



Australian Government

Department of Communications and the Arts

Mr John Stanton
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21 FEB 2018
BY:

Dear Mr Stanton

Industry code on next-generation broadband systems deployment

I am writing in relation to Communications Alliance's consultation process on this code.

The Department of Communications and the Arts welcomes the code and considers that it will prove useful in managing deployments by competing broadband providers who share the same cable bundle. In an open and competitive telecommunications market like Australia's it is important that different providers can compete for consumers and deploy competing networks. However, it is recognised that competing deployments can decrease consumers' service performance. The code's measures to ensure consumers can receive minimum download speeds are therefore a welcome approach to protecting both competition and consumers' services.

The code has had regard to the Government's proposed statutory infrastructure provider (SIP) regime, which is currently before the Parliament. SIPs will be required to service all premises in an area and support retail broadband services with peak download speeds of at least 25 Mbps. The Government also has set a target for NBN Co of providing 50 Mbps download speeds to 90 per cent of premises on its fixed-line networks.

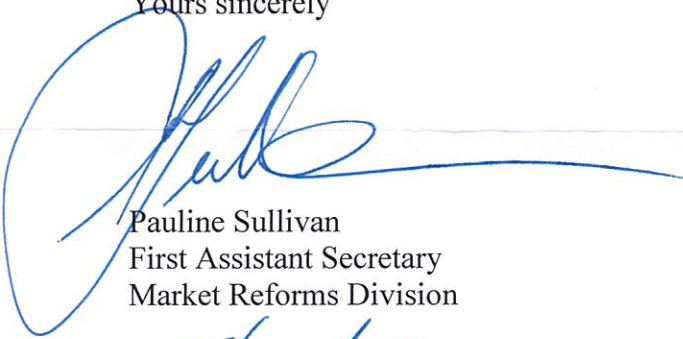
The Department considers it is important that building owners and managers and consumers are well informed about the implications for them of competing systems and can have a say in their deployment. Accordingly, carriers seeking to deploy broadband systems in buildings where an existing broadband system is already operating should provide appropriate information and engage in a meaningful way with such stakeholders.

For example, carriers should make information available about the likely impacts on consumers' services of the deployment of competing systems that share a single cable bundle, and what measures are taken (including complying with the code) to reduce those impacts. Carriers should also provide building owners and managers, and end-users, with this information and draw it to their attention when they approach them to deploy infrastructure in a building. This does not mean that carriers need to obtain any approvals over and above those that may currently apply but carriers could include this if they consider it appropriate.

The code could also benefit from a clearer dispute resolution process in certain circumstances. For example, there could be disputes about impacts on full coverage. A carrier with full coverage in a building may have incentives to claim that any competing deployment will remove its full coverage, irrespective of whether this is actually the case. In such circumstances the code relies on the carriers resolving the dispute between them. In reality, this may not be feasible and so the code could require the carriers to engage in a suitable alternative dispute resolution process such as mediation.

I should like to thank Communications Alliance for its hard work on the code, and look forward to its finalisation.

Yours sincerely



Pauline Sullivan
First Assistant Secretary
Market Reforms Division

5/02/18