

2019-2020

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT

**Telecommunications Legislation
Amendment (Infrastructure in New
Developments) Bill 2020**

No. , 2020

(Communications, Cyber Safety and the Arts)

**A Bill for an Act to amend legislation relating to
telecommunications, and for other purposes**

Contents

| | | |
|---|-------------------|----------|
| 1 | Short title..... | 1 |
| 2 | Commencement..... | 1 |
| 3 | Schedules..... | 2 |
| Schedule 1—Amendments | | 3 |
| Part 1—General amendments | | 3 |
| <i>Telecommunications Act 1997</i> | | 3 |
| Part 2—Application and transitional provisions | | 17 |
| Part 3—Amendment contingent on the commencement of the Federal Circuit and Family Court of Australia Act 2020 | | 19 |
| <i>Telecommunications Act 1997</i> | | 19 |
| Part 4—Technical correction | | 20 |
| <i>Telecommunications Act 1997</i> | | 20 |

1 **A Bill for an Act to amend legislation relating to**
2 **telecommunications, and for other purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act is the *Telecommunications Legislation Amendment*
6 *(Infrastructure in New Developments) Act 2020*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

| Column 1 | Column 2 | Column 3 |
|---|--|---------------------|
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | |
| 2. Schedule 1, Parts 1 and 2 | The day after this Act receives the Royal Assent. | |
| 3. Schedule 1, Part 3 | The later of: (a) immediately after the commencement of the provisions covered by table item 2; and (b) the commencement of the <i>Federal Circuit and Family Court of Australia Act 2020</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur. | |
| 4. Schedule 1, Part 4 | The day after this Act receives the Royal Assent. | |

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Schedules**

8 Legislation that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

1 **Schedule 1—Amendments**

2 **Part 1—General amendments**

3 *Telecommunications Act 1997*

4 **1A Section 7 (definition of *fibre-ready facility*)**

5 Omit “section 372W”, substitute “subsection 372W(1)”.

6 **1 Section 7**

7 Insert:

8 *fibre-ready facility disclosure notice* has the meaning given by
9 section 372YA.

10 *functional fibre-ready facility* has the meaning given by
11 subsection 372W(2).

12 **2 Section 372A**

13 Omit:

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- If the developer of a real estate development project is a constitutional corporation, the developer must not, in the course of carrying out the project, sell or lease a building lot or building unit unless a fibre-ready facility is installed in proximity to the lot or unit.

19 substitute:

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- If the developer of a real estate development project is a constitutional corporation:
 - (a) the developer must not, in the course of carrying out the project, sell or lease a building lot or building unit unless a functional fibre-ready facility is installed in proximity to the lot or unit; and
 - (b) the developer must give a prospective purchaser or lessee a fibre-ready facility disclosure notice; and
 - (c) compensation may be payable if a functional fibre-ready facility is not installed.
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- If the developer of a real estate development project in a Territory is not a constitutional corporation:
 - (a) the developer must not, in the course of carrying out the project, sell or lease a building lot or building unit unless a functional fibre-ready facility is installed in proximity to the lot or unit; and
 - (b) the developer must give a prospective purchaser or lessee a fibre-ready facility disclosure notice; and
 - (c) compensation may be payable if a functional fibre-ready facility is not installed.

- If the developer of a real estate development project in a State is not a constitutional corporation:
 - (a) the developer must not, in the course of carrying out the project, sell or lease a building lot or building unit unless a functional fibre-ready facility is installed in proximity to the lot or unit; and
 - (b) the developer must give a prospective purchaser or lessee a fibre-ready facility disclosure notice; and
 - (c) compensation may be payable if a functional fibre-ready facility is not installed.

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3 Subsections 372G(2) and (4)

Repeal the subsections, substitute:

Requirements—building lots

- (2) If subparagraph (1)(b)(i) applies to a building lot, a constitutional corporation must not, in the course of carrying out, or carrying out an element of, the project, sell or lease the lot unless a functional fibre-ready facility is installed in proximity to the lot.

Note 1: For *functional fibre-ready facility*, see section 372W.

Note 2: For *proximity*, see section 372Y.

Note 3: For exemptions, see section 372K.

(2A) If:

- (a) subparagraph (1)(b)(i) applies to a building lot; and
 - (b) the lot is in a Territory;
-

1 a person (other than a constitutional corporation) must not, in the
2 course of carrying out, or carrying out an element of, the project,
3 sell or lease the lot unless a functional fibre-ready facility is
4 installed in proximity to the lot.

5 Note 1: For *functional fibre-ready facility*, see section 372W.

6 Note 2: For *proximity*, see section 372Y.

7 Note 3: For exemptions, see section 372K.

8 (3) If:

9 (a) subparagraph (1)(b)(i) applies to a building lot; and

10 (b) the lot is in a State;

11 a person (other than a constitutional corporation) must not, in the
12 course of carrying out, or carrying out an element of, the project,
13 sell or lease the lot unless a functional fibre-ready facility is
14 installed in proximity to the lot.

15 Note 1: For *functional fibre-ready facility*, see section 372W.

16 Note 2: For *proximity*, see section 372Y.

17 Note 3: For exemptions, see section 372K.

18 *Requirements—building units*

19 (4) If subparagraph (1)(b)(ii) applies to a building unit, a constitutional
20 corporation must not, in the course of carrying out, or carrying out
21 an element of, the project, sell or lease the unit unless a functional
22 fibre-ready facility is installed in proximity to the unit.

23 Note 1: For *functional fibre-ready facility*, see section 372W.

24 Note 2: For *proximity*, see section 372Y.

25 Note 3: For exemptions, see section 372K.

26 (4A) If:

27 (a) subparagraph (1)(b)(ii) applies to a building unit; and

28 (b) the unit is in a Territory;

29 a person (other than a constitutional corporation) must not, in the
30 course of carrying out, or carrying out an element of, the project,
31 sell or lease the unit unless a functional fibre-ready facility is
32 installed in proximity to the unit.

33 Note 1: For *functional fibre-ready facility*, see section 372W.

34 Note 2: For *proximity*, see section 372Y.

Schedule 1 Amendments
Part 1 General amendments

1 Note 3: For exemptions, see section 372K.

2 (5) If:

3 (a) subparagraph (1)(b)(ii) applies to a building unit; and

4 (b) the unit is in a State;

5 a person (other than a constitutional corporation) must not, in the
6 course of carrying out, or carrying out an element of, the project,
7 sell or lease the unit unless a functional fibre-ready facility is
8 installed in proximity to the unit.

9 Note 1: For *functional fibre-ready facility*, see section 372W.

10 Note 2: For *proximity*, see section 372Y.

11 Note 3: For exemptions, see section 372K.

12 **5 Subsection 372G(6)**

13 Omit “subsection (2) or (4)” (wherever occurring), substitute
14 “subsection (2), (2A), (3), (4), (4A) or (5)”.

15 **6 Subsection 372G(7)**

16 Omit “subsections (2), (4) and (6)”, substitute “subsections (2), (2A),
17 (3), (4), (4A), (5) and (6)”.

18 **7 Subsection 372G(8)**

19 Omit “subsection (2) or (4)”, substitute “subsection (2), (2A), (3), (4),
20 (4A) or (5)”.

21 **8 Subsection 372H(2)**

22 Repeal the subsection, substitute:

23 *Requirements*

24 (2) A constitutional corporation must not, in the course of carrying out,
25 or carrying out an element of, the project, sell or lease such a
26 building unit unless a functional fibre-ready facility is installed in
27 proximity to the unit.

28 Note 1: For *functional fibre-ready facility*, see section 372W.

29 Note 2: For *proximity*, see section 372Y.

30 Note 3: For exemptions, see section 372K.

31 (3) If such a building unit is in a Territory, a person (other than a
32 constitutional corporation) must not, in the course of carrying out,

1 or carrying out an element of, the project, sell or lease the unit
2 unless a functional fibre-ready facility is installed in proximity to
3 the unit.

4 Note 1: For *functional fibre-ready facility*, see section 372W.

5 Note 2: For *proximity*, see section 372Y.

6 Note 3: For exemptions, see section 372K.

7 (3A) If such a building unit is in a State, a person (other than a
8 constitutional corporation) must not, in the course of carrying out,
9 or carrying out an element of, the project, sell or lease the unit
10 unless a functional fibre-ready facility is installed in proximity to
11 the unit.

12 Note 1: For *functional fibre-ready facility*, see section 372W.

13 Note 2: For *proximity*, see section 372Y.

14 Note 3: For exemptions, see section 372K.

15 **9 Subsection 372H(4)**

16 Omit “subsection (2)” (wherever occurring), substitute “subsection (2),
17 (3) or (3A)”.

18 **10 Subsection 372H(5)**

19 Omit “subsections (2) and (4)”, substitute “subsections (2), (3), (3A)
20 and (4)”.

21 **11 Subsection 372H(6)**

22 Omit “subsection (2)”, substitute “subsection (2), (3) or (3A)”.

23 **12 At the end of Subdivision B of Division 3 of Part 20A**

24 Add:

25 **372J Fibre-ready facility disclosure notice—subdivisions**

26 *Scope*

27 (1) This section applies if:

- 28 (a) a real estate development project involves the subdivision of
29 one or more areas of land into building lots; and
30 (b) the project involves either or both of the following:
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Schedule 1 Amendments
Part 1 General amendments

- 1 (i) the making available of one or more of those lots for
2 sale or lease, where it would be reasonable to expect
3 that one or more building units would be subsequently
4 constructed on the lots;
- 5 (ii) the construction of one or more building units on any of
6 the lots and the making available of any of those
7 building units for sale or lease; and
- 8 (c) if subparagraph (b)(i) applies—sewerage services, electricity
9 or water is, are, or will be, supplied to those lots; and
- 10 (d) if subparagraph (b)(ii) applies—sewerage services, electricity
11 or water is, are, or will be, supplied to those units.

12 Note 1: For *subdivision* of an area of land, see section 372R.

13 Note 2: For *building lot*, see section 372Q.

14 Note 3: For *building unit*, see section 372S.

15 Note 4: For *sale* of building lots, see section 372T.

16 Note 5: For *sale* of building units, see section 372U.

17 Note 6: For *supply* of sewerage services, electricity or water, see section 372Z.

18 Note 7: For exemption of certain projects, see section 372P.

19 *Requirements*

20 (2) If:

- 21 (a) subparagraph (1)(b)(i) applies to a building lot; or
22 (b) subparagraph (1)(b)(ii) applies to a building unit;
23 a constitutional corporation must not, in the course of carrying out,
24 or carrying out an element of, the project, enter into a contract to
25 sell the lot or unit to another person unless, at least 48 hours before
26 entering into the contract, the constitutional corporation gave the
27 other person a fibre-ready facility disclosure notice that related to
28 the prospective sale of the lot or unit (as the case requires).

29 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

30 (3) If:

- 31 (a) subparagraph (1)(b)(i) applies to a building lot; or
32 (b) subparagraph (1)(b)(ii) applies to a building unit;
33 a constitutional corporation must not, in the course of carrying out,
34 or carrying out an element of, the project, lease the lot or unit to
35 another person unless, at least 48 hours before entering into the
36 lease, the constitutional corporation gave the other person a
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1 fibre-ready facility disclosure notice that related to the prospective
2 lease of the lot or unit (as the case requires).

3 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

4 (4) If:

5 (a) subparagraph (1)(b)(i) applies to a building lot in a Territory;
6 or

7 (b) subparagraph (1)(b)(ii) applies to a building unit in a
8 Territory;

9 a person (the *developer*) other than a constitutional corporation
10 must not, in the course of carrying out, or carrying out an element
11 of, the project, enter into a contract to sell the lot or unit to another
12 person unless, at least 48 hours before entering into the contract,
13 the developer gave the other person a fibre-ready facility disclosure
14 notice that related to the prospective sale of the lot or unit (as the
15 case requires).

16 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

17 (5) If:

18 (a) subparagraph (1)(b)(i) applies to a building lot in a Territory;
19 or

20 (b) subparagraph (1)(b)(ii) applies to a building unit in a
21 Territory;

22 a person (the *developer*) other than a constitutional corporation
23 must not, in the course of carrying out, or carrying out an element
24 of, the project, lease the lot or unit to another person unless, at least
25 48 hours before entering into the lease, the developer gave the
26 other person a fibre-ready facility disclosure notice that related to
27 the prospective lease of the lot or unit (as the case requires).

28 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

29 (6) If:

30 (a) subparagraph (1)(b)(i) applies to a building lot in a State; or

31 (b) subparagraph (1)(b)(ii) applies to a building unit in a State;

32 a person (the *developer*) other than a constitutional corporation
33 must not, in the course of carrying out, or carrying out an element
34 of, the project, enter into a contract to sell the lot or unit to another
35 person unless, at least 48 hours before entering into the contract,
36 the developer gave the other person a fibre-ready facility disclosure

Schedule 1 Amendments
Part 1 General amendments

1 notice that related to the prospective sale of the lot or unit (as the
2 case requires).

3 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

4 (7) If:

- 5 (a) subparagraph (1)(b)(i) applies to a building lot in a State; or
6 (b) subparagraph (1)(b)(ii) applies to a building unit in a State;
7 a person (the *developer*) other than a constitutional corporation
8 must not, in the course of carrying out, or carrying out an element
9 of, the project, lease the lot or unit to another person unless, at least
10 48 hours before entering into the lease, the developer gave the
11 other person a fibre-ready facility disclosure notice that related to
12 the prospective lease of the lot or unit (as the case requires).

13 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

14 *Ancillary contraventions*

15 (8) A person must not:

- 16 (a) aid, abet, counsel or procure a contravention of
17 subsection (2), (3), (4), (5), (6), or (7); or
18 (b) induce, whether by threats or promises or otherwise, a
19 contravention of subsection (2), (3), (4), (5), (6), or (7); or
20 (c) be in any way, directly or indirectly, knowingly concerned in,
21 or party to, a contravention of subsection (2), (3), (4), (5), (6),
22 or (7); or
23 (d) conspire with others to effect a contravention of
24 subsection (2), (3), (4), (5), (6), or (7).

25 *Civil penalty provisions*

26 (9) Subsections (2), (3), (4), (5), (6), (7) and (8) are *civil penalty*
27 *provisions*.

28 Note: Part 31 provides for pecuniary penalties for breaches of civil penalty
29 provisions.

30 *Validity of transactions*

31 (10) A contravention of subsection (2), (3), (4), (5), (6) or (7) does not
32 affect the validity of any transaction.

1 **372JA Fibre-ready facility disclosure notice—other projects**

2 *Scope*

3 (1) This section applies if:

4 (a) a real estate development project involves:

5 (i) the construction of one or more building units on one or
6 more areas of land; and

7 (ii) the making available of any or all of those building units
8 for sale or lease; and

9 (b) sewerage services, electricity or water is, are, or will be,
10 supplied to those units.

11 Note 1: For *building unit*, see section 372S.

12 Note 2: For *sale* of building units, see section 372U.

13 Note 3: For *supply* of sewerage services, electricity or water, see section 372Z.

14 Note 4: For exemption of certain projects, see section 372P.

15 *Requirements*

16 (2) A constitutional corporation must not, in the course of carrying out,
17 or carrying out an element of, the project, enter into a contract to
18 sell such a building unit to another person unless, at least 48 hours
19 before entering into the contract, the constitutional corporation
20 gave the other person a fibre-ready facility disclosure notice that
21 related to the prospective sale of the unit.

22 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

23 (3) A constitutional corporation must not, in the course of carrying out,
24 or carrying out an element of, the project, lease such a building unit
25 to another person unless, at least 48 hours before entering into the
26 lease, the constitutional corporation gave the other person a
27 fibre-ready facility disclosure notice that related to the prospective
28 lease of the unit.

29 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

30 (4) If such a building unit is in a Territory, a person (the *developer*)
31 other than a constitutional corporation must not, in the course of
32 carrying out, or carrying out an element of, the project, enter into a
33 contract to sell the unit to another person unless, at least 48 hours
34 before entering into the contract, the developer gave the other

Schedule 1 Amendments
Part 1 General amendments

1 person a fibre-ready facility disclosure notice that related to the
2 prospective sale of the unit.

3 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

4 (5) If such a building unit is in a Territory, a person (the *developer*)
5 other than a constitutional corporation must not, in the course of
6 carrying out, or carrying out an element of, the project, lease the
7 unit to another person unless, at least 48 hours before entering into
8 the lease, the developer gave the other person a fibre-ready facility
9 disclosure notice that related to the prospective lease of the unit.

10 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

11 (6) If such a building unit is in a State, a person (the *developer*) other
12 than a constitutional corporation must not, in the course of carrying
13 out, or carrying out an element of, the project, enter into a contract
14 to sell the unit to another person unless, at least 48 hours before
15 entering into the contract, the developer gave the other person a
16 fibre-ready facility disclosure notice that related to the prospective
17 sale of the unit.

18 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

19 (7) If such a building unit is in a State, a person (the *developer*) other
20 than a constitutional corporation must not, in the course of carrying
21 out, or carrying out an element of, the project, lease the unit to
22 another person unless, at least 48 hours before entering into the
23 lease, the developer gave the other person a fibre-ready facility
24 disclosure notice that related to the prospective lease of the unit.

25 Note: For *fibre-ready facility disclosure notice*, see section 372YA.

26 *Ancillary contraventions*

- 27 (8) A person must not:
- 28 (a) aid, abet, counsel or procure a contravention of
 - 29 subsection (2), (3), (4), (5), (6), or (7); or
 - 30 (b) induce, whether by threats or promises or otherwise, a
 - 31 contravention of subsection (2), (3), (4), (5), (6), or (7); or
 - 32 (c) be in any way, directly or indirectly, knowingly concerned in,
 - 33 or party to, a contravention of subsection (2), (3), (4), (5), (6),
 - 34 or (7); or
 - 35 (d) conspire with others to effect a contravention of
 - 36 subsection (2), (3), (4), (5), (6), or (7).
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1 *Civil penalty provisions*

2 (9) Subsections (2), (3), (4), (5), (6), (7) and (8) are *civil penalty*
3 *provisions*.

4 Note: Part 31 provides for pecuniary penalties for breaches of civil penalty
5 provisions.

6 *Validity of transactions*

7 (10) A contravention of subsection (2), (3), (4), (5), (6) or (7) does not
8 affect the validity of any transaction.

9 **372JB Compensation orders etc.**

10 *Failure to install functional fibre-ready facility*

11 (1) If:

12 (a) in the course of carrying out, or carrying out an element of, a
13 real estate development project, a person (the *developer*) sells
14 or leases a building lot or building unit; and

15 (b) the sale or lease contravened any of the following provisions:

- 16 (i) subsection 372G(2);
17 (ii) subsection 372G(2A);
18 (iii) subsection 372G(3);
19 (iv) subsection 372G(4);
20 (v) subsection 372G(4A);
21 (vi) subsection 372G(5);
22 (vii) subsection 372H(2);
23 (viii) subsection 372H(3);
24 (ix) subsection 372H(3A);

25 a relevant court may:

26 (c) on the application of a person (the *injured person*) who has
27 suffered, or is likely to suffer, loss or damage because of the
28 contravention; or

29 (d) on the application of the ACMA on behalf of one or more
30 such injured persons;

31 make such order or orders as the relevant court thinks appropriate
32 against the developer.

1 *Orders*

- 2 (2) An order under subsection (1) must be an order that the relevant
3 court considers will:
4 (a) compensate the injured person, or any such injured persons,
5 in whole or in part for the loss or damage; or
6 (b) prevent or reduce the loss or damage suffered, or likely to be
7 suffered, by the injured person or any such injured persons.

8 *Applications*

- 9 (3) An application under subsection (1) may be made at any time
10 within 6 years after the sale or lease of the lot or unit (as the case
11 requires).
12 (4) The ACMA must not make an application under paragraph (1)(d)
13 on behalf of one or more persons unless those persons have
14 consented in writing to the making of the application.

15 *Relevant court*

- 16 (5) For the purposes of this section, each of the following is a *relevant*
17 *court*:
18 (a) the Federal Court;
19 (b) the Federal Circuit Court of Australia;
20 (c) a court of a State or Territory that has jurisdiction in relation
21 to matters arising under this Act.

22 **372JC Acquisition of property**

23 This Subdivision does not apply to the extent that the operation of
24 this Subdivision would result in an acquisition of property (within
25 the meaning of paragraph 51(xxxi) of the Constitution) from a
26 person otherwise than on just terms (within the meaning of that
27 paragraph).

28 **13 Subsection 372K(5)**

- 29 Omit “from the scope of subsection 372G(2).”, substitute:
30 from the scope of any or all of the following provisions:
31 (c) subsection 372G(2);
32 (d) subsection 372G(2A);
33 (e) subsection 372G(3).
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1 **14 Subsection 372K(7)**

2 Omit “either or both”, substitute “any or all”.

3 **15 After paragraph 372K(7)(c)**

4 Insert:

5 (ca) subsection 372G(4A);

6 (cb) subsection 372G(5);

7 **16 After paragraph 372K(7)(d)**

8 Insert:

9 ; (e) subsection 372H(3);

10 (f) subsection 372H(3A).

11 **17 Section 372W**

12 Before “For”, insert “(1)”.

13 **17A At the end of section 372W**

14 Add:

15 (2) For the purposes of this Act, a *functional fibre-ready facility* is a
16 fibre-ready facility that is technically capable of being used in
17 connection with an optical fibre line.

18 (3) For the purposes of subsection (2), in determining whether a
19 fibre-ready facility is technically capable of being used in
20 connection with an optical fibre line, regard must be had to
21 applicable industry codes registered, or applicable industry
22 standards determined, under Part 6 (if any).

23 **19 After section 372Y**

24 Insert:

25 **372YA Fibre-ready facility disclosure notice**

26 For the purposes of this Act, *fibre-ready facility disclosure notice*:

27 (a) in relation to the prospective sale of a building lot—means a
28 written notice that:

29 (i) in a case where a functional fibre-ready facility will,
30 before the prospective sale occurs, be installed in
31 proximity to the lot—states that the functional

Schedule 1 Amendments
Part 1 General amendments

- 1 fibre-ready facility will be installed in proximity to the
2 lot before the prospective sale occurs; or
- 3 (ii) in a case where a functional fibre-ready facility has
4 already been installed in proximity to the lot—states
5 that the functional fibre-ready facility has already been
6 installed in proximity to the lot; or
- 7 (iii) otherwise—states that, as a result of an exemption under
8 section 372K, no functional fibre-ready facility has
9 been, or will be, installed in proximity to the lot; or
- 10 (b) in relation to the prospective sale of a building unit—means a
11 written notice that:
- 12 (i) in a case where a functional fibre-ready facility will,
13 before the prospective sale occurs, be installed in
14 proximity to the unit—states that the functional
15 fibre-ready facility will be installed in proximity to the
16 unit before the prospective sale occurs; or
- 17 (ii) in a case where a functional fibre-ready facility has
18 already been installed in proximity to the unit—states
19 that the functional fibre-ready facility has already been
20 installed in proximity to the unit; or
- 21 (iii) otherwise—states that, as a result of an exemption under
22 section 372K, no functional fibre-ready facility has
23 been, or will be, installed in proximity to the unit; or
- 24 (c) in relation to the prospective lease of a building lot—means a
25 written notice that:
- 26 (i) in a case where a functional fibre-ready facility will,
27 before the prospective lease is entered into, be installed
28 in proximity to the lot—states that the functional
29 fibre-ready facility will be installed in proximity to the
30 lot before the prospective lease is entered into; or
- 31 (ii) in a case where a functional fibre-ready facility has
32 already been installed in proximity to the lot—states
33 that the functional fibre-ready facility has already been
34 installed in proximity to the lot; or
- 35 (iii) otherwise—states that, as a result of an exemption under
36 section 372K, no functional fibre-ready facility has
37 been, or will be, installed in proximity to the lot; or
- 38 (d) in relation to the prospective lease of a building unit—means
39 a written notice that:
-

- 1 (i) in a case where a functional fibre-ready facility will,
2 before the prospective lease is entered into, be installed
3 in proximity to the unit—states that the functional
4 fibre-ready facility will be installed in proximity to the
5 unit before the prospective lease is entered into; or
6 (ii) in a case where a functional fibre-ready facility has
7 already been installed in proximity to the unit—states
8 that the functional fibre-ready facility has already been
9 installed in proximity to the unit; or
10 (iii) otherwise—states that, as a result of an exemption under
11 section 372K, no functional fibre-ready facility has
12 been, or will be, installed in proximity to the unit.

13 **Part 2—Application and transitional provisions**

14 **19A Application—sale or lease of building lots or building**
15 **units**

16 Sections 372G, 372H, 372J, 372JA and 372JB of the
17 *Telecommunications Act 1997*, as amended by this Schedule, apply in
18 relation to a real estate development project any element of which is
19 carried out after the commencement of this item unless, before that
20 commencement:

- 21 (a) a person who carries out, or carries out an element of, the
22 project began to install fixed-line facilities in the project area,
23 or any of the project areas, for the project; or
24 (b) a person who carries out, or carries out an element of, the
25 project entered into a contract with another person for the
26 installation of fixed-line facilities in the project area, or any
27 of the project areas, for the project; or
28 (c) civil works associated with the project began to be carried
29 out; or
30 (d) a person who carries out, or carries out an element of, the
31 project entered into a contract with another person for the
32 carrying out of civil works associated with the project.

33 **19B Transitional—constitutional corporations**

- 34 (1) This item applies in relation to a real estate development project if,
35 before the commencement of this item:
-

Schedule 1 Amendments

Part 2 Application and transitional provisions

- 1 (a) a person who carries out, or carries out an element of, the
2 project began to install fixed-line facilities in the project area,
3 or any of the project areas, for the project; or
4 (b) a person who carries out, or carries out an element of, the
5 project entered into a contract with another person for the
6 installation of fixed-line facilities in the project area, or any
7 of the project areas, for the project; or
8 (c) civil works associated with the project began to be carried
9 out; or
10 (d) a person who carries out, or carries out an element of, the
11 project entered into a contract with another person for the
12 carrying out of civil works associated with the project.
- 13 (2) Despite the amendments of sections 372G and 372H of the
14 *Telecommunications Act 1997* made by this Schedule, those sections
15 continue to apply in relation to the real estate development project as if
16 the amendments had not been made.
-

1 **Part 3—Amendment contingent on the**
2 **commencement of the Federal Circuit and**
3 **Family Court of Australia Act 2020**

4 *Telecommunications Act 1997*

5 **20 Paragraph 372JB(5)(b)**

6 Omit “Federal Circuit Court of Australia”, substitute “Federal Circuit
7 and Family Court of Australia”.

1 **Part 4—Technical correction**

2 *Telecommunications Act 1997*

3 **21 Paragraph 372G(1)(d)**

4 Omit “is” (first occurring), substitute “if”.
