



# Frustrated Premises Protocol

nbn-Confidential: Commercial: Commercial | Rev 2.0 | 10 NOV 16  
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## 1. Background

Where there is a **significant legal impediment to connection** or the householder has made a **conscious and persistent decision to refuse connection** to the **nbn™** network, the premises is referred to as 'Frustrated'. This status indicates that an **nbn** service will not be available at the affected premises until the relevant issue is addressed.

**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** has developed 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 the **nbn** equipment.

MDUs will be considered 'frustrated' when:

- There is a **conscious & persistent decision** by the MDU Body Corporate to refuse the **nbn** installation from the network access point (NAP) in the street to a premise connection device (PCD) for that premise (regardless of whether the impediment/decision is a valid objection under the Code); or
- There is a legal impediment that prevents **nbn** from connecting to the premises.

**nbn** is committed to making a minimum **3 good faith attempts** to resolve issues or objections raised by the Owners Corporation. If a resolution cannot be reached and we are still unable to access the building following these attempts, **nbn** will advise occupants 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 other legislation;
- 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 endeavours 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 (eg. telephone, in writing, and in person by visiting their offices); and
- Leave a calling card for each occupant of the building requesting assistance.

Where assistance / authority / consent is **not required** to access the building to undertake the survey or equipment installation, **nbn** will proceed with these activities providing no objections are outstanding, and all activity is authorised 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 with the installation of the nbn equipment at the building:

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

Where an objection has been received, **nbn** will work collaboratively with the Owners Corporation to:

- Obtain specific details regarding the grounds for objection; and
- Work to resolve all elements of the objection.



#### 4. Where the Owners Corporation has made conditions or special requests that cannot be reasonably resolved:

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

**nbn** will review the conditions or requests made and attempt to resolve by:

- Obtaining specific details from the Owners Corporation regarding their condition or request; and
- Use industry experience and knowledge to attempt to resolve the objection and reach an acceptable position in accordance with the Telecommunications Code of Practice.

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

- **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 will be listed as** 'Service unavailable pending body corporate' (or alternative wording to the same effect as agreed at the time that the publication occurs) on the publicly available **nbn** interactive map.

^ Subject to change in future

^^ 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

#### What you can do if the nbn equipment is not connected at your building

Contact your Owners Corporation to discuss why your building has not been connected to the **nbn**.



## 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, with respect to SDUs and New Developments, 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 40, 360 Elizabeth Street, Melbourne 3000 or an email to [info@nbnco.com.au](mailto:info@nbnco.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**, an **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 engagement activities in accordance with the Build Operations Manual.

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.