

Additional Comments - Senator Fiona Nash

1.1 The report comprehensively addresses the issues surrounding the National Broadband Network.

1.2 However, regarding the committee's consideration of the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009:

- The legislation, while potentially providing a pathway to a future National Broadband Network, is not dependent upon the creation of an NBN. It stands alone in addressing the current concerns with the operation of the regulatory environment.
- While the alternate view has been put, Telstra has been provided with a choice to either structurally or functionally separate.
- Reference in the report to concerns regarding Telstra being precluded from investing money into new telecommunications infrastructure due to the potential cost of separation to the company, should be seen as Telstra's view.
- It should be recognised that while there has been a view put forward that separation had not been an overwhelming success in the UK, the alternate view also exists. Ofcom, the UK communications regulator, has said that the functional separation has been a success, and directly attributed rapid growth in broadband and dramatic falls in broadband prices to the structural reforms.
- The previous 'negotiate and arbitrate' models in dealing with access by the ACCC have not been effective. The changes in the legislation are a welcome step forward.
- While the committee notes that they fail to see how restricting Telstra's future expansion in the mobile market will strengthen competition, a contrary view also exists that precluding Telstra's access to further spectrum is appropriate in order to address anti-competitive practices.

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Senator Fiona Nash

(Deputy Chair)

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