



Frustrated Premises Protocol

1 Background

Where there is a **significant legal impediment to connection** or the legal owner/authorised representative 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 premises.

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 the building owner/authorised representative (relating to the common areas) and occupants (as appropriate) 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 premises connection device (PCD) for that premises; 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 building owner/authorised representative 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 provide a last chance letter to the building owner/authorised representative.



Steps taken to work with Building Owner/Authorised Representative

1. Where the Building Owner/Authorised Representative 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 owner/authorised representative; 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 Building Owner/Authorised Representative has been identified but all endeavours to make contact have been unsuccessful:

nbn will send the relevant land access notices to the building owner/authorised representative (and if appropriate to strata owners and occupants of the building).

Where site access is required to be co-ordinated, **nbn** may:

- Attempt to contact the building owner/authorised representative by at least three forms of communication (eg. telephone, email, in writing, in person by visiting their offices etc); and

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.

3. Where the Building Owner/Authorised Representative 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 building owner/authorised representative.

Where conditions or special requests have been made by the building owner/authorised representative (or occupier, if relevant) 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 *Telecommunications Code of Practice*.



If nbn is still unable to install the nbn equipment at the building:

- Critical copper services such as emergency lift phones and monitored fire alarm systems may be at risk of disconnection[#]
- Building owner/Occupiers may not be able to continue to access other critical services connected to the existing Fixed Line networks such as medical alarms and emergency call systems, monitored security alarms and fax machines[^]
- Existing Fixed Line services will be disconnected at a future date and occupiers will not be able to make phone calls or access the internet over the **nbn**[®] Fixed Line network unless the **nbn**[®] supplied equipment is installed at the property. The disconnection of existing Fixed Line services will not affect occupier's ability to access phone and internet services over mobile networks.
- Future requests for the completion of works for an **nbn**[®] access network connection (including preparation of a build quote) will result in costs payable by the building owner/authorised representative. Costs are also applicable for **nbn** to prepare a build quote for network installation activities.
- The building address will show the following message on the **nbn** website "The **nbn**[®] network is not currently available in your building."

[#] Please ask your Owners Corporation to contact the lift and alarm service providers for your building. This will help minimise a disruption in service when the existing network is switched off. Existing fire and lift services registered with **nbn** may be exempt from immediate disconnection. Please visit www.nbn.com.au/fireandlift for information on registering these services.

[^] **NBN** Co is developing a list of networks that **NBN** Co reasonably understands will continue to operate after the **nbn**[™] rollout has been completed based on information provided by alternative network owners / operators. For more information, please visit www.nbnco.com.au/switch.

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 development project can be considered 'frustrated' when:

- A developer has failed to provide, fund or (where applicable) transfer ownership to **nbn** of **ibre-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.



4 How can a premises become un-frustrated?

Frustrated premises can be re-considered for the **nbn**[®] network when the building owner/authorised representative triggers a formal request to **nbn**. If you are an occupant of a Frustrated Premises, you should engage with your building's authorised representative to facilitate next steps. Once a premises is considered Frustrated, any future costs to prepare a quote and install **nbn** equipment is subject to costs payable by the building owner/authorised representative.

The building owner/authorised representative is required to notify **nbn** in writing that they have no further objections to **nbn** design and installation activities. An email or letter addressed to **nbn** can be sent to nbnlandaccess@nbnco.com.au or **General Manager Land Access & Stakeholder Engagement**, Level 14, Tower Five, 727 Collins Street, Docklands VIC 3008.

The correspondence must include the following details:

- Heading of letter or email to state '**Request for premises to be cabled by nbn**'
- Full name of the building owner/authorised representative,
- Address of the frustrated premises,
- Daytime contact phone number, email contact details and postal address.
- That as the Owner (or their authorised representative) of the above premises, you acknowledge:
 - there are no further objections to **nbn** design and installation activities;
 - a non-refundable application fee is payable before the preparation of a quote;
 - if you proceed with the quote, the application fee would be deducted from the total quote; and
 - an **nbn**[™] access network connection will be subject to costs, payable by the owner or Owners Corporation.

Once the written request to cable the premises is received by **nbn**, an **nbn** Land Access team member will be in contact with the building owner/authorised representative, to confirm receipt of the letter.

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.