

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Budget Estimates 30 May – 1 June 2006

**Question: bet 117 (ACCC)**

**Topic: Undertakings being considered by ACCC**

**Hansard Page: E44**

**Senator CONROY asked:**

How many different undertakings are currently being considered by the ACCC?

**Mr Cosgrave**—Now you are stretching me. Somewhat surprisingly, I might have to take that on notice. It is certainly a single digit. It is certainly less than 10. It is probably considerably less than 10 but I will take that on notice.

**Senator CONROY**—How many times has the ACCC considered and then rejected an undertaking on ULL pricing?

**Mr Cosgrave**—It is at least two. I think the answer is three, but in the interests of absolute accuracy I will take that on notice.

**Senator CONROY**—It is two or three.

**Mr Cosgrave**—I am taking that on notice.

**Answer:**

Currently the ACCC is assessing two access undertakings.

Telstra submitted an undertaking in respect of PSTN and local carriage services (LCS) for the period 1 July 2006 to 30 June 2008. (Telstra also submitted two undertakings with this PSTN/LCS undertaking, relating to the supply of ULLS for the period 1 January 2006 to 30 June 2007 and 1 July 2007 to 30 June 2008, respectively. A final decision to reject the two ULLS undertakings was released on 28 August 2006). A draft decision to reject the PSTN/local carriage services undertaking was made on 11 September 2006.

Foxtel has submitted a special access undertaking in respect of access to its digital set top unit service. The ACCC released a draft decision to reject the undertaking on 1 September 2006

On 23 June 2006, the ACCC issued its final decision to reject six ordinary access undertakings submitted by Hutchison in respect of the mobile terminating access service (MTAS).

The ACCC has considered three other sets of ULLS undertakings since 2003. Three undertakings (covering consecutive years from 2003-04 to 2005-06) submitted in January 2003 were withdrawn in November 2003 prior to a decision being made. These consecutive undertakings were revised and resubmitted in November 2003. They were considered to a draft decision stage (and rejected), following which Telstra withdrew them. The remaining undertaking, submitted in December 2004 and covering the period 1 July 2004 to 30 June 2006 was formally considered to a final decision stage and rejected.