

## **National Competition Council**

### ***PGPA Act and Rule Independent Review – draft report response***

Please see below comments from the National Competition Council (NCC) in relation to the consultation draft of the independent review of the PGPA Act and Rule.

The NCC is a small, non-corporate government entity. Its role is to provide advice to relevant Ministers regarding applications for access to services provided by monopoly infrastructure under the *Competition and Consumer Act 2010* (Cth), and under the National Gas Law. Due to the intermittent nature of applications it receives, since 1 July 2014 the NCC has not employed staff, but instead has been procuring services from the Australian Competition and Consumer Commission pursuant to a Memorandum of Understanding. The NCC remains an independent agency with its own Councillors and statutory responsibilities.

Given the NCC's small size, limited functions and low risk profile, we consider that the requirements under the PGPA Act and Rule should continue to be flexible and principles-based, rather than overly prescriptive, so as not to entail excessive burden on small entities. In that regard, we would encourage the reviewers to consider the resource implications of some of the changes being recommended (particularly in the report sections titled "performance framework" and "audit committees"); and whether those requirements should be a guidance only (particularly for small entities), rather than being requirements that apply to all entities.

If you have any questions regarding our response, please contact Connie Wu at [connie.wu@acc.gov.au](mailto:connie.wu@acc.gov.au) or on (08) 9325 0637.