



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

9 December 2022

Ms Gina Cass-Gottlieb

Chair, Australian Competition and Consumer Commission

GPO Box 3131

CANBERRA ACT 2601

via email: superfastbroadbandinquiry@acc.gov.au

Dear Ms Cass-Gottlieb,

Australian Competition and Consumer Commission (ACCC) Superfast Broadband Access Service (Broadband) – Access Determination Inquiry Draft Decision (Draft Decision)

The Australian Small Business and Family Enterprise Ombudsman (ASBFEO) welcomes the opportunity to comment on the ACCC broadband draft decision. It is critical that all Australians have access to reliable high-quality, affordable telecommunication services. Where market distortions are identified, it is important that right-sized intervention is used to achieve participant equity. We broadly support the draft decision recommendations, while providing the following recommendations and comments:

- **The draft decision is modified to provide the ACCC flexibility to amend the ruling should market conditions warrant further oversight.** As the draft decision is a multi-year ruling, it is important that it can be refreshed (if required) so that it remains relevant and fit-for-purpose.
- **Price regulation should be broadened to include service speeds up to at least 100 megabits per second to more closely align to the usage requirements of small business.** Broadening the price regulation tiers would provide certainty to consumers and provide flexibility to meet consumer expectations.
- **The ACCC assists consumers and small businesses to make fully informed decisions by providing user-friendly comparators and reporting that details the pros and cons of alternative services.** It is imperative to provide consumers with appropriate level of support and education to empower them to make optimal decisions and drive competition.
- **The Regional Broadband Scheme Levy, combined with inferior services, is akin to an unfair bush surcharge.** Notwithstanding that there are additional costs to supply high-speed broadband services to country areas, regions outside major cities require increased investment to improve services. To ensure greater equity of access across Australia, investment costs should be defrayed across the broader community.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mr David Meakin on 02 5114 6106 or at david.meakin@asbfeo.gov.au.

Yours sincerely

The Hon. Bruce Billson

Australian Small Business and Family Enterprise Ombudsman