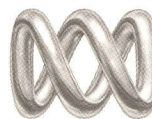


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National Broadband Network Implementation Study  
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### **Legislative Framework for the National Broadband Network Company**

The ABC welcomes the opportunity to provide input into the Department's consideration of the implementation of the Government's policy framework for the National Broadband Network (NBN) company. The Corporation offers comments on the legislative obligations applying to the new company at its formation.

The eventual levels of public and private investment in the NBN and the NBN company are currently unknown. However, the Government's announcement and the Department's discussion paper "National Broadband Network: Regulatory Reform for 21st Century Broadband" make clear that a significant proportion of the NBN will be publicly-funded and that the majority of the NBN company will be retained by the Government until at least five years after the completion of the network.

In this light, the ABC believes that the NBN company should be legislatively obliged to operate in a fashion that best reflects the interests of the Australian public. Its enabling legislation should specify a series of objectives, possibly in the form of a Charter, that will shape the company's actions. They should include specific obligations to maximise public benefit, provide broadband services at the least cost and to ensure the universal availability of the network to all Australians.

These objectives should continue to apply to the company as public-service obligations if the Government sells down the public's stake in the company, as it is proposing to do. Precedents for public-service requirements being imposed on a commercial organisation exist in a number of sectors; they include the telecommunications Universal Service Obligation and the licence conditions that apply to various forms of broadcasting services under the *Broadcasting Services Act 1992*.

As the ABC has previously argued in its response to the Department's discussion paper on options for telecommunications regulatory reform preceding the NBN, publicly-funded content and services carried over the NBN, including those of the ABC, should be available freely to the Australian people. This principle of free carriage of publicly-funded content should be included in the public-interest objectives of the NBN company and the company should be legislatively obliged to devise an effective mechanism for implementing it.

One possible mechanism of this kind might be for the NBN company to construct a list of Internet Protocol (IP) addresses for Government Departments, *Commonwealth Authorities and Companies Act* companies and other similar agencies and deliver content from those addresses at no cost to Internet Service Providers (ISPs) accessing the NBN. As such carriage of public content would represent a cost saving to ISPs, they would in turn be contractually or legislatively obliged to pass that saving on to end-users of broadband services, including not counting content of this type when calculating end-users' data allowances or caps.

I trust these brief comments are of assistance to you. Should you require more information or wish to discuss the ABC's position further, please contact the Director of Corporate Strategy and Marketing, Michael Ebeid on (02) 8333 5133 or by email at [ebeid.michael@abc.net.au](mailto:ebeid.michael@abc.net.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark Scott'.

Mark Scott  
Managing Director