



Dissenting Report - Australian Greens

The Australian Greens dispute the meaning conveyed in paragraph 3.164 of the majority report, which is a substantial misrepresentation of Division 2 of Part 3 of the Companies Act.

The majority report indicates that privatisation is *expected* to occur. In fact privatisation *may* occur if it is the will of the Executive, supported by a vote in Parliament and an independent study conducted by the Productivity Commission and a Parliamentary Inquiry.

This will help ensure any decision on privatisation is guided by the public interest.

The primary overriding purpose of the publicly owned NBN is to serve as an open access wholesale telecommunications provider to the entire Australian population. When problems occur, the taxpayers have the right, through the Parliament, to call the management before budget Estimates Committees, and to amend its parent acts to bring it back into line.

Privatise it, and by law, its primary purpose under Australian law is to maximise its return to shareholders. It will do this by doing what Telstra did, leveraging the benefits of incumbency into other markets, explore scope creep and push the boundaries. There was no market outcry when the Greens negotiated these provisions into NBN Co's enabling legislation (quite the reverse).

The market, and many analysts, understand that as natural monopoly infrastructure it is appropriate for an entity accountable to the public to operate the hardware, while market forces predominate at the retail service layers.

There is therefore no expectation of eventual privatisation – there is simply a mechanism to do so should a future government choose to do so.

A handwritten signature in black ink, consisting of a stylized 'S' followed by 'Ludlam' and a long horizontal line extending to the right.

Senator Scott Ludlam