



6 August 2009

Sham Panchacharan
Senior Analyst
Commerce Commission
PO Box 2351
Wellington 6140

< By email >

Dear Sham

Commerce Commission (International Cooperation and Fees) Bill

1. Thank you for providing TelstraClear with the opportunity to comment on whether the Commerce Commission (International Cooperation and Fees) Bill should be extended to include the Telecommunications Act 2001 within its jurisdiction.
2. TelstraClear supports the exchange of information with other regulatory agencies where that exchange will enhance productivity and generate long-term benefits for end-users. For this reason, we support the inclusion of the Telecommunications Act into the Bill.
3. TelstraClear and Telstra have, for many years, observed the extent of duplication of regulatory activity on both sides of the Tasman. We have advocated for the harmonisation of regulation within a single economic market for telecommunications services in New Zealand and Australia.
4. Developments in telecommunications regulatory policy and legislation in New Zealand mean that there are now far more similarities between the laws governing telecommunications, in Australia and New Zealand, than differences. For telecommunications providers such as TelstraClear and Telstra, having to deal with similar, but distinct, regulatory regimes and agencies, results in extensive and unnecessary duplication of resources. The sharing of information between regulators, with appropriate safeguards to protect confidentiality, is one step towards the longer term goal of trans-Tasman harmonisation of telecommunications regulation.
5. We support the reasons set out in the Commission's letter regarding a greater need for cooperation between the Commerce Commission and the ACCC, and this is an example of the potential efficiency benefits of a single economic market and trans-Tasman regulatory system for telecommunications.

6. We note that the Commission's letter only mentions the ACCC and its powers under s155AAA of the Australian Trade Practices Act. Similar information sharing powers are also available to Australian Communications and Media Authority (ACMA) under s59D of the ACMA Act 2005.
7. In Australia, the supply of "protected information" by the ACCC and ACMA must be signed off by the head of the regulatory agency. It is appropriate that a similar measure be included within the New Zealand legislation. This protection will ensure the absolute protection of confidential information supplied to the Commission.
8. Disclosed information being sent to a regulator in another jurisdiction should also be accompanied by a brief explanation of the context in which the information was originally obtained. This will avoid any misunderstanding of the information provided. In addition, the party whose information is disclosed should be informed of the disclosure.
9. Should you have any further queries, please contact me.

Yours sincerely



Chris Abbott
Group Manager Regulatory