



The Chair
Senate Environment, Communications,
Information Technology and the Arts Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Senator Eggleston

**Inquiry into the provisions of the Telecommunications Legislation Amendment
(Regular Reviews and Other Measures) Bill 2005**

The Australian Communications Authority (ACA) is pleased to make this submission to the Inquiry into the provisions of the Telecommunications Legislation (Regular Reviews and Other Measures) Bill 2005 (the Bill).

Under the provisions outlined in the Bill, it is envisaged that there are two main areas of activity where the ACA has a role to play.

The first area of activity relates to the ACA's monitoring of compliance with, and enforcement of the licence condition requiring Telstra to maintain a local presence in regional, rural and remote parts of Australia.

The *Telecommunications Act 1997* (the Act) provides that a telecommunications carrier must not contravene a licence condition (subsection 68(1) of the Act). Where there is a contravention of a licence condition, the ACA has power to issue remedial directions, formal warnings or take action to seek injunctions in the Federal Court to compel a carrier to comply with the licence condition or refrain from breaching the licence condition (sections 69, 70 and Part 30 of the Act).

The second area of activity relates to the ACA role in providing assistance and advice to the Regional Telecommunications Independent Review Committee (RTIRC) in conducting reviews on the adequacy of telecommunications services.

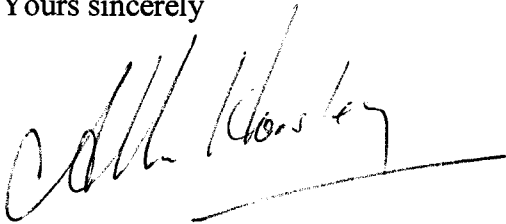
As part of the ACA's response to the Regional Telecommunications Inquiry recommendations 5.3 and 7.2, the ACA has developed detailed data collection, monitoring and reporting arrangements on the availability and performance of telecommunications services in regional, rural and remote Australia, including services provided to remote Indigenous communities. The ACA considers that telecommunications service information collected under these arrangements will assist the ACA in providing advice to the RTIRC about the adequacy of telecommunications services.

As part of the telecommunications service monitoring arrangements, additional areas of monitoring have been introduced, specifically to ensure that there are information collection strategies and reporting on the availability of fixed voice, mobile, data and pay television services and the performance of the networks supplying those services in regional, rural and remote Australia.

The ACA's ongoing compliance monitoring of standard telephone service installation and repair, as required under a number of legislative instruments, is supplemented by a more detailed focus on the performance of services provided to remote Indigenous communities.

The service monitoring arrangements are intended to support the requirements for the ACA to monitor and report to the Minister each year on the performance of the telecommunications industry in the *Telecommunications Performance Report*, as well as provide further detailed commentary and analysis on telecommunications service developments occurring in regional, rural and remote Australia.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Allan Horsley', written over a horizontal line.

Mr Allan Horsley
Acting Chairman

31 March 2005