

Chapter 1

Introduction

Referral to the committee

1.1 On 18 March 2010 the Senate referred the provisions of the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010 (the Bill) for inquiry and report by 12 May 2010.

1.2 On 24 March 2010, in accordance with usual practice, the committee advertised the inquiry in *The Australian*, calling for submissions by 6 April 2010. The committee also directly contacted a range of organisations and invited them to submit to the inquiry. Details of the inquiry, the Bill and associated documents were placed on the committee's website.

1.3 The committee received 15 submissions, listed at Appendix 1.

1.4 The committee held a public hearing in Sydney on 19 April 2010. Witnesses who appeared at the hearing are listed at Appendix 2. The Hansard transcript is available through the internet at www.aph.gov.au/hansard.

Acknowledgment

1.5 The committee thanks the organisations and individuals who made submissions and gave evidence at the public hearing.

Report structure

1.6 The remainder of this chapter outlines the purpose of the Bill and the consultation process which preceded it.

1.7 Chapter 2 outlines the main provisions of the Bill.

1.8 Chapter 3 outlines the background to the Bill, including the current arrangements that exist for the deployment of telecommunications lines and infrastructure to new developments, and the importance of fibre in new developments.

1.9 Chapter 4 discusses the key issues that were raised in relation to the application and operation of the Bill.

Purpose of the Bill

1.10 The Bill is intended to complement the government's announcement, on 7 April 2009,¹ that it will establish a company to build and operate a National Broadband Network (the 'NBN') which will deliver super-fast broadband to all Australian homes and workplaces. The NBN will service 90 per cent of existing Australian premises with Fibre To The Premises (FTTP), providing broadband services at speeds of up to 100 Megabits per second (Mbps). The remaining 10 per cent of existing premises will be connected with wireless and satellite technologies that will deliver broadband services at speeds of up to 12 Mbps.²

1.11 The Bill seeks to amend the *Telecommunications Act 1997* (the Act), inserting a new Part 20A. The purpose of the Bill is to ensure that new greenfield and brownfield (urban infill and urban renewal) developments are not serviced by old telecommunications technology, specifically copper lines. In broad terms the Bill will require that where specified new developments, or developments within an identified class, are fitted with telecommunications lines or facilities, they will be fitted with optical-fibre lines or fibre-ready facilities.

Background to the Bill: the consultation process

1.12 The Bill was introduced following an extensive industry consultation process.

1.13 The government released a detailed consultation paper on 29 May 2009 for public comment,³ followed up by face-to-face presentations to, and meetings with, stakeholders in all mainland states. Stakeholders elsewhere were contacted by phone. More than 80 submissions were received in response to the consultation paper.⁴ The consultation process showed 'a general consensus that a nationally consistent approach is preferable...[and] a general preference for Commonwealth legislation, reinforced

1 The Hon. Kevin Rudd MP, Prime Minister, the Hon. Wayne Swan MP, Treasurer, the Hon. Lindsay Tanner MP, Minister for Finance, the Hon. Stephen Conroy MP, Minister for Broadband, Communications and the Digital Economy, 'New National Broadband Network', Joint press release, 7 April 2009, www.minister.dbcde.gov.au/media/media_releases/2009/022 (accessed 27 April 2010).

2 The Hon. Kevin Rudd MP, Prime Minister, the Hon. Wayne Swan MP, Treasurer, the Hon. Lindsay Tanner MP, Minister for Finance, the Hon. Stephen Conroy MP, Minister for Broadband, Communications and the Digital Economy, 'New National Broadband Network', Joint press release, 7 April 2009, www.minister.dbcde.gov.au/media/media_releases/2009/022 (accessed 27 April 2010).

3 Department of Broadband, Communications and the Digital Economy, *National Broadband Network: Fibre-to-the-premises in greenfield estates Consultation paper*, 29 May 2009, www.dbcde.gov.au/_data/assets/pdf_file/0018/112554/Fibre_in_greenfields_consultation_paper.pdf (accessed 27 April 2010).

4 Submissions are available at: www.dbcde.gov.au/broadband/national_broadband_network/fibre_in_new_developments/fibre_to_the_premises_in_greenfield_estates/submissions2 (accessed 27 April 2010).

by industry-developed guidelines or standards, over state, territory and local government approaches'.⁵

1.14 Following that process, the government established a Fibre in Greenfields Stakeholder Reference Group to provide input on implementation issues and to help disseminate information. The EM lists the members of that group.⁶

1.15 In November 2009, an exposure draft of the Bill was sent to the Stakeholder Reference Group, state and territory planning ministers and members of the Online and Communications Council. It was released to the public on 23 December 2009.⁷

5 EM, p. 20.

6 EM, Attachment A, p. 24.

7 EM, p. 18.

