

5 June 2020

Director  
USG Implementation  
Department of Infrastructure, Transport, Regional Developments and Communications  
GPO Box 2154 Canberra, ACT 2601

By email: [new.developments@communications.gov.au](mailto:new.developments@communications.gov.au)

Dear Director,

### Consultation on proposed new Telecommunications in New Developments Policy

I welcome the opportunity to comment on the proposed new Telecommunications in New Developments policy (**the Policy**).

It is pleasing to see some of the amendments are consistent with feedback from my office's previous submission to the review of the Policy.<sup>1</sup> The proposed Policy is more focused and clearer than the previous version, which will reduce confusion and promote compliance.

I write to offer my observations about three areas referred to in the Policy and ways to further those areas.

#### *1. A checklist of developer responsibilities to make compliance easier*

I support the revised section on developer responsibilities that requires developers organise and meet the costs of installing pit and pipe and telecommunications infrastructure, so services are available before consumers move into premises.

I also support the Policy's requirements for ongoing awareness-raising, coupled with relevant regulation on developer responsibilities, whether at federal, state and territory, or local government level.

The Department may wish to consider providing a separate accompanying compliance "checklist" setting out developer and carrier responsibilities across jurisdictions. The checklist could include associated penalties and suggested timeframes. Having a separate "checklist" should make it easier for developers to understand their obligations, ensure a higher rate of compliance and provide better protections for consumers. This would especially assist smaller developers who do not have compliance teams and may find their developer obligations more difficult to follow.

#### *2. Extending penalties to unincorporated developers*

While incorporated developers can face penalties for selling a new development without any fibre-ready facilities under Part 20A of the *Telecommunications Act 1997*, this does not currently apply to unincorporated developers.

I support the Commonwealth's consideration of similar laws for unincorporated developers. Extending penalties may promote compliance by smaller developers and reduce complaints to my office.

---

<sup>1</sup> [TIO Submission to the Department of Communications and the Arts – Review of the 2015 Telecommunications in new developments policy \(January 2020\)](#).

We have observed that complaints about connection delays are received more frequently about small developers than large developers. We receive complaints about knock-down and rebuilds, especially where the property has been subdivided into multiple dwellings by “mum and dad” developers.

### **3. Binding standards on network performance and reliability**

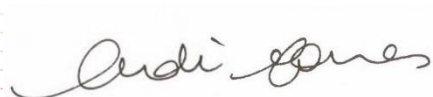
I support the requirement for telecommunications infrastructure and services in new developments to meet the reasonable expectations of consumers.

I also support the introduction of standards and associated benchmarks for the statutory infrastructure provider in the *Telecommunications Act 1997*. These standards and benchmarks set baseline requirements for access technologies and download and upload speeds in new developments. They also set maximum timeframes for connection and repair of wholesale services and appointment keeping arrangements.

As contemplated by the proposed Policy, the Department may wish to consider going further by setting binding standards on network performance and reliability. As suggested in our previous submission, binding minimum standards would promote consistent outcomes for all consumers by guaranteeing a basic quality standard, so no consumers fall through the gaps.

All consumers should have access to high quality voice and broadband services, regardless of who their network provider is. As NBN Co’s role as internet provider of last resort is increasingly reduced by competition from alternative network providers, it is important there are minimum service and network standards. This is particularly important for consumers with voice-only services. If a voice call passes through a network of a lower quality than others in the integrated network infrastructure, the quality of the call will also degrade. Consumers should be able to expect the same call quality whether they are calling someone in the same suburb or on the other side of the country.

Yours sincerely



Judi Jones,  
Telecommunications Industry Ombudsman