



Reporting and Communications Protocol

Interim Authorisation: nbn co limited & Ors

Purpose

1. This Reporting and Communications Protocol is provided to the ACCC by nbn co limited (**nbn**) pursuant to condition 1 of the interim authorisation granted by the ACCC on 31 March 2020 in respect of proposed arrangements between certain telecommunications sector participants for the purpose of dealing with the effects of the COVID-19 pandemic on Australia's telecommunications networks and end users (**Interim Authorisation**).
2. Capitalised terms used but not defined in this document have the meaning given in the Interim Authorisation.

nbn's reporting commitments

3. While the Special Working Group or its sub-committees are in operation, **nbn** will use its best endeavours to provide no later than each Wednesday (or if not a business day in Sydney, on the next business day) a report to the ACCC setting out each material decision made by the Special Working Group or its sub-committees in the previous week that falls within the Proposed Conduct, including where possible a non-confidential version suitable for publication on the public register
4. **nbn** will meet with the ACCC to provide regular updates about the conduct being engaged in under the authorisation, on an interval as agreed between nbn and the ACCC which shall presently be each two weeks at a mutually a convenient time.

Information requested and concerns raised by the ACCC

5. An ACCC representative may elect to attend any meeting of the Special Working Group or its sub-committees as an observer for the purpose of observing that the relevant conduct of those groups which might give rise to concerns under Part IV of the CCA notwithstanding the interim authorisation granted on 31 March 2020. **nbn** will provide notice to the ACCC contact nominated for this purpose of the proposed agenda for meetings of the Special Working Group or its sub-committees, to the extent available in advance. The ACCC will give **nbn** notice in advance of its proposed representative at the relevant meeting.
6. **nbn** will provide to the ACCC contact nominated for this purpose:
 - a. in advance of the relevant meeting of the Special Working Group or its sub-committees, any agenda and other written materials relating to the Proposed Conduct that are sent to other attendees prior to the meeting;
 - b. any information about the conduct being engaged in under the authorisation, including the decisions made by the Special Working Group and its sub-committees, that the ACCC reasonably requests in writing.
7. To the extent the ACCC wishes to raise matters of material concern arising from the ACCC representative observing a meeting concerning conduct of, or conduct proposed by, Group Members which may raise concerns under Part IV of the CCA outside the scope of the Proposed Conduct, they will do so under this protocol so that there is a record of those concerns and to allow **nbn** to address those concerns in a timely manner.



8. Any notice or request for information under paragraphs 5 to 7 should be provided to the contact person nominated by **nbn** for the purposes of this Reporting Protocol.
9. Nothing in this protocol affects the communications which may pass between **nbn** or other Group Members and the ACCC in any other capacity, including through other established channels of communications, which will continue unaffected in the ordinary course.

Confidentiality

10. Unless stated otherwise, **nbn** asks that the ACCC receive any information provided under this Reporting Protocol, and at meetings of the Special Working Group and its sub-committees, on a confidential basis in accordance with the ACCC's statutory obligations on the basis set out below:
 - a. there is no restriction on the internal use, including future use, that the ACCC may make of the information consistent with its statutory functions;
 - b. the confidential information may be disclosed to the ACCC's external advisors and consultants on condition that each such advisor or consultant is informed of the obligation to treat the information as confidential; and
 - c. the ACCC may disclose the confidential information to third parties (in addition to its external advisors or consultants) if compelled by law or in accordance with section 155AAA of the CCA.
11. Nothing in paragraph 10 limits **nbn's** obligations under paragraph 3 above.