Australian Government

Department of Broadband, Communications and the Digital Economy

PROPOSED SUBORDINATE LEGISLATION TO GIVE EFFECT TO FIBRE IN NEW DEVELOPMENTS

POSITION PAPER

16 APRIL 2010

Purpose of this paper

The purpose of this paper is to provide information and seek views on proposed subordinate legislation to bring into full operation the requirements for the provision of fibre telecommunications infrastructure in new developments. The head of power for this subordinate legislation is set out in the *Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010* (the Bill). The Bill was introduced into Parliament on 18 March 2010.

This paper outlines the proposed approach to be taken in four key areas:
1. geographical coverage
2. types of developments captured, including thresholds and exemptions
3. the practical date of effect
4. specifications.

Background

The Bill will amend the *Telecommunications Act 1997* (the Act) to insert a new Part 20A.

Most importantly, Part 20A provides for the Minister for Broadband, Communications and the Digital Economy (the Minister) to specify in subordinate legislation the property developments or classes of developments in which:
- fixed lines which are installed to building lots and/or units must be optical fibre; and
- fixed line facilities (e.g. passive infrastructure like conduits and pits) which are installed to building lots and/or units must be fibre-ready facilities.

The Bill also makes it easier for industry codes and standards to be made under Part 6 of the Act about optical fibre infrastructure and services where this is required. Such documents may be referenced in the subordinate legislation.

The Government envisages that fibre networks in new developments will operate on an open access basis, and that wholesale services like those available on the NBN will be offered. There is scope for the Australian Competition and Consumer Commission (ACCC) under Part XIC of the *Trade Practices Act 1974* to declare access to services and regulate access pricing. The Government will also consider more direct forms of regulation, if necessary, to ensure consistency of outcomes for service providers and end-users.

The Commonwealth is also continuing to work with the states and territories to have them put in place complementary planning arrangements that support the Commonwealth's national legislative framework.

The Commonwealth is also developing a system for accreditation of providers and certification of fibre installation. It is also developing an education program targeting developers, builders and carriers as well as the general public.

Use of subordinate legislation

To have full effect, proposed Part 20A requires the Minister to make subordinate legislation on a range of matters. The use of subordinate legislation ensures requirements

can be specified in sufficient detail and provides flexibility, particularly to allow for the targeting and phasing in of requirements.

The key provisions in Part 20A providing for subordinate legislation are:

- Proposed section 372B - Deployment of optical fibre lines to building lots
  - Paragraph 372B(1)(b);
  - Subsection 372B(4) for the purposes of paragraph 372B(2)(b); and
  - Subsection 372B(5) for the purposes of subsection 372B(1).

  These provisions set out the general rule that where telecommunications lines are installed in specified new developments that involve the subdivision of land, those lines must be optical fibre lines.

- Proposed section 372C - Deployment of optical fibre lines to building units
  - Paragraph 372C(1)(b);
  - Subsection 372C(4) for the purposes of paragraph 372C(1)(b); and
  - Subsection 372C(5) for the purposes of subsection 372C(1).

  These provisions provide the general rule that where telecommunications lines are installed in specified new developments that involve the construction of one or more building units, those lines must be optical fibre lines.

- Proposed section 372CA - Installation of fibre-ready facilities – building lots
  - Paragraph 372CA(1)(b);
  - Subsection 372CA(3) for the purposes of paragraph 372CA(2)(b);
  - Subsection 372CA(5) for the purposes of subsection 372CA(1).

  These provisions provide the general rule that where fixed-line facilities are installed in specified new developments that involve the subdivision of land, those facilities must be fibre-ready facilities.

- Proposed section 372CB - Installation of fibre-ready facilities – building units
  - Paragraph 372CB(1)(b);
  - Subsection 372CB(3) for the purposes of paragraph 372CB(2)(b); and
  - Subsection 372CB(5) for the purposes of subsection 372CB(1).

  These provisions provide the general rule that where fixed-line facilities are installed in specified new developments that involve the construction of one or more building units, those facilities must be fibre-ready facilities.

- Proposed section 372D - Real estate development projects etc.
  - Subsection 372D(4) for the purposes of paragraph 372D(1)(c); and
  - Subsection 372D(7) for the purposes of paragraph 372D(5)(b).

  These provisions define the term ‘real estate development project’ in relation to new developments involving both the subdivision of land (sections 372B and 372CA), and/or the construction of one or more building units (sections 372C and 372CB). The Bill provides for any additional conditions to be specified under a legislative

instrument. The provision enables further definitions or conditions to be specified in a legislative instrument made by the Minister if needed.

- Proposed section 372HB - Fibre-ready facilities
  - Subsection 372HB(1).

  This provision provides for the Minister, by legislative instrument, to declare that a specified fixed-line facility (either individually or by class) is a fibre-ready facility for the purposes of the Act. The provision enables the Minister to specify attributes of fixed line facilities that would be 'fibre-ready facilities', if needed.

In light of this reliance on subordinate legislation, in introducing the Bill into Parliament the Government noted that:

> *The Minister for Broadband, Communications and the Digital Economy has indicated that the subordinate legislation needed to bring the framework into full operation will be developed in close consultation with the stakeholder reference group. It is his intention that the substantive approach to be taken in the subordinate legislation will be publicly released enabling parliamentary scrutiny when the bill is considered by a Senate committee and subsequently debated.*[1]

This paper sets out the substantive approach to be taken in the subordinate legislation, as promised by the Minister. It builds on previous papers provided to the Fibre in Greenfields Stakeholder Reference Group in December 2009 and March 2010 and takes into account the feedback on those documents. However, the Group did not reach a consensus view on all issues and the Government does not claim the paper has the endorsement of the Group. Instead the approach outlined here sets out to balance the various view points to achieve the optimal outcome from a public policy perspective.

In releasing this paper, the Government recognises that there are still a wide range of views as to how fibre in new developments will be best brought into operation. Accordingly, while the Government has set out its proposed approach to the subordinate legislation with a view to providing guidance to the Senate Committee, Parliament and stakeholders generally, it is prepared to consider alternative approaches where there is reason to do so.

The Government also recognises that the paper does not address all issues that have been raised in relation to this policy. In particular, the Government is aware that there is a strong difference of views as to who should be responsible for the funding of fibre infrastructure in new developments. The Government considers that, as currently, the cost recovery arrangements that may ultimately apply in new developments will depend on the commercial arrangements that emerge between all relevant parties, having regard to their individual interests, as fibre-to-the premises is deployed more widely.

The Government's long-stated intention is to have the legal framework for the provision of fibre in new developments, including necessary subordinate legislation, in place by 1 July 2010. However, when the fibre-ready and fibre requirements take practical effect will, as explained in this paper, be determined by the content of the subordinate legislation. In particular, the new requirements will affect only developments that have reached a particular point in the planning approval process on the date that the legislation commences. The

[1] *House of Representatives Hansard*, 18 March 2010, p.2935 (Second Reading Speech).

specification, in the instrument, of that point in the planning process will have a material effect on the practical operation of legislation. The approach taken to this issue in this paper means that there will still be significant time for outstanding concerns about the practical implementation of the new requirements to be accommodated.

While this paper sets out the proposed policy approach in respect of the content of the subordinate legislation, the final form of the instrument will be prepared in accordance with established legislative drafting principles and requirements, and subject to the legal framework established under the Bill.

Summary of the approach

In summary, the proposed subordinate legislation will:

- apply in all areas of Australia wherever urban utilities are installed, with appropriate exemptions to this rule
- define what is meant by 'fibre-ready facilities' for the purposes of the fibre-ready infrastructure requirement under the Bill
- specify that all fixed line facilities installed in the geographical area of coverage need to be fibre-ready facilities
- identify further the subset of new developments in which fixed lines to be installed would need to be optical fibre by establishing criteria which require fibre (as well as fibre-ready facilities) to be installed in a new development
- identify the limited circumstances where fixed lines may be exempted from the requirement that they be fibre
- determine trigger events which will cause the requirements to have practical effect via the definition of 'planning approval'
- set out the conditions, including technical specifications, to be met by optical fibre lines or fibre-ready facilities where they need to be installed.

Geographic application

Under the Bill, Part 20A will generally apply across Australia.

It is proposed, however, that the subordinate legislation will target those parts of Australia where services are expected to be provided over a fibre access network, and to provide for the possible expansion of the fibre footprint over time. To this end, it is proposed that the subordinate legislation apply in areas of Australia where an urban utility such as reticulated water, sewerage or mains electricity is installed. This would be given effect by more complex rules as required.

How developments within this geographical area would be captured would depend on the further rules set out below in relation to this matter.

This approach is seen as providing stakeholders with guidance as to the geographical footprint within which requirements are generally expected to apply.

It would still be open to developers, builders or carriers to supply fibre voluntarily outside this footprint.

Types of developments to be captured

Fibre-ready requirement

Definition

Proposed section 372HB of the Act provides for the definition of ‘fibre-ready facilities’.

Fibre-ready facilities would be defined as passive facilities such as ducts, conduits, pits, enclosures, plinths, poles or similar facilities that are used in the deployment of telecommunications lines and which are designed, dimensioned and installed in such a manner that they enable the ready deployment of optical fibre cabling.

The development of specifications for ‘fibre-ready facilities’ (and fibre lines) is discussed in the ‘Specifications’ section of this paper at pages 10-13.

Developments captured by the fibre-ready requirement

Proposed sections 372CA and 372CB of the Act provide for the identification of developments in which fixed line facilities need to be ‘fibre-ready facilities’.

Consistent with the proposed geographical application of the subordinate legislation, any development that is located in an area where an urban utility such as reticulated water, sewerage or mains electricity is installed, would, subject to the further rules below, be subject to the fibre-ready requirement.

For clarity, it is envisaged that any development that was of a kind which would otherwise require the installation of fibre given the criteria for this set out below (pp. 6–7) would be a place where an urban utility such as reticulated water, sewerage or mains electricity would be installed.

As an exception to this general rule, a development would be exempted from the fibre-ready requirement if, at the time the party concerned was to install the fixed line facilities, the development was in an area specified in a plan published by NBN Co for this purpose as being a non-fibre area, or where NBN Co otherwise gave an explicit exemption in writing prior to the installation of relevant infrastructure. This would save fibre-ready infrastructure where it was clear NBN Co would not be providing fibre infrastructure, while providing flexibility for NBN Co to modify its fibre footprint over time.

Further consideration is also being given to allowing a party to apply to the Australian Communications and Media Authority (ACMA) to exempt a development, in writing, from the fibre-ready requirement. This could provide useful flexibility and allow further regard to be given to local circumstances and local views pertaining to a development.

The intent of these rules is to have fibre-ready infrastructure installed in all new developments in Australia which are likely to be serviced by fibre in the short to medium term.

Further qualification of the fibre-ready requirement in relation to in-fill developments

In the case of in-fill and urban renewal developments, the fibre-ready requirement would generally be limited to facilities within the property boundary, as these can practically be installed at the time of construction. Existing passive infrastructure in the street not otherwise being touched would not need to be replaced. If fixed line facilities in the street were to be replaced, however, they would need to be replaced with fibre-ready facilities.

In-fill developments include development of a site within an already developed area, either by building housing on land that was previously vacant or used for non-residential purposes, or by replacing existing premises with new premises.

Fibre requirement

Proposed sections 372B and 372C of the Act provide that the requirement that lines installed must be optical fibre applies to specified developments. This section provides a rule for specifying these developments.

Building on the fibre-ready requirement, the subordinate legislation would provide that in those developments captured by the fibre-ready requirement as explained above, the installation of fibre would also be required where:

- the development over its life was to be equal to or greater than 200 building lots and/or units (the size threshold), and
- fibre could be installed at a price of $3000 (including GST) or less, which includes the price of backhaul (the price threshold).

The number of lots or units refers to the whole of the development throughout its life.

Operation of the price threshold

The price figure would cover all relevant equipment and installation for providing fibre-to-the-premises services, including the provision from the network to the property boundary and to the premises of:

- trenches or similar
- suitable passive infrastructure such as conduit, access holes, and enclosures
- fibre cabling and associated distribution facilities (e.g. splitters, termination blocks)
- backhaul capacity
- an optical network terminal and cabinet at the premises
- basic internal wiring.

If a party acquiring facilities wanted to make an in-kind contribution of resources needed to provide fibre in a new development (e.g. space for a particular facility) but not have it counted to the price threshold, that would be a commercial matter for the party concerned.

The price threshold would work by requiring a developer who believes it is not obliged to install fibre to have auditable quotes from carriers which show that the price payable would be above the threshold. It is envisaged this could be handled in the first instance as part of the local planning approval process, with referral if necessary to the communications industry regulator, the ACMA.

The price of backhaul would relate to the capital or establishment cost of backhaul.

The price would need to reflect the technical specifications set out in the instrument, and should include the cost of a headend if that is the provider's preferred network architecture.

The price would not include the provision of facilities to receive broadcast signals for redistribution within an estate. That is seen as an additional functionality that would be selected at the discretion of the developer.

In determining the operation of the threshold, the instrument would focus on the total price payable by the parties acquiring the fibre facilities rather than the cost to the provider of providing the infrastructure and services. This is because the provider of the infrastructure and services may itself share some of the cost to capture the business in a development.

It should be noted that these prices may be met by a range of parties, not simply the developer. For example, a developer may pay for the provision of fibre within an estate to the property boundary, while the property owner may pay for elements within the property boundary.

The price threshold would not be automatically indexed. As economies of scale increase, the price of fibre solutions is expected to decline in real terms over time. The price threshold, instead, would be reviewed as required.

Where the price of provision exceeds $3000 per lot or unit, fibre would be optional and fibre-ready facilities would be the default.

Provision of services in non-fibre developments

While not a matter for the subordinate legislation, in the interests of clarity, in areas where fibre-ready facilities are deployed but fibre is not required, developers could choose to install fibre or seek a non-fibre solution from a carrier. As the primary universal service provider, Telstra has the obligation to provide a person with a standard telephone service upon request. As now, Telstra could do this using its own infrastructure or that of another carrier. As now, Telstra would be able to choose what technology it uses.

Exemptions

Subsections 372B(5), 372C(5), 372CA(5) and 372CB(5) give the Minister power under a legislative instrument to exempt conduct specified in the instrument, or conduct ascertained in accordance with the instrument, from the scope of subsections 372B(1), 372C(1), 372CA(1) and 372CB(1) respectively (provisions applying to the installation of a line or a fixed-line facility in a new development).

The subordinate legislation would contain exemptions for the following circumstances:

- To allow the installation of non-fibre lines and facilities on a one-off basis, where required, to support older types of customer premises equipment (e.g. some PABX equipment) providing fibre is also available.

- The use of copper for certain 'special services' such as metering, security, traffic lights providing fibre is also available.
- To enable a temporary building on the site of the new development to have a non-fibre fixed line service that will be removed when building is closed. If the office is in a display home or other premises that is subsequently sold or leased to an end user, the building must have fibre or fibre-ready facilities if other lots within the real estate development project have fibre or fibre-ready facilities installed.

The Government is considering further whether hybrid fibre-coaxial (HFC) networks should also be permitted in new developments providing optical fibre is also in place.

Practical date of effect

There are two key issues in relation to the start date for the fibre-ready and fibre connection requirements set out in the Bill.

The first issue is the commencement date for the overall ***legislative framework***. The Government's intention is to have the legislative framework, including the subordinate legislation, in place from 1 July 2010, to provide certainty for stakeholders. Once the legislation is in place, subordinate legislation can be put in place which will provide the necessary certainty for all parties concerned.

That said, the second issue is when the fibre connection and fibre-ready requirements under the subordinate legislation take ***practical effect on the ground***. The question here is at what stage in the development process a development should be at by 1 July 2010 in order to be caught by these requirements. The key questions here are whether and how the concept of 'planning approval' is used in subordinate legislation.

The concept of 'planning approval' is important in determining appropriate trigger points. In bringing a development project to fruition, a developer needs to make a number of applications to a planning authority such as a local council and receive approval before proceeding to the next stage of the process. Two basic stages, for example, are the approval of the development or subdivision (development approval) and building approval. The stage of the development process that is used as a trigger (and whether application and/or approval is used), will impact on when requirements apply to a particular development.

For example, if a requirement is tied to the lodgement of a development application and its approval as opposed to the lodgement and approval of a building application, the requirement will take longer to have practical effect because there is generally a longer period between a development approval and the commencement of construction compared to a building approval and the commencement of construction.

While States and Territories have different planning regimes, there are key stages of the development process which are relatively common. The National Housing Supply Council report includes a table entitled Six Stage Generic Development Pipeline for Greenfield Development and Major Brownfield Redevelopment [2], which summarises the

[2] "Box 3.4: Six stage generic development pipeline for greenfield development and major brownfield redevelopment" *in National Housing Supply Council State of Supply Report 2008*, February 2009, pages

key phases of land development, from identifying suitable sites, to costing, planning approvals, undertaking works and enabling construction of premises. The six separate phases are summarised in the table below.

Table 1: DBCDE Summary of Six Stage Generic Development Pipeline for Greenfield Development and Major Brownfield Redevelopment

Stage	What happens	Time for stage	Time elapsed since start	Time to premises construction
1. Identification and designation of new land release areas	Inclusion in urban zoning or master planning. Initiated by local or state government or private proponent.	2–4 years	2–4 years	6.25–15 years
2. Gazettal of rezoning or change of land use	Rezoning under local planning instruments. Initiated by proponent.	1–3 years	3–7 years	4.25–11 years
3. Negotiation of infrastructure levies and detailed structure planning	More detailed site planning, possibly determination of developer contributions. Done by developer. Involves many agencies e.g. roads, water, electricity, sewer and public transport; also schools etc.	1–3 years	4–10 years	3.25–8 years
4. Statutory subdivision and development approval	Approval of developer-initiated applications on a stage by stage basis – road layouts, sometimes integrated housing projects.	0.5–2 years	4.5–12 years	2.25–5 years
5. Major civil works, servicing of allotments, and issue of new titles	Engineering designs, building, and certification of civil works. Construction done by the developer, certification by state utilities.	1–2 years	5.5–14 years	1.75–3 years

51-52. The report can be downloaded from *www.fahcsia.gov.au/sa/housing/pubs/housing/national_housing_supply/Pages/default.aspx*

6. Development approvals and dwelling construction	Housing design, approval and construction including placement of house on block.	9–12 months	6.25–15 years	0.75–1 year

After consultation with key stakeholders on this issue, the Government understands that planning approval involving major civil works generally occurs within Stage 4 (statutory subdivision and development approval) of this process. This would typically include planning approvals for civil works associated with the installation of telecommunications infrastructure. That said, the Government also understands that decisions around project costings and economic feasibility are developed earlier in the process at around Stage 3, infrastructure planning.

The trigger event

In this context, it is proposed that the fibre and fibre-ready requirements would apply to fixed line facilities and fixed lines that are to be installed in relation to a development for which a Stage 3 planning application (infrastructure planning) is lodged on or after 1 July 2010. This is designed to ensure that these provisions are not applied retrospectively to developments where planning applications have progressed beyond a certain stage.

Because planning arrangements vary across the states and territories, the Commonwealth will work with state and territory governments to determine and continue to refine the most appropriate definition for a Stage 3 planning application for this criterion.

This would mean that the requirement for fixed line facilities to be fibre-ready and fixed lines to be optical fibre would only have practical effect on the ground some time after 1 July 2010. Before it takes practical effect, the relevant Stage 3 application would have to be lodged and approved, as would the applicable Stage 4 application and approval.

This approach reflects the need for developers and others to consider the costs of fibre installation in planning their projects. It also provides additional time for stakeholders to prepare for the implementation of the policy, which is a significant and historical change for the Australian telecommunications and development industries.

Specifications

As outlined above:

- proposed subsections 372B(2) and 372C(2) provide that a line must not be installed in a new development covered by sections 372B and 372C unless the line is an optical fibre line and the conditions specified in subsections 372B(4) and 372C(4) respectively are satisfied; and
- proposed subsections 372CA(2) and 372CB(2) of the Bill provide that a fixed line facility must not be installed in a new development covered by sections 372CA and 372CB unless the facility is a fibre-ready facility and the conditions specified in subsections 372CA(3) and 372CB(3) respectively are satisfied.

Proposed subsections 372B(4), 372C(4), 372CA(3) and 372CB(3) of the Bill enable the Minister for Broadband, Communications and the Digital Economy by legislative instrument, to specify conditions for the purposes of paragraphs 372B(2)(b), 372C(2)(b), 372CA(2)(b) and 372CB(2)(b) respectively.

It is intended that networks in new developments be subject to clear technical specifications to maximise consistency with the end-user experience to be enjoyed on NBN Co's fibre network.

Industry-based specifications, codes and standards

The Department is working with industry on the development of specifications, codes and standards to set out technical requirements for fibre-ready facilities and fibre in new developments. Technical specifications to be applied in new developments would be contained in one or more of the following documents:

- a document published by NBN Co for this purpose
- an industry code published by the Communications Alliance and registered by the ACMA for this purpose, or
- any industry standard that may be prepared by the ACMA from time to time for this purpose.

Where they cover the same subject matter, it is envisaged that standards would have precedence over codes and codes would have precedence over NBN CO specifications.

Part 6 of the Telecommunications Act has, since 1997, provided a framework for the development of industry codes and standards. Proposed amendments to Part 6 contained in the Fibre Deployment Bill will make it simpler to make relevant industry codes and standard for optical fibre facilities and services. It is envisaged that it would be this framework that will ultimately be used to provide appropriate technical specifications for the provision of fibre in new developments.

In this context, the Department of Broadband, Communications and the Digital Economy has been working with the established telecommunications industry group, the Communications Alliance, on draft guidelines for the deployment of FTTP in new developments. The Stakeholder Reference Group has also been consulted on early drafts of this work. NBN Co has also been developing its own specifications. The NBN Co specifications have been provided to the Communications Alliance for consideration, both in the context of its work on the draft guidelines and more generally.

It is envisaged that this work will be continued with a view to putting in place an industry code or standard, which will provide, in one place, clear guidance for all stakeholders, on the requirements for fibre-ready facilities and fibre in new developments. It is envisaged that this code or standard will be in place well before the practical obligation to install fibre comes into effect. Once complete, the Department will be seeking to undertake an education and awareness campaign to ensure that local councils, developers and other stakeholders are aware of and understand the fibre-ready and fibre requirements.

Default objectives for fibre-ready facilities

In the event that these documents are not in place, or the documents do not cover certain matters, it is proposed that the subordinate legislation set out a number of outcome-orientated objectives which would act as a default safety-net.

This is an important and complex area and stakeholder feedback on these matters would be particularly welcome.

In the case of underground facilities, it is proposed that fixed-line facilities would have to:

- enable direct fibre connection to the building lot and unit as requested
- have appropriate angles to enable optical fibre to operate effectively
- have access facilities that allow sufficient space to allow the ready pulling and working of optical fibre cable
- have enclosures so located as to enable the ready connection of fibre to premises, and
- have sufficient capacity to readily accommodate additional fibre cabling as well as necessary working space.

Fibre objectives for residential and non-residential premises

Recognising residential and non-residential customers may have differing needs, the instrument could specify one set of conditions for residential premises and another, more stringent, set of conditions for non-residential premises.

The term ‘non-residential’ would mean any land or building in a real estate development used for purposes other than residential purposes. This concept would include commercial, retail, industrial, educational, health or government applications.

Residential premises

In the case of fibre, for residential premises, an optical fibre line would have to:

- support any-to-any connectivity (as defined in Schedule 1, Part 7 of the Act)
- support a Layer 2 access service consistent with those offered on the NBN
- support a standard telephone service as defined in the *Telecommunications (Consumer Protection and Service Standards) Act 1999*
- support committed information rates for uploaded and downloaded data consistent with those offered on the NBN
- be able to operate with an optical network terminal to which an uninterruptible power supply would be connected in a manner consistent with that required by the NBN
- support end-users accessing multiple concurrent retail providers of different retail services (e.g. telephony, internet, video) consistent with the operation of the NBN
- support the delivery of television services
- support a clear upgrade path consistent with that of the NBN
- support open access for access seekers
- support appropriate traffic management and prioritisation arrangements
- provide a fibre redundancy ratio consistent with that of the NBN, and
- support a high level of reliability consistent with that of the NBN.

Non-residential premises

For non-residential premises, an optical fibre line could, relative to connection for residential premises, have to:

- provide a point-to-point fibre connection to the building unit if requested
- support higher committed information rates for uploaded and downloaded data
- support a higher level of reliability, and
- support a higher level of redundancy, or
- support some other additional functionality.

Any such conditions would reflect those NBN Co is to employ with the NBN.

Some stakeholders have, however, suggested higher technical specifications are not needed for non-residential projects, arguing the business market is sufficiently competitive. This issue is being considered further in this context.

Provision of comments

Comments in response to this paper can be made to the Manager, Fibre in New Developments, Networks Policy and Regulation Division, Department of Broadband, Communications and the Digital Economy, by:

- email to *greenfields@dbcde.gov.au*—this is the preferred method for submission;
- facsimile to 02 6271 1377; or
- post to GPO Box 2154, CANBERRA ACT 2601.

The closing time for written responses to this consultation paper is 5.00 pm on 3 May 2010.

Respondents should be aware that submissions may be made publicly available on the Department's website.

Persons providing a submission should indicate clearly if the submission should not be made public. Any submission that is confidential or sensitive must be clearly marked as such on the front cover.

Please note that where the submission is marked 'confidential', the Department may disclose the submission to the responsible Minister, in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia, or where authorised or required by law. Further, the Department will not publish submissions if to do so would breach applicable laws or promote a product or a service, or the submission contains offensive language or expresses sentiments that are liable to offend or vilify sections of the community.

The Department reserves the right not to publish any submission, or part of a submission, which in the view of the Department contains potentially defamatory material, or where it considers it appropriate to do so for confidentiality or other reasons.