



Access to Telecommunications Facilities: ACCC review of the corporate control percentage

Consultation Paper

April 2022

Australian Competition and Consumer Commission
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1. About this review

1.1. Purpose

Subsection 581ZH(1) of the *Telecommunications Act 1997* (Telco Act) requires the Australian Competition and Consumer Commission (ACCC) to conduct a review of whether a Ministerial determination should be made under subsection 581W(3) of the Telco Act as to the appropriate corporate control percentage and if so, the percentage that should be specified in the determination.

The corporate control percentage would determine whether a telecommunications company would be subject to the provisions of the facilities access requirements of the Telco Act. The purpose of this consultation paper is to seek stakeholder input on the appropriate corporate control percentage.

1.2. Structure of this paper

This consultation paper is structured as follows:

- Section 2 outlines the nature of the market for telecommunications towers,
- Section 3 discusses recent developments in the market for telecommunications towers,
- Section 4 discusses the facilities access regime,
- Section 5 outlines the *Telstra Corporation and Other Legislation Amendment Act 2021*,
- Section 6 discusses facilities access amendments introduced in the new Part 34B to the Telco Act, and
- Section 7 discusses the ACCC's considerations as to the appropriate corporate control percentage.

1.3. Timetable for the review

The ACCC requests written submissions by **6 May 2022**. After considering submissions the ACCC will set out its recommendation to the Minister in a report on or before 14 June 2022.

1.4. Making submissions

The ACCC encourages industry participants and stakeholders to make submissions on the issues set out in this consultation paper. Submissions are preferred in electronic form, either in PDF or Microsoft Word format.

To foster an informed and consultative process, all submissions will be considered as public submissions and will be posted on the ACCC's website. Interested parties wishing to submit commercial-in-confidence material to the ACCC should submit both a public and a commercial-in-confidence version of their submission. The public version of the submission should clearly identify the commercial-in-confidence material by replacing the confidential material with an appropriate symbol or 'c-i-c'.

The ACCC has published a [guideline](#)¹ with the process that parties should follow when submitting confidential information to communications inquiries by the ACCC. The [ACCC-AER information policy: the collection, use and disclosure of information](#) also sets out the general policy of the ACCC and the Australian Energy Regulator (AER) on the collection, use and disclosure of information. Both policies are available on the ACCC website.

¹ ACCC, [Confidentiality Guideline for submitting confidential material to ACCC communications inquiries](#), April 2014.

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2. Introduction

The *Telecommunications Act 1997* (the Telco Act) imposes a mandatory access regime on telecommunications carriers in relation to access to telecommunications towers and other facilities. Only licensed carriers are subject to the facilities access regime.

Recently, ownership of a significant number of towers has been transferred from telecommunications carriers, such as mobile network operators (MNOs), to entities that do not hold a telecommunications carrier licence, meaning they potentially could no longer be subject to the facilities access regime.

The *Telstra Corporation and Other Legislation Amendment Act 2021* amended the Telco Act by extending access obligations to eligible companies who do not have a carrier licence but are related to a carrier. The legislation established a new concept of a 'carrier company group', which is defined as a group of two or more related companies where one holds a carrier licence. Carrier company groups will be subject to a facilities access regime under a new Part 34B of the Telco Act, which mirrors the existing regime in Schedule 1 of the Telco Act. Part 34B applies to both supplementary facilities and telecommunications transmission towers.

The legislation determines if two companies are related (and therefore form a carrier company group) by reference to a 'corporate control percentage'. If a carrier holds more than a specific percentage of the equity or shares in a non-carrier telecommunications tower operator, that non-carrier tower operator is part of a carrier company group for the purpose of Part 34B of the Telco Act. The default corporate control percentage has been set at 15 per cent.

The ACCC is now required, under section 581ZH of the Telco Act, to conduct a review of whether a ministerial determination should be made under subsection 581W(3) and, if so, the percentage that should be specified in the determination.

This consultation paper seeks stakeholder submissions on the appropriate corporate control percentage.

3. Telecommunications tower infrastructure

Telecommunications tower infrastructure can be categorised into three main types:

- macro tower sites – lattice tower and monopole tower structures generally above 20m in height. These often include microwave backhaul equipment in addition to mobile antennae,
- roof-tops and high vantage points (e.g., multi-story buildings, water towers or any high vantage point), and
- small structures such as power and light poles and street furniture.

Telecommunications tower infrastructure was historically established by mobile network operators (MNOs). MNOs built many of their own towers or sought to co-locate on other MNOs' towers or shared infrastructure assets. Over the last 20 years, MNOs have established several joint ventures and asset sharing agreements in relation to mobile tower infrastructure to expand their networks and increase coverage. There are also a number of independent tower operators that are not related to MNOs except by way of their normal commercial dealings.

There are around 12,000 macro towers in Australia and many more sites that utilise roof tops and other structures. Around seventy-five per cent of macro sites are owned by entities

related to vertically integrated MNOs. MNOs must hold carrier licences² and are 'carriers' that are subject to standard carrier licence conditions and the facilities access regime set out in Schedule 1 to the Telco Act, as well as the ACCC's *Facilities Access Code*.

4. Recent developments in the telecommunications tower market

4.1. Telstra and Amplitel

In November 2020, Telstra announced a legal restructure of its organisation as part of its *T22 strategy*.³ This involved the establishment of a new parent company, Telstra Group Limited and the transfer of assets to four separate legal entities:

- InfraCo Fixed – the owner and operator of Telstra's passive or physical infrastructure assets: the ducts, fibre, data centres, and exchanges that underpin Telstra's fixed telecommunications network.
- Amplitel (formerly 'InfraCo Towers') the owner and operator of Telstra's passive or physical mobile tower assets.
- Telstra Limited (formerly 'ServeCo'), the owner of the 'active' parts of the Telstra network including the radio access network, spectrum licences assets and fibre electronics. It will also be responsible for service and product delivery.⁴
- Telstra International, the owner of subsea cable assets and international operations.

In December 2021 Telstra indicated that they expect the restructure to be finalised in mid-2022.⁵

On 30 June 2021, Telstra announced that a consortium of the Future Fund, the Commonwealth Superannuation Corporation and Sunsuper Superannuation Fund would acquire a 49 per cent interest in Amplitel.⁶

Amplitel manages over 8,000 physical towers, mast, large pole and antenna mount structures.⁷ Telstra has entered into a 15-year extendable lease back agreement with Amplitel to secure ongoing access to the new entity's existing and future towers.⁸

4.2. Optus and Australia Tower Network

In August 2020, Singtel Telecommunications Limited (Singtel), parent company of Optus Mobile Pty Ltd (Optus), established Australia Tower Network (ATN), a wholly owned subsidiary to operate Optus' passive telecommunications tower infrastructure comprising over 2,300 mobile network sites.⁹

² A carrier licence must be held by the owner of a network unit (cable or wireless facility) which is used to supply carriage services to the public unless there is a nominated carrier declaration in force in relation to the unit. That is, the owner of the network unit arranges for a carrier to accept carrier-related responsibilities and become the 'nominated carrier' in relation to the unit (Division 4 of Part 3 of the Telco Act). See also the [ACMA's Carrier licensing guide](#).

³ A, Penn, [Restructuring Telstra: Our most significant change since privatisation](#), *Telstra News*, November 12 2020.

⁴ Telstra, [Proposed legal restructure – Frequently Asked Questions](#), Last updated 2 December 2021, accessed 14 March 2022.

⁵ Telstra, [Proposed legal restructure – Frequently Asked Questions](#).

⁶ Telstra, [Telstra sells 49 percent of Towers business for \\$2.8 billion and announces returns for shareholders](#), Media Release, 30 June 2021.

⁷ B Riley, [Introducing Amplitel, the largest mobile infrastructure provider in Australia](#), *Telstra News*, September 1, 2021, accessed 14 March 2022.

⁸ Telstra, [Telstra sells 49 percent of Towers business](#), Media Release.

⁹ Singtel Telecommunications Limited, [Announcement pursuant to rule 706A of the SGX Listing Manual](#), 31 August 2020.

On 1 October 2021, Singtel entered into an agreement to sell a 70 per cent stake in Australia Tower Network to AustralianSuper for AU\$1.9 billion, with Singtel retaining the remaining 30 per cent. Under the terms of the agreement, Singtel will have continued access to the sites through long-term leasing arrangements.¹⁰

In April 2022, ATN announced that it would acquire Axicom for \$3.58bn.¹¹

4.3. Axicom

Crown Castle Australia became a tower asset owner in 2000, when it acquired 712 mobile tower sites from Optus Group. The following year, Crown Castle acquired 669 of Vodafone Hutchison Australia's towers. In 2007 and 2008, Crown Castle acquired a further 190 mobile tower sites from Vodafone Hutchison Australia.¹² In 2015, Crown Castle changed its name to Axicom following a change in ownership.

Axicom operates over 2,000 sites and has contractual sharing arrangements for towers and sites with a broad range of wireless operators. Axicom is currently owned by a consortium including Macquarie Asset Management, UniSuper and UBS. However, agreement has been reached on its sale to ATN.¹³

4.4. TPG

In August 2021, TPG Telecom announced a strategic review of its portfolio of tower assets to obtain a preliminary market assessment. While it operates around 5,800 rooftop and tower sites across the country, it owns passive infrastructure at only about 1,200 of these sites, most of which are in metropolitan areas.¹⁴

In addition, Telstra and TPG announced a network sharing proposal in February 2022 which includes physical site sharing and radio access network sharing in regional Australia and on urban fringes.¹⁵

4.5. Other smaller tower operators

BAI Communications is a tower asset owner with 752 transmission sites across Australia. It provides digital broadcasting and radio services for the Australian Broadcasting Corporation, Special Broadcasting Service and the Ten Network.¹⁶ While predominantly a broadcast tower operator, many of its towers are also capable of being used for telecommunication purposes by mobile network and other operators.

Stilmark is a specialist developer and investor in telecommunications tower infrastructure in Australia. Stilmark, in partnership with OMERS Infrastructure and ATN International (formerly known as Atlantic Tele-Network Inc) are part of a consortium to jointly pursue opportunities in Australian telecommunications infrastructure.

TXA Australia Pty Ltd is an Australian joint venture company equally owned by the Seven Network and the Nine Network. It was formed in 1999 and was involved in running terrestrial

¹⁰ Sovereign Wealth Fund Institute, [Singapore Telecom to Sell 70% Stake in Australian Tower Network to AustralianSuper](#), 10 January 2021.

¹¹ ATN, [AustralianSuper, Singtel and Australia Tower Network to acquire Axicom](#), Media Release, 1 April 2022.

¹² Axicom, [History](#), accessed 4 April 2022.

¹³ Macquarie Asset Management, [Macquarie Asset Management announces sale of Axicom to Australia Tower Network](#), Media Release, 1 April 2022.

¹⁴ TPG Telecom, [TPG Telecom record solid HY2021 result](#), Media Release, 20 August 2021.

¹⁵ TPG Telecom, [Telstra and TPG Telecom sign landmark network sharing agreement for regional Australia](#), Media Release, 21 February 2022.

¹⁶ BAI Communications, [Our solutions](#), accessed 4 April 2022.

television transmission services for the Seven, Nine and Ten networks. It owns a number of broadcast television towers.

NBN Co also owns a significant number of towers mainly for its wireless broadband network.

5. The Telecommunications Facilities Access Regime

Parts 3 and 5 of Schedule 1 to the Telco Act, establish the facilities access regime that sets out the conditions of access to certain Australian telecommunications infrastructure. It also establishes a negotiate-arbitrate framework where the ACCC acts as the arbitrator of last resort. Compliance with the facilities access regime is a carrier licence condition, directly enforceable by the ACCC.¹⁷

5.1. Part 3 of Schedule 1 – Access to supplementary facilities

Part 3 of Schedule 1 to the Telco Act contains provisions for access to supplementary facilities. It provides that a carrier (the first carrier) must, if requested to do so by another carrier (the second carrier), give the second carrier access to facilities *owned or operated* by the first carrier.¹⁸

Under Section 7 of the Telco Act, a 'facility' is defined as:

- i. any part of the infrastructure of a telecommunications network; or
- ii. any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.

The meaning of a supplementary facility also extends to land on which a facility is located, a building or structure on that land and customer equipment, or customer cabling, connected to a telecommunications network owned or operated by a carrier.¹⁹

5.2. Part 5 of Schedule 1 – Access to telecommunications transmission towers and to underground facilities

Part 5 of Schedule 1 to the Telco Act contains facilities access provisions that apply specifically to telecommunication transmission towers, the sites of towers and eligible underground facilities that are designed to hold lines (referred to as the eligible facilities).

Under this Part:

- a telecommunications transmission tower means a tower, pole, mast or similar structure used to supply a carriage service by means of radio communications,
- sites of telecommunications transmission towers include land, a building on land, or a structure on land, and
- eligible underground facilities – referring to an underground facility that is used, installed ready to be used, or intended to be used to hold lines.

Similar to Part 3, Part 5 requires carriers to provide other carriers with access to these facilities upon request. However, under Part 5 the ACCC also has the power to make a code setting conditions that are to be complied with in relation to the provision of access to eligible facilities.

¹⁷ Schedule 1, s1, *Telecommunications Act (1997)*.

¹⁸ Subject to certain exceptions, such as where access is not technically feasible. See, Schedule 1, s33(3), 34(3) and 35(3), *Telecommunications Act 1997*.

¹⁹ Schedule 1, s17(5), *Telecommunications Act (1997)*.

5.3. The Facilities Access Code

The ACCC first made 'A Code of Access Relating to Telecommunications Transmission Towers, Sites of Telecommunications Transmission Towers and Eligible Underground Facilities' (the Facilities Access Code) in October 1999.

The Facilities Access Code applies to 'eligible facilities', which collectively refers to telecommunications transmission towers, sites of telecommunications transmission towers and underground facilities designed to hold lines, and operates in conjunction with other regulatory mechanisms that promote access to facilities. These other mechanisms include the facilities access provisions of the Telco Act (discussed above) and the Part XIC access regime provisions of the *Competition and Consumer Act 2010* (CCA).

The Facilities Access Code seeks to ensure that, as far as possible, facilities are shared and/or co-located and that access to facilities is provided in a timely and fair manner. This policy is intended to:

- promote competition and efficiency in the provision of telecommunications services by facilitating the entry of new mobile and fixed line telecommunications operators, who could use existing towers without the need to invest in constructing their own towers, and
- improve environmental amenity by avoiding a proliferation of mobile towers and overhead cables associated with new entrants to the telecommunications market.

The Facilities Access Code applies to carriers that own or operate eligible facilities and to those carriers seeking access to eligible facilities. As such, it does not apply to facilities that are owned or operated by a non-carrier, or to facilities that are not eligible facilities under the Facilities Access Code.

The Facilities Access Code provides the minimum standards of practice for administrative and operational procedures that allow access to eligible facilities in a timely manner. It contains mandatory conditions of access, which carriers must comply with, and other conditions that will apply unless parties negotiate their own terms.

6. The Telstra Corporation and Other Legislation Amendment Act 2021

Recent changes to the ownership structures of mobile tower operators, in particular the creation of new tower entities such as Amplitel and ATN, exposed a potential loophole in the Telco Act. Tower operators that only hold passive tower assets (the towers, land and associated facilities) are not required to hold a carrier licence. This meant that a non-carrier tower operator would not be subject to the same requirements as carriers with respect to the facilities access regime set out in Schedule 1 to the Telco Act and the ACCC's Facilities Access Code.

The *Telstra Corporation and Other Legislation Amendments Act 2021* (the Act) amended a wide range of legislation relating to Telstra to ensure regulatory equivalence of obligations across the restructured Telstra entities.

The Act also introduced general provisions in a new Part 34B to the Telco Act to ensure that where a carrier held an interest in a company then that company, being part of a 'carrier company group', would be subject to the same or similar facilities access provisions that the MNOs are subject to in under Schedule 1 to the Telco Act or the ACCC's Facilities Access Code.

7. The new Part 34B facilities access amendments

7.1. Carrier company group

For the purposes of defining whether two or more bodies corporate form a carrier company group, Part 34B of the Telco Act draws from the *Corporations Act 2001* (Corporations Act) to determine whether two entities are related. Accordingly, subsection 581W(1) of the Telco Act states that a carrier company group is defined as a group of two or more bodies corporate where at least one of those bodies is a carrier, and each of those bodies are related to each other.

Under subsection 581W(2) of the Telco Act, the question of whether bodies corporate are related to each other is determined in accordance with section 50 of the Corporations Act, and this in turn incorporates the concept of a subsidiary under s 46. Under section 50 of the Corporations Act, where a body corporate is:

- a holding company of another body corporate; or
- a subsidiary of another body corporate; or
- a subsidiary of a holding company of another body corporate

then the first-mentioned body and the other body are related to each other.

Once a carrier company group has been established, section 581X of the Telco Act then defines a body corporate that is in a carrier company group and is not a carrier as an 'eligible company'.

Consequently, under sections 581Y and 581ZD, an eligible company must, if requested to do so by a carrier, give the carrier access to supplementary facilities or telecommunications transmission towers owned or operated by the eligible company.

7.2. The corporate control percentage

Importantly, under subsection 581W(3) of the Telco Act, the Minister may, by legislative instrument, determine that (for the purposes of that section) each reference in section 46 of the Corporations Act to one-half is taken to be a reference to the percentage specified in the Minister's determination.

However, if no determination is in force under subsection s581W(3), then, for the purposes of that section, it is to be assumed that each reference in section 46 of the Corporations Act to one-half were a reference to 15 per cent. That is, the corporate control percentage for the purposes of identifying a carrier company group under section 581W of the Telco Act is currently set at 15 per cent.

7.3. ACCC review of the corporate control percentage

In order to establish whether the initial 15 per cent corporate control percentage is appropriate, the ACCC is required by subsection 581ZH(1) of the Telco Act to conduct a review of whether a ministerial determination should be made under subsection 581W(3) and, if so, the percentage that should be specified in the determination. That is, conduct a review of whether the control percentage should be something other than 15 per cent.

The ACCC's review must be conducted within 6 months after the commencement of the legislation, which was 14 December 2021. The 6-month review period was established to allow Government, industry and the ACCC an opportunity to consider the appropriate

corporate control percentages before the obligations take effect.²⁰ Section 581W of the Telco Act also allows the corporate control percentage to be determined by the Minister after a public consultation.

8. ACCC consideration of the appropriate corporate control percentage

The initial 15 per cent corporate control percentage reflects the Australian Government's preliminary view that for the purposes of the facilities access regime under the Telco Act a 15 per cent investment by a carrier in the ownership of a telecommunications tower company may be influential and sufficient to connect related entities. However, the Government also acknowledged that there may be debate on whether the control percentage should be raised or lowered.²¹ Accordingly, the purpose of the ACCC review is to establish whether 15 per cent is the appropriate threshold.

The ACCC will therefore consider submissions regarding the possible range of ownership structures and equity shareholdings that might lead to a carrier having sufficient influence and control over the decisions relating to the management of facilities and tower operators, particularly in relation to access by competitors.

A key feature of both the facilities access regime in Schedule 1 of the Telco Act and the Facilities Access Code is the facilitation of access to a carriers' network in a timely and equitable way. Competition and the long-term interests of end users could be impacted if facilities and tower access is hampered by a facility or tower operator providing access in an unfair, restricted or untimely way due to potential influence in management decisions of entities that operate telecommunications facilities.

8.1. ACCC consultation

The ACCC seeks stakeholder views on the following.

What percentage ownership is sufficient for entities to be considered related

The current legislation deems that a 15 per cent ownership interest by a carrier is sufficient for the entities to be related. The ACCC seeks comment on what an appropriate control percentage should be within the context of Part 34B of the Telco Act.

The level of shareholder ownership such that a carrier may be able to influence day-to-day decisions and operations

One consideration in determining whether carrier entities are sufficiently related, is to consider the ability of the facility or tower operator to give preferential access to the 'carrier' shareholder, even though it may have only a minority shareholding. This could arise from the existence of current commercial arrangements with the 'carrier shareholder' for access to facility or tower infrastructure and the desire for facilities owners and tower operators to retain high value customers (for example, where long term contractual arrangements are in place). It could also arise from the presence of former management and staff of the carrier shareholder entity being employed by the new facilities owners or tower operators.

On the other hand, a carrier shareholder with a minority interest in a tower entity, for example, may not have the ability to influence management decisions as the tower operator

²⁰ Explanatory Memorandum, *Telstra Corporation and Other Legislation Amendment Bill (2021)*, p.5.

²¹ R Windeyer, [Department of Infrastructure, Transport, Regional Development and Communications submission](#), 2 November 2021.

is likely to have overriding commercial incentives, particularly from majority shareholders, to maximise commercial returns on facilities or tower assets.

The ACCC is seeking views as to the level ownership in a telecommunications facilities or tower operator that would be sufficient for a carrier shareholder to influence the operational decisions of a tower operator and what would be the impact on carriers seeking access to towers.

Ease of access to towers and other facilities

The ACCC is seeking comment on the ability of carriers to access tower infrastructure. For example, do carriers find it easier to access towers owned by a carrier-neutral operator? Likewise, what is the likelihood of preferential treatment from a tower operator with a degree of vertical integration and how might that vertical integration potentially hinder access to a related tower operator's structures or sites. The ACCC is seeking views on the general ability of carriers to gain access to facilities and telecommunications towers.

Preferential treatment to carrier shareholders

Would a majority non-carrier shareholder in a tower operator have sufficient overriding commercial incentives to provide equal access to other carriers and not provide preferential access to its own carrier shareholder, as it would be commercially incentivised to maximise tower capacity. That is, to what extent would the commercial strategy of a carrier company group be to operate as an independent tower business?

Concerns regarding preferential treatment in favour of a carrier shareholder may arise in several ways including:

- delays in approving applications for tower access
- reserving tower space for carrier shareholders
- reserving optimal positions (highest) on a tower for carrier shareholders, and
- preferencing new tower builds toward a carrier shareholders' investment priorities.

Whether and how the composition of the board of a tower operator may impact the management decisions and operation of the tower operator

The influence that a carrier shareholder has in a carrier company group may be related to the representation of that carrier on the tower operator's board. If the majority shareholder's representation on the board is weak, a minority carrier shareholder may have a higher degree of influence in the management decisions of the board than might otherwise be expected. It may also be reliant on the effectiveness of independent directors to a board to improve corporate credibility and governance standards.

The ACCC seeks comments on the potential ability for carrier shareholders with a minority representation on a tower operator board to exercise influence in relation to the tower operator. It also seeks comments on what arrangements carrier company groups may have in place to mitigate the risk of carrier shareholders influencing the conduct of a tower operator's management. For example, would there be policies in place such that carrier shareholders potentially abstain from voting on matters that involve the carrier shareholder. If so, how would these be governed in practice.

Arbitration provisions to settle access disputes

The current facilities access regime contains, in both the Schedule 1 of the Telco Act and the Facilities Access Code, arbitration provisions for the resolution of disputes where

commercial negotiations have failed. They are considered an important component of the access regime and offer a fallback solution should commercial negotiations fail.

The new Part 34B provides that an eligible company must, if requested to do so by a carrier, give the carrier access to telecommunications facilities and transmission towers owned or operated by the eligible company on such terms and conditions as are agreed between the eligible company and a carrier or, failing agreement, determined by an arbitrator appointed by the parties. If the parties fail to agree on the appointment of an arbitrator, the ACCC is to be the arbitrator.

These provisions mirror similar access provisions contained in clause 33 of Schedule 1 of the Telco Act that apply between carriers.

The ACCC considers that these are important provisions that both encourage commercial negotiation and provide a fallback mechanism to resolve disputes. The ACCC seeks comment on the importance of the arbitration provisions within the new Part 34B facilities access framework.

Current examples of any issues relating to access to new tower entities.

The ACCC is also seeking stakeholder views on any current or potential issues carriers have in relation to access to tower infrastructure and facilities owned and operated by new tower operators.

8.2. Commencement date

A carrier is not entitled to make a request for access to a facility or telecommunications transmission tower owned or operated by an eligible company under subsections 581Y(1) and 581ZD(1) before the end of the 60-day period beginning on the day after the day specified in the instrument made under subsection 581ZH(3). That is, 60 days after the day on which the ACCC gives its report on whether a ministerial determination should be made under subsection 581W(3) to the Minister.

8.3. Questions on which the ACCC is seeking views

The ACCC seeks stakeholder views on the following questions:

- 1. What factors should be considered in identifying an appropriate corporate control percentage in relation to a carrier company group?**
- 2. What percentage ownership by a carrier shareholder in a telecommunications tower or facilities operator is sufficient for entities to be considered related?**
- 3. What factors should be considered in determining whether carrier entities are sufficiently related?**
- 4. What level of ownership by a carrier shareholder would be required such that a carrier may be able to influence the day-to-day decisions and operations of a tower or facilities operator?**
- 5. Are there reasons to believe that a carrier company group would favour its own carrier shareholder? Please provide details.**
- 6. Are there policies in place such that carrier shareholders potentially abstain from voting on matters that involve the carrier shareholder? If so, how would these be governed in practice?**
- 7. Are there any current or potential issues carriers have in relation to access to facilities and infrastructure owned and operated by new operators?**
- 8. Are there any other considerations relevant to the determination of an appropriate corporate control percentage that the ACCC should be aware of?**
- 9. Are there any events in the foreseeable future regarding the telecommunications tower market in Australia that the ACCC should be aware of?**