

Access to content – possible foreclosure issues

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ACCC role

- General competition regulator
- Also specific regulator of utility industries
- ACCC facilitates access to critical parts of telecommunications network
- Ensure anti-competitive conduct does not hinder new entry



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Telecommunications in Australia

- Open to full competition since 1997
- Highly integrated incumbent – Telstra
- Competitors still rely heavily on access to Telstra network



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Traditional media

- Relatively highly regulated compared to most industries
- Cross-media/foreign ownership restrictions
- TV broadcasting regulations
- Major players: 3 FTA TV, 2 pay-TV, 2 newsprint



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Pay-TV

- Relatively new in Australia
- Telstra owns 50% of major provider Foxtel
- Foxtel-Optus content supply agreement in 2002
- Extensive undertakings to ACCC



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Regulatory tools

- General anti-competitive conduct provisions
- Merger assessments
- Access regulation of telecommunications
- Telecommunications-specific anti-competitive conduct provisions



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Emerging market structures

- Telstra's vertical and horizontal integration
- HFC network and Foxtel
- Recent debate around 'operational separation'
- Broadcasting regulations



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Access to content

- Content identified as a key issue in pay-TV
- Technological development enabling broadcast via broadband and/or 3G
- Firms looking to offer the 'triple play'
- ACCC role in scrutinising acquisition of compelling broadband/3G content



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Questions



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