

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

EXERCISE OF DELEGATED POWERS UNDER THE *COMPETITION AND CONSUMER ACT 2010*

As a member of the Australian Competition and Consumer Commission's (Commission) Infrastructure & Communications Committee and in accordance with delegation instrument TP141 approved by the Commission on 16 February 2022, I have decided to extend, by written notice published on the Commission's website, the period for making a final access determination for the superfast broadband access service, by a further 3-month period until 19 April 2024, pursuant to subsection 152BCK(3) of the *Competition and Consumer Act 2010*.

DATED this 18th day of December 2023



.....

Anna Brakey
Commissioner, Chair of the Infrastructure & Communications Committee
Australian Competition and Consumer Commission

Notice under subsection 152BCK(3) of the Competition and Consumer Act 2010

Access determination inquiries are generally required to be completed within six months, pursuant to subsection 152BCK(2) of the *Competition and Consumer Act 2010* (CCA).

However, the ACCC can extend or further extend the duration of the inquiry by 6 months at a time, provided it publishes a notice on the website indicating why it has not been able to make a decision within that timeframe. This is pursuant to subsection 152BCK(3) of the CCA.

The ACCC has extended the current superfast broadband access service (SBAS) access determination inquiry by a period of 3 months to 19 April 2024 under subsection 152BCK(3) of the CCA. This is to allow time to consider submissions received in response to the ACCC's consultation regarding how it proposes to implement the NBN price benchmarking approach. This follows the NBN Co's product and pricing changes that resulted from its varied special access undertaking.

The ACCC intends to release the SBAS final access determination in the first quarter of 2024.