



**Australian Government**  
**Department of Communications**

**Philip Mason**  
Assistant Secretary,  
Market Structure

Mr Sean Riordan  
General Manager – Industry Structure and Compliance  
Australian Competition and Consumer Commission  
By email: [sean.riordan@acc.gov.au](mailto:sean.riordan@acc.gov.au)

Dear Mr Riordan

**Proposed NBN Wholesale Market Indicators Report – Discussion Paper**

The Department of Communications welcomes the opportunity to comment on the Australian Competition and Consumer Commission's ('ACCC') discussion paper on its proposed National Broadband Network ('NBN') wholesale market indicators report ('the Report'), published on 30 July 2015.

The Department's submission stems from its interest in ensuring the development of effective and robust competition on the NBN for the benefit for consumers. Our response notes the review of section 151BU of the *Competition and Consumer Act 2010* by the Bureau of Communications Research currently underway with the cooperative support from the ACCC.

The Department notes that the purpose of the Report is to establish a baseline level of data that market participants may utilise in making commercial decisions. We are supportive of measures that will enhance competition on the NBN. Improving market transparency for current and future market participants and providing information that can assist them in making informed decisions, should help in this regard. The data would also assist policy makers assess the outcomes of the NBN reforms and assist in future policy development.

The benefits of transparency need to be weighed against the potential impacts on the providers that are reported on—both in terms of the level of data published about new or smaller market participants, as well as potential regulatory burden on Telstra and NBN Co.

The Department notes that the Report seeks to safeguard the commercial interests of smaller market participants by excluding those with less than 5% market share from the proposed report. We consider this to be reasonable, however, the ACCC will need to consider submissions from industry regarding their commercial interests.

The Department notes that the Report will draw on information that is already provided through the NBN Services in Operation Record Keeping Rules and the Telstra Customer Access Network Record Keeping and Reporting Rules. Given this, it does not appear that

the report will impose any additional regulatory burdens but again, the ACCC will need to consider submissions in considering the potential regulatory burden placed on Telstra and NBN Co.

Industry is best placed to respond on the data sets that would best meet its needs. From a policy perspective, the proposed data set is extensive and useful.

If the ACCC would like to discuss the Department's submission further, please contact me on (02) 6271 1579.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Mason', with a long horizontal flourish extending to the right.

Philip Mason

21 August 2015