

Question on Notice response to Senate Select Committee on Job Security

ACCC appearance on 14 September 2021

Question:

CHAIR: Mr Gregson, can you take on notice—not identifying any individuals, obviously—whether information of the nature detailed the nature, and why those matters were concluded or not followed to another stage. If you could outline that for us, that would be a great deal of assistance.

Mr Gregson: We can do that.

CHAIR: Thank you. I appreciate there are limitations on what the ACCC can and can't do. We're just trying to ascertain, self-evidently, where NBN subcontractors get a say.

Answer:

As noted during the public hearing of the Senate Select Committee on Job Security, only a small number of matters have been raised with the ACCC regarding pricing or remuneration issues for downstream NBN Co subcontractors. As also noted, the ACCC was unable to assist in these matters.

Search Methodology

We identified three relevant reports or complaints in our database. To identify the relevant reports we reviewed the relevant matters by searching the reports recorded in our database over the 12 month period prior to our appearance and filtering those that related to NBN Co specifically, and those that were reports made by small businesses, and filtering those that related to employment related issues.

The Complaints

- The first complaint was from a business who is not an NBN subcontractor, but who completes telecommunications civil infrastructure works for new building developments. The complaint centred around the alleged conduct by NBN Co in relation to time and pricing to establish connections and recognition.

The matters did not raise issues under the provisions of the Competition and Consumer Act (CCA).

- The second was from an NBN subcontractor which concerned issues with NBN Co allegedly providing incorrect information for them to be able to complete jobs. The matter did not raise any specific concerns under the unfair contract terms provisions of the CCA. The issue is better characterised as an individual dispute. The complainant was directed to their state small business commissioner for dispute resolution assistance.
- The third was from an NBN subcontractor raising concerns about the remuneration being received for works completed being reduced by the relevant NBN Co delivery partner every year without explanation. The subcontractor raised the issue with NBN Co given it has a supplier code of conduct but had not received a response from NBN Co.

The matters did not raise issues under the provisions of the CCA.