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Minister for Finance and Deregulation
Leader of the Government in the Senate

THE HON ANTHONY ALBANESE MP
Deputy Prime Minister
Minister for Infrastructure and Transport
Minister for Broadband, Communications
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Leader of the House

2 AUG 2013

Senator the Hon Ian Macdonald
Former Chair
Senate Select Committee on the National Broadband Network
PO Box 6100
Parliament House
CANBERRA ACT 2600

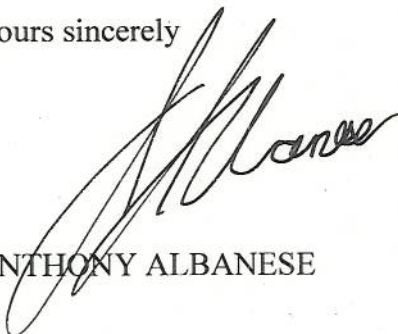
Dear Senator *Ian,*

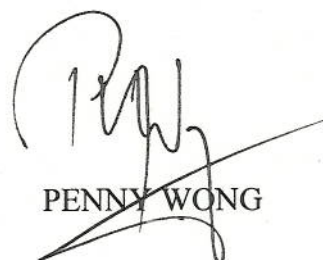
We present to you the government's response to the interim and final reports of the Senate Select Committee on the National Broadband Network (NBN), tabled in the Senate between 2 December 2008 and 17 June 2010.

Although the Committee's inquiry concluded with the tabling of its Final Report, the attached response may be of interest to you and former members. We note that the Committee's reports highlighted NBN related issues of continuing interest and consideration by the Joint Committee on the National Broadband Network (JCNBN).

This letter is copied to the Chair of the Joint Committee on the National Broadband Network, Mr Robert Oakeshott MP.

Yours sincerely


ANTHONY ALBANESE


PENNY WONG



Australian Government

Senate Select Committee on the National Broadband Network

Australian Government Response to the Committee's Second, Third, Fourth and Final Reports

July 2013

The Senate Select Committee on the National Broadband Network (the Committee) was established on 25 June 2008 to inquire into the government's initial National Broadband Network (NBN) proposal. The Committee published four interim reports dated 2 December 2008, 12 May 2009, 26 November 2009 and 18 May 2010 and a final report on 17 June 2010.

The Committee's interim reports and final report made 47 recommendations ranging across: the implementation plan for the rollout of the NBN; the Australian Competition and Consumer Commission's (ACCC) report on the NBN proposals to the NBN Panel of Experts; the business plan for the rollout to mainland Australia and Tasmania; the governance and funding framework for NBN Co; the government's response to the Implementation Study; the rollout to regional and rural Australia; engagement with key stakeholders; workforce issues; and the commissioning of a cost-benefit analysis. A number of recommendations were replicated across the Committee's reports and some recommendations have been overtaken by the passage of time and the progress of the NBN rollout. As such the government has outlined those report recommendations which have been addressed by the public disclosure of information, legislative arrangements or formal agreements or actively canvassed through the work of other parliamentary committees.

The government notes that at least half of the Committee's report recommendations have been addressed by the disclosure of information on the NBN implementation, and the provision of rollout data and advice over time to parliamentary committees and the public. The government has responded to recommendations 1, 2, 3, 4, 5, 6 from the second interim report, recommendations 1, 2, 4, 5, 7, 9, 10 and 11 from the third interim report, recommendations 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 16, 20, 24, 27 and 28 from the fourth interim report and recommendation 1 from the final report, by publicly releasing detailed information on the NBN rollout, including:

- a statement in Parliament on 23 October 2009 providing a progress report on the NBN Implementation
- the Australian National Audit Office performance audit of the NBN Request for Proposal process on 3 February 2010
- sections of documents relating to the terminated Request for Proposal process
- the lead adviser's Implementation Study for the NBN on 6 May 2010
- the government's response to the Implementation Study through the Statement of Expectations for NBN Co on 20 December 2010
- partial content from the Interim Implementation Study Report on 24 December 2010
- the National Digital Economy Strategy on 31 May 2011 and update released on 12 June 2013
- the Telecommunications Industry Ombudsman Review report on 4 May 2012
- NBN Co's annual reports in respect of the 2008-09, 2009-10, 2010-11 and 2011-12 financial years
- NBN Co's Corporate Plans for 2011-13 and 2012-15
- responses to parliamentary committee reports and tabled answers to questions on notice
- information published, through NBN Co, on the progress of the fibre, wireless and satellite rollout
- through NBN Co, release of the first three year national fibre rollout plan in March 2012 and an updated three year plan for 2013-16 in May 2013.

The government is committed to progressing the NBN. Since the Committee finalised its reports on the NBN, the government has established NBN Co Limited as a Government Business Enterprise and the Parliament has passed legislation which sets out the operational framework and company-specific requirements for NBN Co and the rollout. The government has responded to recommendations 1, 3, 8 and 11 from the third interim report and recommendations 1, 5, 6, 10, 11, 12, 13, 14, 15, 17, 18, 19, 21, 22, 23 and 28 from the fourth interim report, through its commitments or powers reflected under legislative arrangements or formal agreements entered into by the government, including the:

- *National Broadband Network Companies Act 2011*
- *Telecommunications Legislation Amendment (National Broadband Network Measures – Access Arrangements) Act 2011*
- *Telecommunications Act 1997*
- *Telecommunications (Low-impact facilities) Determination 1997*
- *Telecommunications Code of Practice 1997*
- *Telecommunications Universal Service Management Agency Act 2012*
- *Telecommunications Legislation Amendment (Universal Service Reform) Act 2012*
- *Telecommunications (Industry Levy) Act 2012*
- *Telecommunications Universal Service Management Agency Regulation 2012*
- agreement between the government and Telstra for the delivery of the Universal Service Obligation and other public interest telecommunications services
- agreement between the government and the Independent Members (Mr Tony Windsor and Mr Rob Oakeshott)
- agreement between the government and Telstra, whereby public information on migration activities is undertaken by NBN Co in consultation with the government, Telstra and the wider industry.

In 2011 the government established a Joint Committee on the National Broadband Network (JCNBN), to report to the Parliament on the rollout of the NBN on a six-monthly basis until the completion of the project which demonstrates the government's commitment to openness and transparency for the NBN. The terms of reference for the JCNBN provides for the ongoing parliamentary scrutiny of all aspects of the rollout of the NBN including many of the issues raised in the Committee's reports.

The government has agreed to report to the Parliament, through the JCNBN, on the rollout of the NBN on a six-monthly basis. The government's progress reports on the NBN enable the JCNBN in turn to report to the Parliament and shareholder Ministers as required on the Review of the NBN Rollout.

The government's responses to the JCNBN's first, second, third and fourth reports on the Review of the NBN Rollout address some of the Senate Select Committee's report recommendations. Specifically, recommendation 6 from the third interim report and recommendations 25 and 26 from the fourth interim report which relate to the government undertaking a skills audit for the NBN rollout. The government has addressed these recommendations in its responses to recommendations 13, 14 and 15 of the JCNBN's third report and recommendation 8 of the JCNBN's fourth report on the Review of the NBN Rollout.

Further to government responses to JCNBN reports on the NBN rollout, shareholder departments and NBN Co appear regularly before parliamentary committees and respond to a significant number of questions on notice around the NBN rollout. The government notes that several of the Committee's report recommendations have also been addressed by responses to questions taken on notice at Senate Budget Estimates and JCNBN hearings.

The government notes recommendation 12 of the third interim report was addressed by the Senate when it revised the Committee's terms of reference in 2009.

The government recognises the level of interest in the rollout of the NBN attracts considerable inquiries from a range of parliamentary committees and the public. To the extent the matters raised in the Committee's report recommendations are not already addressed, the government considers the JCNBN would provide the appropriate process for any further review.