

1 September 2016

Ministry of Business, Innovation & Employment

By email to: [telcoreview@mbie.govt.nz](mailto:telcoreview@mbie.govt.nz)

**Telecommunications Act Review: Options Paper**

We are writing in relation to the Options Paper released by the Ministry of Business, Innovation & Employment in July 2016, and in particular paragraph 10.3.2 on net neutrality and question 73.

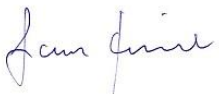
We agree that this area needs to be re-examined in light of recent market developments. We do not consider that the current regulatory framework has sufficient safeguards in place to manage any net neutrality issues that may arise. We wish to draw the Ministry's attention to our recent submission to the Commerce Commission in relation to the proposed merger between Vodafone and SKY, **attached** for your reference, in which we raise our concerns about net neutrality.

While preparing and reviewing submissions for the convergence reviews and the Commerce Commission, it has become evident to us that a number of the definitions in the Broadcasting, Radiocommunications, Telecommunication and Copyright Acts are inconsistent and may not be fit for purpose in legislation and regulation intended for the realities of convergence.

For example the distinctions between 'broadcaster', 'broadcasting,' 'telecommunications,' and 'network,' are all relevant in light of our recent submission.

We suggest it may be productive for MBIE, in consultation with affected sector parties, to lead a short process to provisionally agree a standard set of definitions to be consistently applied across the various review workstreams.

We are happy to discuss further should the Ministry find that useful.

A handwritten signature in black ink, appearing to read "Sam Irvine".

Yours faithfully,

Sam Irvine

**General Manager, Freeview Limited**