



## COVERSHEET

<b>Minister</b>	Hon Dr David Clark	<b>Portfolio</b>	Digital Economy and Communications
<b>Title of Cabinet paper</b>	Telecommunications (Regulated Fibre Services) Regulations 2021.	<b>Date to be published</b>	26 October 2021

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
September 2021	Telecommunications (Regulated Fibre Services) Regulations 2021	Minister for the Digital Economy and Communications
September 2021	Annex One: Telecommunications (Regulated Fibre Services) Regulations 2021	Parliamentary Counsel Office
9 September 2021	Telecommunications (Regulated Fibre Services) Regulations 2021 LEG-21-MIN-0131 Minute	Cabinet Office

### Information redacted

**YES**

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Reasons for withholding information include:

- To maintain legal professional privilege
- To maintain the privacy of natural persons



# Cabinet Legislation Committee

## Minute of Decision

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*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

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### Telecommunications (Regulated Fibre Services) Regulations 2021

**Portfolio**                      **Digital Economy and Communications**

On 9 September 2021, the Cabinet Legislation Committee:

- 1        **noted** that the Telecommunications Act 2001 was amended in November 2018 to create a new framework for the regulation of wholesale fibre services;
- 2        **noted** that as part of the new regulatory framework under the Telecommunications Act 2001 as amended in 2018, certain regulations need to be made to identify anchor services (section 227 of the Act) and direct fibre access services (section 228 of the Act);
- 3        **noted** that Schedule 1AA of the Telecommunications Act 2001 requires that the Minister must not:
  - 3.1        recommend regulations be made under sections 227 and 228 that prescribe a description of a service that is, or conditions of the service that are, materially different from the terms set out in a UFB contract.
  - 3.2        recommend the making of regulations under section 227 and 228 unless the Minister is satisfied that the maximum price is prescribed by reference to the maximum contract price of the service immediately before the implementation date, with an annual CPI adjustment mechanism.
- 4        **noted** that the Minister for the Digital Economy and Communications is satisfied that the conditions set out in paragraph 3 have been adhered to;
- 5        **noted** that on 3 April 2019 the Cabinet Economic Development Committee agreed that regulations should be made under sections 227 and 228 of the Telecommunications Act 2001 to declare anchor and direct fibre access services [DEV-19-MIN-0054];
- 6        **noted** that the Telecommunications (Regulated Fibre Services) Regulations 2021 give effect to the decision referred to in paragraph 5 above;
- 7        **authorised** the submission to the Executive Council of the Telecommunications (Regulated Fibre Services) Regulations 2021 [PCO 22349/7.0];

8 **noted** that the Telecommunications (Regulated Fibre Services) Regulations 2021 come into force on 31 December 2021.

Rebecca Davies  
Committee Secretary

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**Present:**

Hon Chris Hipkins (Chair)  
Hon Andrew Little  
Hon Nanaia Mahuta  
Hon Poto Williams  
Hon Kris Faafoi  
Hon Michael Wood  
Hon Dr David Clark  
Hon Meka Whaitiri  
Keiran McNulty, MP (Senior Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG