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Australian Government
Department of Infrastructure, Transport,
Regional Development and Communications

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Dear New Developments team,

Options to boost pit and pipe in new developments

The following comments are provided in response to the Regulatory Impact Statement (RIS) Consultation Draft prepared in association with the proposed amendments to Part 20A of the *Telecommunications Act 1997* to reduce delays and costs to consumers in accessing appropriate telecommunications services.

HIA is committed to working with all sectors of government to support a regulatory environment that supports the efficient provision of infrastructure that facilitates growth in the economy, reduces red tape and enables the delivery of housing at an affordable price.

Based on the Consultation Draft RIS and exposure draft Bill HIA would like to provide the following comments for consideration.

As set out in the RIS, the scope of the problem is extremely small in the context of the number of homes and business premises constructed each year in Australia. HIA understands that the legislation that facilitate the delivery of fibre ready lots has always been limited due to the constitutional arrangements with respect to unincorporated entities. If this interpretation has changed, it would be appropriate for the RIS to outline how this legislation can in fact capture such entities.

On the basis that HIA remains uncertain regarding the legal ability to capture unincorporated entities, we would support ongoing efforts as set out in Option 2 and 3 to increase awareness and ensure development consents for land and buildings include relevant conditions that require fibre ready infrastructure.

Subject to further discussion as to how these options are intended to be implemented, HIA may be able to assist with targeted education and potentially prepare and deliver an education program to smaller developers.

If required HIA has the capacity and knowledge to assist the Department of Infrastructure, Transport, Regional Development and Communications engage with state and territory governments to review their regulatory framework rather than a federal piece of legislation coming over the top which may have the potential to cause duplication and confusion.

With respect to Options 4 – 7 HIA believes these would unnecessarily increase the regulatory burden for developers beyond any productivity benefit that would be achieved. Particularly at this difficult economic time all tiers of government must be aiming to achieve a reduction on red tape. Therefore HIA does not support either options 4 – 7 inclusive.

A requirement to disclose to prospective buyers or tenants whether they have installed pit and pipe infrastructure or whether an exemption applies, such as that outlined in Option 5 would create an unnecessary impost on those who are already required to provide pit and pipe.

Enabling people to seek compensation from developers if pit and pipe have not been installed, such as that outlined in Option 6 would only serve to create an administrative burden that is not reasonable for either occupants or developers to have to bare given the relatively small scale of the problem.

Thank you for the opportunity to provide comment at this stage, HIA would appreciate being consulted with regard to any further matters relating to the amendment of the *Telecommunications Act 1997* particularly as they may impact the residential construction industry.

Yours sincerely
HOUSING INDUSTRY ASSOCIATION LIMITED