

PREMIER, DAVID BARTLETT MP

NATIONAL BROADBAND NETWORK (TASMANIA) BILL 2010

SECOND READING SPEECH

I move – That the Bill now be read for the second time.

The National Broadband Network (Tasmania) Bill 2010 provides for an 'opt-out' process for connecting premises to the National Broadband Network (NBN) in Tasmania.

Mr Speaker, this Bill will facilitate the efficient roll-out of the NBN and maximise the opportunities for people to connect free-of-charge to high speed broadband as the NBN distribution network is rolled out across the State.

Tasmania has been the launch state for the NBN and now it will be the first Australian state to introduce an 'opt-out' connection model.

The 'opt-out' model is the most practical and cost-effective way to maximise the number of Tasmanians who can benefit from modern, robust and reliable infrastructure that meets their communication and online service delivery needs now and into the future.

To date, NBN Tasmania, in conjunction with Aurora Energy, has completed stage one of the NBN roll-out in Tasmania, installing new 'backbone' optical fibre from George Town to Scottsdale and through to St Helens; from Port Latta to Smithton; from Cambridge to Midway Point; and from Midway Point to Triabunna. The roll-out has also occurred in the three 'smart towns' of Midway Point, Scottsdale and Smithton.

Design work has begun on stage two, involving 10 000 premises in Sorell, Deloraine, George Town, St Helens, Triabunna, Kingston Beach and South Hobart. The Commonwealth Government has also announced details of the stage three roll-out to cover 86 000 premises in the major population centres of Hobart, Launceston, Devonport and Burnie.

As the NBN is progressively rolled out over the next five years it is expected that optical fibre connections will be provided to approximately 200 000 Tasmanian homes, businesses, schools and hospitals throughout the State. The remaining premises will be served by new next-generation wireless and satellite services.

During stage one of the Tasmanian roll-out, optical fibre connections were offered free-of-charge as premises were passed. The consent of property owners was obtained before the connection was installed and around 50 per cent of property-owners provided the necessary approval to enable them to take up a free connection. In Scottsdale the take-up was 63 per cent.

This is a good early result. However, it is important to increase the participation rate and to provide every opportunity for all Tasmanian householders and businesses that want access to super-fast broadband to get it easily and efficiently.

By moving to an 'opt-out' model all accessible homes and businesses will be automatically connected to the NBN unless they actively choose not to do so.

There will be no cost to property owners for the installation under the opt-out model. But Tasmanian property owners will still be able to decline a free connection to the NBN and they can connect at a later time if they wish. However, if they choose to connect later on connection costs may then apply.

All the connection work under an 'opt-out' model will occur without the need to enter any building on a premises. Only access to land will be required.

The Bill contains provisions authorising appropriate persons and entities to enter onto property to install an optical fibre cable to premises as they are passed and to allow the removal of any cables that might have been wrongly connected. It has not been necessary to include provisions for repair, maintenance or emergency situations as these are well covered under the Commonwealth's *Telecommunications Act 1997*.

Installing an optical fibre connection will involve attaching either an aerial or underground cable from the distribution network to the main building on the premises. Once the cable is connected a premises connection device, which is a small box about the size of a one litre milk carton, is then attached to the outside of the building.

Mr Speaker, in setting out a process for connecting premises to the NBN distribution network, the Bill provides rights, powers and obligations on the part of the installer of the NBN, authorised

officers, the owners and occupiers of premises and, where relevant, to third party owners of land that adjoins the premises to be connected and which will need to be accessed for the purposes of making that connection.

Under the opt-out process the installer will be required to serve a written notice to the owners of premises, in the area where the NBN distribution network is to be rolled out, advising the intention to install a connection cable to that premises.

The notice will explain that the owner may elect, in writing within 28 days, not to have the connection cable installed.

The notice will also indicate that the owner may make a submission as to the placement of the connection cable on the premises and the route it might take. These submissions will be taken into account before the installer makes the connection.

In some situations, in order to make a connection to a premises, it may be necessary for the cable to run above or under adjoining land. Where this is necessary the Bill provides for a similar 'opt-out' process that allows the owner of affected adjoining land to elect not

to have a cable traverse his or her land. The owner of affected adjoining land will receive a notice explaining that the connection will pass over or under his or her land and will have 28 days to respond in writing if they elect to 'opt-out'. Owners of affected adjoining land will also be able to make a submission as to the preferred route of the cable.

Mr Speaker, I want to stress that there is no compulsion involved in introducing an 'opt-out' connection model. If the owner of a premises, or affected adjoining land, elects in writing not to have a fibre optic cable either installed or pass across his or her land at the time that the NBN distribution network is being laid in their area, the installer will not be able to install a connection cable.

If no election to 'opt-out' is made within the specified 28-day period then the owners of relevant premises, or affected adjoining land, are taken to have consented and the installation will proceed.

However, before installing a connection cable, or carrying out any related cable work, the installer must give the occupier of the premises and, if relevant, the occupier of adjoining land, not less than 10 days written notice of the date and approximate time at

which the cable is to be installed and the type of work that will be carried out.

There may be some occasions where a connection cable is mistakenly connected and the owner of a premises wishes to have it removed. This might occur, for instance, where the installer has been unable to locate the owners of the premises, despite all reasonable efforts to do so. Alternatively, the installer may have failed to serve a notice or simply made a mistake and wrongly connected a cable to a premises where the owner has previously opted-out.

In these circumstances the owner can, within six months of the mistaken installation, request that the installer remove the cable. The installer is then required to comply with this request within 60 days.

The Bill also imposes a duty on the installer to remediate or make good any reported damage or destruction that results from the installation of the cable or related cable work, or pay reasonable compensation for such damage.

Once the connection from the distribution network to the property is in place owners and occupiers will be able to take up broadband services through a service provider. But, I stress no one is compelled to buy services or bring the connection inside the house and connect to a modem unless they want to do so.

It does mean, however, that once people are ready to take up new services they will have the necessary connection to do so at less cost than would be the case if they opted out as the trucks are rolling past and decided to connect at some future date.

The 'opt-out' process will benefit those Tasmanians who want to have a free optic fibre connection, by minimising the paperwork involved in getting connected.

Only those people who do not want the connection will be required to complete a form to say they don't want it. This is not compulsion – this is simply tipping the bureaucratic effort or the required paperwork in favour of householders who want to connect.

Mr Speaker, the roll-out of the NBN in Tasmania is a once-in-a-generation opportunity to create jobs and contribute to a new economic direction for Tasmania.

By introducing an 'opt-out' connection model, the Government is endeavouring to ensure that taxpayers' money is utilised in the best possible way so that as the trucks are rolling down the streets laying the NBN distribution network, the maximum number of homes and businesses are connected with an optical fibre drop.

There has been discussion about the replacement of the current copper wire telephony infrastructure with the NBN fibre. Clearly any decision to decommission the existing copper network is one for Telstra to make. However, copper wire is technology of the past and cannot support the future services that will be required by Tasmanians.

Optic fibre is able to support fixed line telephony and high-speed broadband. By acting now the infrastructure will already be in place to support vital new services and technologies, such as the delivery of health, education and other government services, the management of smart meters and electricity grids and the delivery of

new entertainment services, as they become available and regardless of whether the old copper network is decommissioned.

What we are doing is future proofing Tasmania by connecting as many Tasmanians as possible to the NBN to enable them to take advantage of the broad range of services that will be facilitated through super-fast broadband over the coming years. And this will be done at the lowest possible cost to taxpayers.

I am confident that the Bill achieves a reasonable balance by protecting the rights of property owners while at the same time allowing maximum opportunity for as many Tasmanian homes and businesses as possible to connect to the NBN while the distribution network is being laid in their neighbourhood.

I commend the Bill to the House.