrum.

NBN wholesale pricing

The ACCC will continue to work closely with the Department of Infrastructure, Transport, Regional Development and Communications (the Department) and NBN Co, including in developing a comprehensive regulatory framework for the NBN. This includes developing options for a variation to the Special Access Undertaking (SAU) to include all NBN access technologies. This work would complement the formal assessment and consultation processes the ACCC is required to follow for variations to the SAU.

The ACCC notes the current SAU includes core elements of the building block model, which was designed to account for NBN Co's changing operating environment over time. The ACCC will have regard to these elements in its discussions with the Department and NBN Co, and in its formal assessment of any future variation of the SAU.

Business market competition

The ACCC notes the Government's expectation that NBN Co will play a key role in increasing competition in the business segment of the market via its build activities. The ACCC supports new entry and greater competition in the business segment of the market within the constraints established by the regulatory framework.

Spectrum

The ACCC agrees that consideration of competition and consumer issues with regard to spectrum allocations is important. The ACCC will continue to provide advice to the Minister when requested to do so, and in doing so will take into account the Government's communications policy objectives.

Regulator performance

The ACCC aspires to continually improve on our regulatory activities, both in telecommunications and other sectors. In particular, effective consultation, transparency, minimising regulatory burden, and considerations of investment incentives and outcomes for end-users are core business for the ACCC.

As a law enforcement and regulatory agency we are held accountable for our activities through the courts, tribunals, the Parliament and Commonwealth Ombudsman.

The ACCC has well developed consultative mechanisms through our various stakeholder Consultative Committees. We also consult broadly in undertaking our enforcement, compliance and regulatory activities.

The ACCC commits to continuing our efforts to provide transparency and accountability, recognising that to do so enhances the confidence of stakeholders in the effectiveness of the regulator and in its decision making. When communicating information the ACCC commits to dealing with parties in a fair, transparent and ethical manner and ensuring that there is no unnecessary damage to reputation.

The ACCC will continue to make decisions in accordance with the relevant statutory criteria. We will publish reasons for our decisions and findings, whether required by legislation or not, in the interests of regulatory transparency. We will continue to ensure that our decision-making is evidence-based and transparent. We commit to continuing to both publicly consulting on, and publishing our reasons for advice to the Minister on matters such as spectrum allocation limits despite no regulatory requirement to do so.

The ACCC collects data and monitors and reports on the state of competition in relevant markets both to advocate for improved competition and consumer outcomes and as required under our legislation. As far as possible under our legislation, the ACCC will strive to make data as accessible as possible to assist consumers, policymakers and other agencies.

The ACCC commits to a process of continuous improvement in collecting and reporting requirements on industry. We regularly review our requirements for industry Record Keeping Rules, and seek to improve regulatory efficiency and reduce the regulatory cost burden on industry. We revoke Record Keeping Rules when no longer required, such as the Regulatory Accounting Framework Record Keeping Rule in 2017. Recent reviews have been undertaken to amend the Infrastructure Record Keeping Rule, extend the NBN Services in Operation Record Keeping Rule, and undertake a legislated review of the Internet Activity Record Keeping Rule and Division 12 Record Keeping Rule.

Relationship with the Minister for Communications, Cyber Safety and the Arts

The ACCC will keep the Minister informed in relation to reports, media releases, public submissions and major speeches regarding his portfolio responsibilities. The ACCC will also advise the Minister of significant regulatory decisions for which the Minister is responsible to Parliament.

The ACCC Chair will continue to meet regularly with the Minister.

Relationship with the Department of Infrastructure, Transport, Regional Development and Communications

The ACCC maintains close relationships with all its relevant Departments and will continue to do so through regular standing meetings, updates and briefings between officers. Where possible, the ACCC seeks to provide relevant Departments with advance notice of significant decisions relating to their portfolios.

The ACCC recognises the importance of its relationship with the Department with regard to its telecommunications functions.

The ACCC will continue to update the Department on significant high-level meetings and continue to liaise regularly on regulatory issues, including opportunities to improve the regulatory framework. Senior officers of both agencies meet on a fortnightly basis.

Relationship with the Australian Communications and Media Authority

The ACCC values the expertise and perspective of the Australian Communications and Media Authority (ACMA).

The ACCC is committed to maintaining our close working relationship with the ACMA through the agencies' active associate member arrangements and sharing of briefings on matters of common regulatory interest.

The ACCC and ACMA Chairs meet on a regular basis, and will continue to do so, while ACCC and ACMA officers consult both on an ad hoc basis and maintain standing meeting arrangements across areas of shared interest such as radiofrequency spectrum, telecommunications investigations and consumer protection.

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