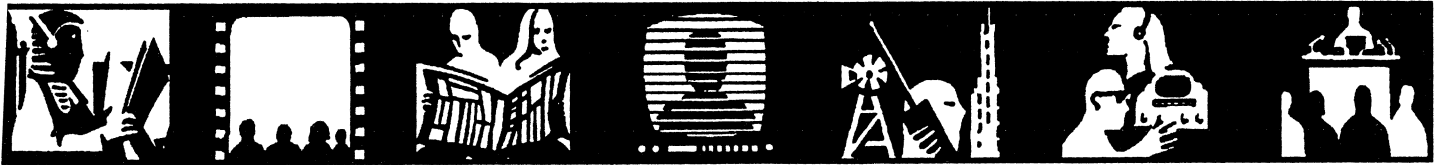


Communications *Update*

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... *SPECIAL ISSUE* ...

Telecommunications reform: the response



Although 1997 is two years off, the Government's telecommunications reform package, announced on 1 August, has given the industry and consumers an early idea of what telecommunications in Australia might look like.

This issue of *Communications Update* is devoted to Communications and Arts Minister Michael Lee's plan. The table on pages 8 and 9 shows what's in it and how it continues the process of reform of Australian telecommunications begun in the late 1980s. The rest of the issue comprises responses from key people and organisations - the regulators, the carriers, others in the industry, consumers and politicians.

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There's plenty of detail in the 99 principles which comprise the publicly available information on the proposed reforms. However, the respondents writing in this issue, while generally positive, are cautious, indicating that a full response needs to wait on the specifics of draft legislation. The parliamentary legislative process is potentially volatile, especially in the lead-up to a federal election due in the first half of next year, and industry and other players well recognise that it is laws, not policy plans, which will govern their business.

Key areas where this detail is awaited include the proposed new test of anti-competitive conduct (principle 24), the rules governing interconnection and access (principles 15-23) and the definition and funding of universal service (principles 54-69).

Another area of uncertainty lies in the major institutional changes included in the package - the transfer of responsibility for competition issues to the Australian Competition and Consumer Commission (ACCC) and

the amalgamation of the rest of AUSTEL and the Spectrum Management Agency (SMA). The culture of these organisations - how tough they will be in using their powers, how flexibly they will exercise discretions, how open their decision-making processes will be, what kind of information they will collect and make available - cannot be judged from plans or even from legislation alone. These organisations will be crucially affected by the kinds of people appointed to run and work in them and by the legacies of their predecessors.

In addition to speculation about what the new rules will say, businesses and consumers are thinking hard about how they will respond to them and what the industry will actually look like. Where telecommunications policy for the last century has, in most countries, been about defining and adapting a public, institutional prescription - a monopoly, government-owned post, telegraph and telephone company - in the 1990s it's about creating regulatory frameworks within which increasingly pri-

vate institutions operate. The shape of communications infrastructure and services is no longer the result of a set of public decisions but a complex and changing product of decisions by many private and public individuals and organisations.

Amidst the speculation about new services and players, it's still the fate of the original sole trader of Australian telecommunications, Telstra, which looms largest - what it's planning, how powerful it will prove to be when controls over it and its potential competitors are loosened after 1997. Most contentious is the issue of who will own it. The Government says *it will* - the Opposition says it will be someone else.

The Government has set out 99 principles which carefully balance a complicated set of interests in Australia's telecommunications future, but this one seems likely to be the Big One that takes the world of telecommunications out of its arcane acronyms and industry-specific obsessions and into the political mainstream in coming months. □

Jock Given

New director for CLC

The Communications Law Centre has a new Director.

Jock Given, who took up the position at the beginning of August, has worked extensively in media and communications law and policy in Australia.

He worked in the Broadcasting Policy Division of the Department of Transport and Communications in Canberra from 1987-88 and was the policy advisor at the Australian Film Commission in Sydney from 1989-94. Most recently, he worked at the Centre for Media and Telecommunications Law and Policy at the University of Melbourne, co-editing a book of source materials on Australian communications due for publication by the Law Book Company next year. He has taught communications policy and media theory at Macquarie University and the University of Technology, Sydney.

Jock has degrees in Arts (English and Journalism), Commerce, Economics and Law from the University of Queensland and worked at the Commonwealth Games Foundation in Brisbane in 1981-82. □

