



19 November 2021

Philip Mason

Assistant Secretary, USG Taskforce

Department of Infrastructure, Transport, Regional Development and Communications

By email: Philip.Mason@infrastructure.gov.au

Dear Philip,

Proposed amendments to the Telecommunications (Statutory Infrastructure Providers — Circumstances for Exceptions to Connection and Supply Obligations) Determination 2021

Thank you for the opportunity provide feedback on the Government’s proposed amendment to the sunset date of this Instrument.

nbn supports the proposed variation to reduce the sunset period of the Instrument to 3 years (from the standard period of 10 years). Whilst the requirement for statutory infrastructure provider (SIP) exceptions will remain beyond this 3-year period, it is important to recognise the SIP regime is still relatively new, and industry is still in the process of implementation, including implementation of processes around SIP exceptions.

Additionally, as the Explanatory Statement for this Instrument highlights, a streamlined principles-based approach has been used in the drafting when outlining circumstances for exceptions. This contrasts with the long-standing prescriptive approach used in the *Telecommunications Universal Service Obligation (Standard Telephone Service—Requirements and Circumstances) Determination 2011*. **nbn** supports this streamlined approach, however, submits that this change in drafting style requires a greater degree of interpretation from industry participants. This common interpretation is still developing as SIP / SIP exception processes are implemented and novel connection circumstances arise.

For these reasons **nbn** considers a 3-year sunset period would provide all parties a useful check point at which to assess the appropriateness and effectiveness of the Instrument, and whether any refinements are required.

To discuss further, please contact Matthew Scott, Principal Regulatory Advisor - Consumer & Networks at matthewscott1@nbnco.com.au.

Yours sincerely

Sarah Alderson

General Manager, Regulation: Network and Customer Service