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Chairman

22 August 2014

Mr Russell Chafer
Committee Secretary
Standing Committee on Infrastructure and Communications
PO Box 6021
Canberra ACT 2600

ACMA file reference: ACMA2014/674

Dear Mr Chafer

Inquiry into subsection 313(3) of the Telecommunications Act 1997

Thank you for inviting the Australian Communications and Media Authority (**the ACMA**) to contribute to the inquiry into subsection 313(3) of the *Telecommunications Act 1997* (**the Act**) by the Standing Committee on Infrastructure and Communications (**the Inquiry**).

At this stage, the ACMA's comments are confined to its statutory roles in connection with subsection 313(3) of the Act. These roles are to enforce industry compliance with the subsection and to appoint an arbitrator where the parties fail to reach agreement on the terms and conditions on which industry assistance is to be given. The ACMA is only required to appoint an arbitrator where the parties fail to agree on the appointment of an arbitrator under paragraph 314(3)(b) of the Act.

To date, the ACMA has not had cause to take any enforcement action for non-compliance with subsection 313(3) or to appoint an arbitrator under subsection 314(3) of the Act.

The ACMA also reports annually to the Minister on matters relating to industry's cooperation with law enforcement agencies in line with its statutory reporting obligations under subsection 105(5A) of the Act (see Chapter 2 of the *ACMA Communications Report 2012-13* <http://www.acma.gov.au/theACMA/Library/Corporate-library/Corporate-publications/communications-report-2012-13>).

Of course, the ACMA would be happy to provide the Committee with any specific information the Committee considers might benefit the Inquiry.

The ACMA looks forward in due course to the release of the report of the Committee.

Yours sincerely

Chris Chapman
Chairman