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The Parliament of the Commonwealth of Australia

An Advisory Report on the  
Telecommunications Legislation  
Amendment (Fibre Deployment) Bill 2011

Joint Committee on the National Broadband Network

June 2011  
Canberra

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## Chair's Foreword

Through this inquiry, the committee was presented with a number of issues that were outside the scope of the terms of reference. However, the committee concluded that these issues were important and should be reported to the Parliament, and are therefore included in various sections of the report.

Through this report, the Parliament is able to gain an overview of industry and community views associated with possible enactment of the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011 (the Bill), and also the main views related to the Government's *Fibre in New Developments* policy which underpins the proposed legislation.

While the committee made a number of additional findings, the main provisions of the Bill are supported by the majority of the committee. Where the committee found areas of dispute, these were less about the Bill and more about the underlying policy that has led to this Bill.

Major findings of the report include:

- Internal customer service protocols should be put in place within NBN Co to ensure that the timeframe for issuing statements is completed within benchmarked customer service timeframes.
- NBN Co should commit to specific timeframes, to publish its performance on the fibre rollout against timeframes and that these commitments be subject to regulatory oversight.
- Investigation into the possible impact on risk premiums of regular changes in development regulations with appropriate measures to be put in place to anticipate this type of outcome and rectify any negative consequence.

In relation to the Bill's possible impact on competition in the existing fibre provider market in new developments, the committee acknowledged the views put forward by fibre industry groups. These industry groups highlighted the potential adverse impact that the Government's existing *Fibre in New Developments* policy may have for smaller existing fibre providers, and the committee is urging the Government to review these concerns.

Taking into consideration the findings and recommendations of the Australian Government Competitive Neutrality Complaints Office report when it is released, it is important that the Government investigate (with a view to rectifying if necessary) the degree to which the rollout of the National Broadband Network has the potential to diminish competition in the fibre provider market.

I thank those who contributed to this inquiry by providing submissions or appearing in person before the committee.

Mr Robert Oakeshott MP

Chair



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## Committee Membership

**Chair** Mr Robert Oakeshott MP

**Deputy Chair** Mrs Yvette D'Ath MP

<b>Members</b>	Mr Paul Fletcher MP	Senator Simon Birmingham
	Mr Luke Hartsuyker MP	Senator Carol Brown
	Mr Ed Husic MP	Senator Doug Cameron
	Hon Sussan Ley MP	Senator Mary Jo Fisher
	Ms Michelle Rowland MP	Senator Scott Ludlam
	Mr Mike Symon MP	Senator the Hon Ian Macdonald
	Hon Malcolm Turnbull MP	Senator the Hon Ursula Stephens

### Participating Members

Senator the Hon Eric Abetz	Senator Steve Hutchins (from 24.3.2011 until 30.6.2011)
Senator Judith Adams	Senator the Hon David Johnston
Senator Chris Back	Senator Barnaby Joyce
Senator Guy Barnett (until 30.6.2011)	Senator Helen Kroger
Senator Cory Bernardi	Senator Gavin Marshall (from 24.3.2011)
Senator Catryna Bilyk (from 24.3.2011)	Senator the Hon Brett Mason
Senator Mark Bishop (from 24.3.2011)	Senator Anne McEwan (from 24.3.2011)
Senator the Hon Ronald Boswell	Senator Julian McGauran (until 30.6.2011)
Senator Sue Boyce	Senator the Hon Nick Minchin (until 30.6.2011)

Senator the Hon George Brandis SC	Senator Claire Moore (from 24.3.2011)
Senator David Bushby	Senator Fiona Nash
Senator Michaelia Cash	Mr Paul Neville MP (from 10.5.2011)
Senator the Hon Richard Colbeck	Senator Kerry O'Brien (from 24.3.2011 until 30.6.2011)
Senator the Hon Helen Coonan	Senator Stephen Parry
Senator Mathias Cormann	Senator Marise Payne
Senator Trish Crossin (from 24.3.2011)	Senator Helen Polley (from 24.3.2011)
Senator Alan Eggleston	Senator Louise Pratt (from 24.3.2011)
Senator the Hon John Faulkner (from 24.3.2011)	Senator the Hon Michael Ronaldson
Senator the Hon Alan Ferguson (until 30.6.2011)	Senator Scott Ryan
Senator Concetta Fierravanti-Wells	Hon Bruce Scott MP (from 26.5.2011)
Senator Mitch Fifield	Senator the Hon Nigel Scullion
Senator Michael Forshaw (from 24.3.2011 until 30.6.2011)	Senator Glenn Sterle (from 24.3.2011)
Senator Mark Furner (from 24.3.2011)	Senator the Hon Judith Troeth (until 30.6.2011)
Senator the Hon Bill Heffernan	Senator Russell Trood (until 30.6.2011)
Senator Gary Humphries	Senator John Williams
Senator Annette Hurley (from 24.3.2011 until 30.6.2011)	Senator Dana Wortley (from 24.3.2011 until 30.6.2011)
	Senator Nick Xenophon

## Committee Secretariat

Committee Secretary    Mr Peter Stephens

Inquiry Secretary      Ms Stephanie Mikac



## Terms of Reference

On 12 May 2011, the Joint Committee on the National Broadband Network resolved to adopt for inquiry the provisions of the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011, as referred by the House of Representatives Selection Committee on 10 May 2011.





## List of Abbreviations

ACCAN	Australian Communications Consumer Action Network
ACCC	Australian Competition and Consumer Commission
ACMA	Australian Communications and Media Authority
Act	<i>Telecommunications Act 1997</i>
ADSL	Asymmetric Digital Subscriber Line
AGCNCO	Australian Government Competitive Neutrality Complaints Office
Bill	Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011
BOT	Build-Operate-Transfer
CA	Communications Alliance
CCTV	Closed Circuit Television
Cwlth	Commonwealth
DBCDE	Department of Broadband, Communications and the Digital Economy
EM	Explanatory Memorandum
FTA TV	Free-to-Air television
FTTB	Fibre-to-the-Building
FTTN	Fibre-to-the-Node

FTTP	Fibre-to-the-Premises
GFOA	Greenfield Fibre Operators of Australia
HIA	Housing Industry Association
IPTV	Internet Protocol Television
Mbps	Megabits per second
Minister	Minister for Broadband, Communications and the Digital Economy
NBN	National Broadband Network
NBN Co	NBN Co Limited
RF	Radio Frequency
RIS	Regulation Impact Statement
RSP	Retail Service Provider
TV	Television
UDIA	Urban Development Institute of Australia
ULLS	Unconditional Local Loop Service
USO	Universal Service Obligations
USP	Universal Service Provider
UTA	Urban Taskforce Australia



# Recommendation

## Part 1 – General Amendments

### Recommendation 1

The committee recommends that the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011 be passed.

