

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Treasury Portfolio
Budget Estimates 29, 30 & 31 May 2007

Question: bet 42 (ACCC)

Topic: Telstra Prospectus – G9 Proposal

Hansard Page: E44

Senator CONROY asked:

Senator CONROY—Is the ACCC aware that the Minister for Finance's letter on page 4 of the prospectus provides:

... the Australian government is committed to promoting a competitive telecommunications industry for the benefit of all consumers and has in place an appropriate telecommunications regime to facilitate this outcome.

Are you aware of that statement?

Mr Samuel—I have not read the whole prospectus, but I will take your word that it is included in the prospectus.

Senator CONROY—And I again ask, does the ACCC believe that these representations in any way constrain the ACCC's regulatory discretion? That is about your regulatory discretion, not the government's, but yours?

Mr Samuel—Again, I do not think I should provide an answer to a legal position on that.

Senator CONROY—I am happy for you to take it on notice.

Mr Samuel—I will take it on notice.

Senator CONROY—In the ACCC's view do any of the statements made in the Telstra prospectus limit the ACCC's options for facilitating the G9 proposal?

Mr Samuel—I will have to take that on notice.

Answer:

The ACCC's regulatory discretion as provided for by the *Trade Practices Act 1974* is not constrained by the representation made by the Minister of Finance.

The ACCC options for facilitating the G9 proposal, to the extent that it may be required to do so pursuant to the *Trade Practices Act 1974*, are not limited by any of the statements made in the Telstra prospectus.