



INDUSTRY & REGULATORY AFFAIRS

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Sham Panchachacharan
Senior Analyst – Telecommunications Branch
Commerce Commission
PO Box 2351
WELLINGTON

Dear Sham

Commerce Commission (International Cooperation and Fees) Bill

We are grateful for the opportunity to comment on the Commerce Commission's proposal to extend the scope of the Commerce Commission (International Cooperation and Fees) Bill to cover information obtained involuntarily under the Telecommunications Act 2001.

Telecom does not wish to stand in the way of appropriate coordination and information exchange between the Commerce Commission and the ACCC. Having said this, we are concerned to protect the integrity of the valuable and commercially sensitive information that has been obtained from us under compulsion over time. The more widely this information becomes distributed and the further this information becomes removed from us, the harder it is for us to be sure the information is protected and not misinterpreted or misused.

In order for us to support the Commerce Commission's proposal we would need to gain comfort in relation to the following specific issues:

- Once information is disclosed to the ACCC, what is to stop the ACCC from forwarding that information anywhere else in the world? We note that section 155AAA(12)(n) of the Trade Practices Act 1975 enables the ACCC to disclose information it holds to "a foreign government body". Similarly, what recourse will Telecom or any other party whose confidential information is provided to the ACCC under this proposed power, have should that information be misused or misinterpreted in a way that is potentially injurious to that party?
- Our most significant competitors, Vodafone and Telstra are both well established in Australia, consequently a leak of our commercial information in that jurisdiction could cause us significant financial harm. What is the mechanism to ensure that if there is a leak some organisation will be held to account?

We would welcome the opportunity to discuss these matters further with the Commission, and understand better what measures the Commission has identified to address the concerns we raise.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'JWS', is written over a light blue rectangular background.

John Wesley-Smith
General Manager
Industry & Regulatory Affairs