To the Department of Communications and the Arts  
GPO Box 2154  
Canberra ACT 2601

# Submission—Review of the Part XIB telecommunications anti‑competitive conduct provisions

## This submission can be published on the World Wide Web

Yes / No.

## Date of submission

<response>

## Logo of organisation—if an organisation making this submission

<response>

## Name and contact details of person/organisation making submission

<response>

## General comments

<response>

## Responses

The Australian Government seeks views on the ongoing operation of the Part XIB anti-competitive conduct provisions given the proposed changes to section 46. In particular, the Government seeks views on:

### Division 2 of Part XIB

#### In light of the proposed changes to section 46, should the telecommunications competition rule in Division 2 of Part XIB (section 151AJ) be retained?

<response>

##### If so, why?

<response>

##### If not, why not?

<response>

#### If the competition rule in Part XIB is retained, would changes need to be made to the rule to provide certainty for businesses?

<response>

##### If so, what changes would need to be made?

<response>

### Division 3 of Part XIB

#### Do competition notices have ongoing utility in addressing anti-competitive behaviour in the sector?

<response>

##### If so, why?

<response>

##### If not, why not?

<response>

#### Do the proposed changes to section 46 and section 46’s interaction with Part XIB raise issues for the operation of competition notices?

<response>

#### If section 46 is amended to include the proposed mandatory factors that the courts must take into account when determining whether there has been a substantial lessening of competition, should they be considered when the ACCC decides to issue a competition notice under Part XIB?

<response>

##### If so, how?

<response>

#### Is the need for competition notices reduced by the ACCC powers under Part XIC to set terms and conditions for access to services and issue binding rules of conduct?

<response>

#### Would the exemption order provisions in Part XIB be rendered obsolete by the introduction of authorisations under section 46?

<response>

##### If so, why?

<response>

##### If not, why not?

<response>