

PRINCE HENRY AT LITTLE BAY TELECOMS UPDATE

Telecoms Information Session 14 August 2019 – Overview

Panel

Tasha Burrell | Landcom's Executive General Manger, Projects

Maureen Wade | Manager, Infrastructure and Innovation

Michael McIntosh | Prince Henry Lot Owner and previously a long-term CA EC

Susan Graham | Prince Henry CA EC Chair

Prince Henry at Little Bay Community Association Introduction

The convener, Susan Graham, introduced the panel and advised that questions submitted in advance would be addressed, with a roving mic available for further questions on the same topic. And, that there may be time to address additional questions from the floor at the end of the session.

Background Update

Pivit advised in late 2018 that it wished to sell the Prince Henry private telecoms infrastructure and customer base to LBNC0, another private wholesale provider.

At a meeting attended in November 2018 by Pivit, LBNC0 and the CA Executive Committee, the CA requested LBNC0 to provide a clear schedule of their proposed services and associated costs to enable a ready comparison between Pivit, and LBNC0's retail service providers. This would have enabled the CA to consult with the community. Despite several follow ups, LBNC0 has yet to provide the requested information.

There was a subsequent meeting with Landcom in January 2019 and another in April 2019. Since the April meeting, the CA and Landcom were working very closely together to explore options for Prince Henry owners and residents, with the aim of future-proofing Prince Henry telecoms and providing RSP choice to users.

Landcom Introduction

Tasha Burrell advised that she was new to the job, and was an architect not a telecoms expert. Tasha advised that Landcom was the developer for Prince Henry at Little Bay at a time when there was no NBN.

To obtain the best possible telecoms service a tender was established, with Pivit being the successful tenderer. A 25-year Network Management Services Agreement (NMSA) was entered into between the two parties with Landcom as the Principal and Pivit as the Operator.

The intention was to assign the Principal's role in the NMSA to the Prince Henry Community Association. This didn't happen. [\(Explanatory note: The CA investigated taking on the role of Principal in the NMSA but determined that a group of volunteers had neither the ongoing skills nor the continuity of members to monitor a telco provider. For the CA to become the Principal it would have had to appoint a telco expert to monitor the provider, which would have meant more fees for Prince Henry lot owners/residents. This was not considered a desirable solution.\)](#)

Tasha also advised that Landcom had invited NBN Co and the Department of Communications to attend the Information Session but neither was able to provide a representative that evening.

Maureen Wade introduced herself, and advised that she was liaising closely with NBN Co to extend its network to Prince Henry as the preferred option for Prince Henry residents.

Pre-submitted questions and responses

Refer spread sheet *'presubmitted questions and responses overview 29aug2019'*

Landcom undertakings

1. **Provide an action plan and time line to fix the current problems**

Mindful that Pivit has been breaching its responsibilities under the NMSA since it began operating in 2007, and Landcom and the CA have been working together on this project more recently for nine months, what action plan is Landcom proposing?

2. **Investigate and provide details**

What is the relationship / commercial arrangement between Pivit and LBNCo?

3. **Advise how Landcom intends to protect the community from LBNCo becoming the default telecoms provider**

In the absence of a commitment from NBN Co, and Pivit's demonstrated departure from its responsibilities under the Network Management Services Agreement (NMSA), what is Landcom planning to future-proof the provision of Prince Henry's telecoms?

4. **Consideration to install a 'man on the ground'**

This question was put to Landcom at the Information Session and was broadly supported at the Information Session.

5. **Alternative contact person to Maureen Wade**

Who will be the CA's contact person if Maureen Wade is away from the office? ([Explanatory note: Subsequent to the Information Session, a new team was appointed to liaise with the CA.](#))

6. **Investigate and advise on the 'adequately served' tag under the current arrangements in place at Prince Henry**

A number of residents have been advised that LBNCo is providing the current services, not Pivit. Bearing in mind that telco providers are no longer able to apply for the 'adequately served' tag and, presuming LBNCo is legally permitted to be at Prince Henry, if Pivit is no longer fulfilling its contractual obligations, then could Prince Henry's 'adequately served' tag have expired? That being so, NBN Co would presumably be impelled to extend its network to Prince Henry at the same time as it rolls out elsewhere in Little Bay?

7. **Obtain legal advice and provide a response to the question:** What will Landcom do with its charge over Pivit's infrastructure if NBN Co does come into Little Bay? Will Landcom release the charge, allowing Pivit to sell its infrastructure to another private provider, therefore allowing competition with another private provider, or will they be required to maintain that charge to protect NBN's market share at point of entry.

LEGEND: Notes in blue are explanatory notes inserted to add clarity.