

13 December 2021

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Dear Sir/Madam,

Thank you for the opportunity to comment on the exposure draft of the *Consumer Data Right (Telecommunications Sector) Designation 2021 (Draft Designation)*.

The Foxtel Group is a carriage service provider (**CSP**) of residential telephony and broadband services and also provides broadcast and streaming services over cable, satellite and IP delivery platforms.

Foxtel supports in full, the submission prepared by Communications Alliance in response to the Draft Designation. However, we also wish to highlight some concerns we hold as both a CSP, broadcaster and streaming services provider, regarding the scope of the proposed definition of "product" within the Draft Designation.

First, we note and support Communications Alliance's submission that the proposed definition of "product" which includes "a good or service that is offered or supplied to a person in connection with supplying a carriage service", should be clarified as to its scope and its potential to capture a wide variety of products or services for which a CDR framework will carry no consumer benefit.

However, we would like to take this opportunity to further highlight the impact that the current proposed definition of product will have for providers such as Foxtel who regularly bundle telco and non-telco related products.

Foxtel's core business is broadcast and streaming. Our interpretation of the current proposed definition of product is that all services unrelated to telco products, which happen to be supplied in connection with a carriage service, will be caught by the Draft Designation. This is despite broadcast and streaming services not being the intended target of the CDR and despite most other entertainment service providers not having to comply with the CDR.

Foxtel supports the policy intent of the CDR and the ability of our customers to have greater control and use of their data. However, we note that the practical and cost impact of CDR implementation is large, with conservative implementation estimates ranging from \$340,000 for "small" telcos to \$4,300,000 for "large" telcos.¹ Therefore, given this impact the CDR will have for our entire business, we ask that regulatory certainty is provided in the Draft Designation that non-telecommunications products that might be bundled with a telecommunications service (such as OTT or broadcast products) will not be caught by the CDR.

¹ The Treasury, Consumer data right: Telecommunications sectoral assessment (Final report, November 2021) 17.

We consider that it is important that this certainty is provided at this early stage of the implementation of the CDR, rather than leaving it to the CDR rules stage of consultation.

Thank you for the opportunity to comment on these matters.

Best Regards,

Foxtel Group

FOXTEL, Fox Sports, Foxtel Media, Kayo, BINGE