

Submission

28 August 2024

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Australian Competition and Consumer Commission

Re: Public inquiry on the access determinations for the voice interconnection services

The Australian Communications Consumer Action Network (**ACCAN**) thanks the Australian Competition and Consumer Commission (**ACCC**) for the opportunity to comment on the public inquiry on the access determinations for the voice interconnections services discussion paper (**the discussion paper**).

ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband, and emerging new services. ACCAN provides a strong unified voice to industry and government as we work towards communications services that are trusted, inclusive and available for all.

Voice interconnection services are critical wholesale inputs to the communications services used by consumers, and consequently the pricing and terms of access for these services can have material impacts on consumers. In ACCAN's view the ACCC should:

- Adopt a 'bill and keep' or zero nominal price. Alternatively, adopt rollover prices with a simple adjustment, noting that the cost and complexity of other pricing methodologies is unlikely to be merited.
- Clarify that the determination does not require an access provider to provide access for unlawful scam traffic.
- Specify a show cause process for resolving access disputes regarding potential unlawful scam traffic, with access providers required to demonstrate the processes they have used to distinguish between legitimate and illegitimate traffic.

Although there have been ongoing discussions with respect to whether the terms of an access determination may conflict with scam restrictions, ACCAN considers that this concern is not consistent with the relevant statutory interpretation rules. Insofar as the anti-scam framework provides narrower and more prescriptive rules, the ordinary rules of statutory interpretation would require that precise exceptions would override more general obligations. Accordingly, the general requirement to provide access under the terms of a determination would be subsidiary to more specific requirements to bar illegal or illegitimate scam traffic.

Therefore, we consider that there is unlikely to be a substantive legal conflict between the terms of the access determination and the operation of the potential anti-scams framework. In ACCAN's view, any potential conflict could be addressed through the careful drafting of any non-price terms for any final access determination for voice interconnection services.

In practice, we appreciate that there may be instances in which the operation of the access determination and anti-scams restrictions may result in conflict due to the potential for access to be barred on the basis that the relevant traffic is scam traffic. Accordingly, we consider that the ACCC should develop a dispute resolution framework that applies to any restrictions of access or barring of scam traffic.

In ACCAN's view, the preferable model would require access providers to be able to 'show cause' that they have limited access, consistent with the anti-scams framework, and consistent with the terms of the ACCC's final access determination. This would entail access providers providing relevant information to the ACCC as to the basis on which they have restricted access, including information on the tools used to identify and block scam traffic. This approach would allow for the ACCC to have confidence that the terms of the final access determination were operating as intended, and that restrictions of traffic were being undertaken on the basis of address illegitimate scam traffic, rather than to exercise market power.

We thank the ACCC for the opportunity to comment on the discussion paper. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact me at gareth.downing@accan.org.au.

Yours sincerely,

Dr Gareth Downing
Deputy Chief Executive Officer

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers.

ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP](#)
