



5 August 2021

The Hon Paul Fletcher MP
Minister for Communications, Urban Infrastructure, Cities and the Arts
Parliament House
CANBERRA ACT 2600

Via email: dlo@communications.gov.au
CC: Senator the Hon Amanda Stoker
Assistant Minister to the Attorney-General
AMO.DLO@ag.gov.au

Dear Minister,

Legislation (Telecommunications Customer Service Guarantee Instruments) Sunset-altering Declaration 2021 [F2021L00277]

Thank you for your response of 16 July 2021 to the Senate Standing Committee for the Scrutiny of Delegated Legislation in relation to the above instrument. The committee considered your response at its private meeting on 4 August 2021 and has resolved to seek your further advice about the issues outlined below.

Adequacy of consultation

In your response, you advised that focused consultation was not undertaken with affected stakeholders other than Telstra as other providers do not have the same statutory requirements to provide standard telephone services and, where they do, they may seek full or partial waivers from Customer Service Guarantee obligations. You further noted that prior to making the instrument, both you and the Chair of the Australian Communications and Media Authority had regard to relevant consultation undertaken over a number of years and the decision to defer the sunset of the instruments is part of a broader policy reform process that has been underway for some time. You advised that the prior consultation was equal to, if not greater than, consultation which would be undertaken as part of a thematic review.

In addition, your response advised that the impact of COVID-19 was another reason that a thematic review of the individual instruments was not undertaken in advance of the original sunset dates. You also noted that the decision to align the sunset dates was made in late 2020 and the thematic review will likely take place in late 2022 or early 2023.

The committee considers that it would be appropriate for the information you have provided to be included in the explanatory statement to the instrument, noting the importance of that document as a point of access to understanding the law and, if needed, as extrinsic material to assist with interpretation.

The committee therefore requests that the explanatory statement to the instrument be amended to include the information that you have provided to the committee.

The committee's expectation is to receive a response in time for it to consider and report on the instrument while it is still subject to disallowance. If the committee has not concluded its consideration of an instrument before the expiry of the 15th sitting day after the instrument has been tabled in the Senate, the committee may give notice of a motion to disallow the instrument as a precautionary measure to allow additional time for the committee to consider information received.

Noting this, and to facilitate the committee's consideration of the matters above, the committee would appreciate your response by **19 August 2021**.

Finally, please note that, in the interests of transparency this correspondence and your response will be published on the committee's website.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to sdlc.sen@aph.gov.au.

Thank you for your assistance with this matter.

Yours sincerely,

Senator the Hon Concetta Fierravanti-Wells
Chair
Senate Standing Committee for the Scrutiny of Delegated Legislation