



# Frustrated Premises Protocol

nbn-Confidential: Commercial: Commercial | Rev 3.0 | Aug 19  
Owner: Amy Cooper

## 1. Background

Where there is a **significant legal impediment to connection**, or the owner or occupier has made a **conscious and persistent decision to refuse connection** to the **nbn™** network (including reasons related to allocated technology or intended construction method) the premises is referred to as 'Frustrated'. This status indicates that an **nbn** service will not be available at the affected premises unless the owner makes contact with **nbn** with the intent to 'un-frustrate' the premise.

**nbn** expects that the majority of premises affected by this protocol will be in Multi Dwelling Units (MDUs).

## 2. Multi dwelling units

**nbn** utilises its powers under the Telecommunications Act 1997 to obtain access to common property areas in MDUs such as apartments and commercial premises to install **nbn** equipment that will allow occupants to connect their landline phone and internet services to the **nbn**.

**Nbn** relies on a consultative approach to engaging with Owners Corporations (the legal owners of the common areas), occupants and the broader community to facilitate access to buildings in relation to connecting **nbn** equipment.

MDUs will be considered 'frustrated' when:

- There is a **conscious & persistent decision** by the owner or occupier to refuse the **nbn** installation from the network access point (NAP) in the street to a premise connection device (PCD) for that premise; or
- there is a legal impediment that prevents **nbn** from connecting to the premises.

**nbn** is committed to making a minimum of **3 good faith attempts** within 20 business days to resolve issues raised by the Owners Corporation regarding their proposed connection to the **nbn** network. If a resolution cannot be reached and we are still prevented from accessing the building following these attempts, **nbn** will advise owners and occupiers in writing that we have not been able to install the **nbn** equipment to their building.



## Steps taken to work with Owners Corporations

### 1. Where the Owners Corporation cannot be located or identified:

A combination of the following attempts may take place:

- Conduct a Title Search to ascertain if the building has been registered under applicable strata title or similar registers;
- Contact local Real Estate Agents;
- Source commercially or publicly available databases;
- Door knock and/or write to the occupants of the building to request contact details of the building's Owners Corporation; and/or
- Provide land access notices to each occupant in order to proceed with survey and installation of the **nbn** equipment at the building.

### 2. Where the Owners Corporation has been identified but all endeavors to make contact have been unsuccessful:

**nbn** will send the relevant land access notices to the Owners Corporation (and if required to the owners and occupants of the building). Where site access is required to be co-ordinated, **nbn** may:

- Attempt to contact the Owners Corporation by at least three forms of communication (e.g. telephone, email, in writing, in person by visiting their offices etc); and
- Leave a calling card for each occupant of the building requesting assistance.

Where assistance is **not required** to access the building to undertake the survey or equipment installation, **nbn** will proceed with these activities providing no other connection issues are raised. by law.

### 3. Where the Owners Corporation has been identified and contacted, but they have advised either verbally or in writing that they do not wish to proceed or have issues with the installation of the **nbn** equipment that cannot be accepted by nbn:



**nbn** will send the relevant land access notices to the Owners Corporation (and if required to the owners and occupants of the building).

Where conditions or special requests have been made by the owner or occupier in response to the land access notice **nbn** will work collaboratively with the relevant parties to:

- Obtain specific details regarding the condition or special request;
- Consider the condition or special request in accordance with the expectations of **nbn** under the Telecommunication Code of Practice.

If **nbn** is still unable to install the **nbn** equipment at the building, then the consequences will be:

- **Occupants will not be able** to keep making phone calls and accessing the internet using landline phone, ADSL internet and Telstra and Optus cable internet services when these services are eventually replaced by the **nbn**. These services may typically be disconnected 18 months after **nbn** is available in the area.
- **Over-the-top services and any equipment** connected to the existing network (such as medical alarms & emergency call systems, monitored security and fire alarms, fax machines, emergency lift phones etc.) will also be disconnected when the existing network is switched off.
- **The Owners Corporation will be charged for costs** associated with the future inspection, design and installation activities required to connect the building to the **nbn** at a later date. Installation of **nbn** equipment is, in most cases, currently free of charge and **nbn** is responsible for carrying out any ongoing maintenance. ^^
- **The building address will show the following message on the nbn website** 'Please contact your Body Corporate to discuss why your premises has not been connected to the **nbn** broadband access network.'

^ For a list of services not replaced by the **nbn** please visit [www.nbnco.com.au/switch](http://www.nbnco.com.au/switch) or call us on 1800 687 626

## 3. Other dwellings

### 3.1 Single Dwelling Units

Single Dwelling Units (SDUs) will be considered 'frustrated' when:

- A **development approval** is required in order for **nbn** to install the **nbn** equipment and that development approval has been denied; or
- Any other legal impediment prevents **nbn** from connecting to the premises.

### 3.2 New Developments

Premises within a new estate development project can be considered 'frustrated' when:



- A developer has failed to provide, fund or (where applicable) transfer ownership to **nbn** of **fibre-ready facilities** that meet **nbn** specifications with respect to space, pathway and equipment compliance requirements; or
- Any other legal impediment prevents **nbn** from connecting to the premises.

For more information about **nbn**'s approach to Frustrated Premises please contact **nbn** on 1800 687 626.

## 4. How can premises become un-frustrated?

Frustrated premises can be re-considered for **nbn**<sup>™</sup> when the Owners Corporation triggers a formal request to **nbn**. The Owners Corporation (or occupants if they were previously the objector to the activity) is required to notify **nbn** in writing that they have no further objections to **nbn** design and installation activities. A letter addressed to **nbn** is to be sent to **National Lead Private Land Access**, Level 14, Tower Five, 727 Collins Street, Docklands VIC 3008 or an email to [LASE\\_SME@nbnc.com.au](mailto:LASE_SME@nbnc.com.au) and must include:

- Heading of letter or email to state '**Request for premises to be cabled by nbn**'
- The full name of the owner, occupant or representative of the Owners Corporation,
- The address of the frustrated premises,
- Their daytime contact phone number, email contact details and postal address, and
- That there are no further objections to **nbn** installing the network.

Once the written request to cable the premises is received by **nbn**, a **nbn** Land Access team member will be in contact via telephone with the Owners Corporations, owner or occupant to confirm receipt of the letter.

**nbn** will then provide confirmation in writing regarding the design and installation activities and costs associated. **nbn**'s contractor will then recommence further engagement activities.

Once the premises are made serviceable, **nbn** will remove the frustrated premises flag from the premises addresses and move the service class to a serviceable classification.