

# Kiwi telco regime an Aussie affair

BY ANGELA PRIESTLEY

AUSTRALIAN LEGAL practitioners are crossing the Tasman to assist New Zealand telecommunications carriers establish the country's mobile network roll out legislative regime.

Sydney-based communications and technology firm Truman Hoyle is acting on behalf of NZ Communications Ltd in the regulatory process and other matters involved in rolling out the country's third mobile network.

It's a move that reflects similar work internationally, with firms like Truman Hoyle and Gilbert + Tobin being retained to utilise their Australian gained experience, in telecommunications regimes across the globe.

For Truman Hoyle, the bulk of their involvement comes from determining the mobile collocation terms. Dr Ross Patterson, NZ telecommunications commissioner said mobile collocation has been an obligation since the beginning of the *Telecommunications Act* in Australia, it's these many years of experience that make Australian expertise appealing.

It's an opportunity, said Patterson, for New Zealand to come up with a world-class regime. "This is going to be the world leadership position because it is new and no jurisdiction has yet really made it work," he said. "We have the advantage of learning what's been done and coming up with a model that will benefit consumers in a way we haven't seen in other jurisdictions.

Even Dr Patterson himself has crossed the Tasman to his position as telecommunications commissioner after working 10 years for Minter Ellison in Australia.

Shane Barber, managing director of Truman Hoyle, said much of his involvement is around cre-

ating the terms for the New Zealand mobile market to branch out from its current state of duopoly. "NZ consumers don't have choice," he said. "They're paying significantly more than people in other OECD countries are paying simply because there's no competition."

Barber believes the market is relatively immature, a problem realised as NZ moves to regulate the sector on issues that have been done elsewhere in the globe a long time ago. "The upside of course is that they can now adopt the best practices from around the world and have a world-leading regime," he said. "The downside is that there's an extra decade of incumbents. It means it's hard without significant regulatory change."

The added years of maturity in the Australian market give local legal practitioners particularly luring attributes relevant to overseas markets. "This kind of expertise is becoming a real export opportunity for Australian law firms that have the expertise and regulatory work, and it's not as susceptible to the highs and lows in the commercial market," said Barber.

The process is tipped to continue throughout 2008 with all carriers required to initially undertake a month long intensive negotiation under the auspices of the Telecommunications Carriers Forum in order to agree on network collocation terms. Vodafone New Zealand, under the direction of the New Zealand Commerce Commission, is then required to develop a standard terms proposal incorporating whatever agreement is achieved. From there, the Commerce Commission will call for a series of submissions and cross submissions before it establishes the Standard Terms Determination on mobile network co-location.