



## Public Inquiry on Access Determinations for Voice Interconnection Services

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### Introduction

Twilio welcomes the opportunity to contribute to the ACCC's Public Inquiry on Access Determinations for Voice Interconnection Services draft report (the draft report) and supports the ACCC's draft position not to include additional non-price related terms within the access determinations. As drafted the ACCC's position would be in the long-term interests of end users.

The object of the *Competition and Consumer Act 2010* (the Act) is to enhance the welfare of Australians through the promotion of competition. Part XIC, the Telecommunications access regime, intends to promote the long-term interests of end-users of carriage services with specific reference given to competition in markets and achieving any-to-any connectivity<sup>1</sup>. As the ACCC stated in the draft report "An access determination provides a base set of terms and conditions that an access seeker can rely on if it is unable to come to a commercial agreement with an access provider on the terms and conditions of access to a declared service<sup>2</sup> The ability to rely on the determinations to ensure access to a service is central to Twilio's support of the ACCC's decision to not include additional non-price terms.

Conditions that would give incumbent Mobile Network Operators (MNOs) discretion to limit access to their network would pose significant risks to the principles and market behaviours that maintain the integrity of the telecommunications sector. Such discretion could be exploited to disrupt or disadvantage competitors, undermining fair market outcomes, competition, and consumer choice.

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### About Twilio

Twilio is a global cloud communications platform that empowers our clients to build, scale, and manage real-time customer interactions across voice, messaging, video and email. Twilio has extensive experience and expertise in voice interconnection services, as we help

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<sup>1</sup> <https://www.legislation.gov.au/C2004A00109/latest/text>

<sup>2</sup> <https://www.accc.gov.au/system/files/voice-interconnection-services-access-determination-discussion-paper.pdf>



enterprises, governments and software providers to receive and place large volumes of voice calls.

We pair our interconnection capability with proven, network-friendly scam and fraud controls that avoid giving large carriers the ability to disrupt lawful traffic from competitors. Products such as Voice Integrity (part of our Trust Hub offering to remediate spam labels and monitor number reputation), and Verify safeguards such as Fraud Guard, Geo Permissions, and Safe List API ensure that scam and fraud is reduced without undermining open termination obligations.

In Australia Twilio empowers over 45,000 businesses and nonprofits of all sizes to enhance their engagement with customers and constituents, providing them with the best possible experience and creating efficiencies. These include household names such as Woolworths, Lifeline and Macquarie Bank as well as thousands of small businesses across every state and territory.

### **Non-price conditions should not be included in the determinations**

Twilio recognises that scams represent a significant global challenge within the telecommunications industry, and we are committed to implementing measures to significantly reduce their occurrence. No single action is going to solve this issue. Tackling scams requires complex, varied and dynamic barriers best placed at the gateway of the traffic journey.

It will also need a 'whole of industry' approach including collaboration, information sharing and a level of transparency. Many of these elements will be addressed in the Scam Prevention Framework which is currently being developed.

It is also worth noting that many of the most effective measures to disrupt scams on the telecommunications network do not impact other market players. Know Your Customer (KYC) measures, combined with Know Your Traffic (KYT) are particularly effective, as are rights of use verification processes and authentication protocols. These measures are already being used by Twilio in other jurisdictions around the world.

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### **A high threshold for traffic interference**

In Australia, communications are protected by federal legislation, and these protections are upheld by the courts. The *Telecommunications Act 1997*, the *Telecommunications (Interception and Access) Act 1979* and associated regulatory instruments administered by the ACCC and ACMA are explicit in protecting the right of lawful communications to be transmitted without undue interference.

Communications are also protected from obstruction through Section 474.5 of the *Criminal Code Act 1995 (Cth)*, which makes it an offence to cause a communication to be delivered to a person or carriage service other than the person or service to whom it is directed. This provision reflects the seriousness with which Parliament has treated the inviolability of communications, recognising that the ability to send and receive lawful traffic is important for individual rights as well as the operation of the economy at all levels.



Any action that prevents the passing of a communication, whether it be between citizens, businesses, or government, must therefore be treated as a matter of serious concern.

### **Protecting core infrastructure from unacceptable interference**

The ACCC has stated that it regulates communications ‘as infrastructure’ in its oversight of telecommunications markets. It includes communications among the core infrastructure services under its remit, emphasising the need to protect competition and safeguard access and quality for end-users.<sup>3</sup> This recognition underscores that telecommunications networks are essential systems foundational to the functioning of the economy and society.

Supporting this perspective, the Australian Telecommunications Association (formerly Communications Alliance) has consistently treated network resilience and security as central to its mission. Its leadership has affirmed that secure and resilient critical infrastructure is central to its work, particularly in improving network robustness during emergencies.

The Senate Environment and Communications References Committee inquiry into the November 2023 Optus outage delivered a report recommending that telecommunications carriers be reclassified as critical infrastructure providers under the *Security of Critical Infrastructure Act 2018*. This classification highlights the public expectation that telcos be held to the same safeguards as other critical sectors.<sup>4</sup>

If communications are to be treated as essential infrastructure, then the unilateral blocking of, or interference with, lawful traffic by market participants must be viewed as unacceptable. Such conduct, particularly when carried out without transparency or clear accountability, is contrary to the long-term interests of end users. Interference with communications therefore magnifies harm by undermining a system upon which other critical services rely, from health to finance to emergency response.

### **The ACMA has scrutinised so called ‘scam indicators’ like MSP**

In June 2024 the ACMA commenced another detailed consultation and review into the *Telecommunications Numbering Plan 2015* with a particular focus on its application in the modern digital economy. This work considered the role of Multiple Service Practice (MSP), among other issues, and examined whether restrictions or prohibitions would be in the long-term interests of consumers, competition, and industry integrity<sup>5</sup>.

After extensive industry engagement, ACMA determined that MSP should not be prohibited under the numbering plan<sup>6</sup>. ACMA recognised that MSP is widely used across the economy as a legitimate practice to enable service flexibility, competition, and innovation in how communications are delivered to businesses, government, and end users. The ACMA found that banning MSP would risk stifling established practices that underpin significant volumes

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<sup>3</sup><https://www.accc.gov.au/by-industry/regulated-infrastructure/our-role-in-regulated-infrastructure>

<sup>4</sup>[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/OptusNetworkOutage/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/OptusNetworkOutage/Report)

<sup>5</sup><https://www.acma.gov.au/consultations/2024-05/review-numbering-plan-and-associated-instruments>

<sup>6</sup><https://www.acma.gov.au/consultations/2024-11/proposed-changes-numbering-plan-and-other-instruments>



of lawful and socially valuable traffic, including critical communications across the health, financial, and public sectors.

Despite the extensive work undertaken by the ACMA in carefully reviewing the Telecommunications Numbering Plan and deciding not to prohibit MSP, some MNOs have continued to interfere with legitimate MSP traffic reaching end users. [c-i-c]

The continuation of these disruptive practices has caused demonstrable harm, with legitimate traffic, including critical communications from businesses and government, being caught by indiscriminate blocking measures. The mislabelling of lawful traffic further erodes trust in the communications system, confuses end users, and damages the reputation of service providers who rely, in good faith, on MNOs to deliver their communications without interference.

Actions that restrict or obstruct communications outside of a transparent regulatory framework threaten not only competition and consumer choice but also the resilience and integrity of Australia's communications landscape.

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## **Conclusion**

Twilio submits that sustained competition in the telecommunications sector is fundamental to driving business innovation and supporting long-term economic growth in Australia. A competitive market not only delivers direct benefits to consumers but also creates the conditions necessary for the adoption and evolution of innovative technologies. For these reasons we support the ACCC's draft position not to include additional terms addressing scam-related issues within the access determinations at this stage.

We acknowledge and support the ACCC's consultative approach in this inquiry, as well as its broader role in protecting consumers, preserving competition, and promoting efficiency in regulated markets.

Twilio hopes that the comments and recommendations provided in this submission will assist the ACCC in finalising its position.