

Investigation report

File number	ACMA2025/327
Relevant entity	Fiber Asset Management Pty Ltd (Fiber Asset)
Type of entity	Carrier
Relevant legislation	Telecommunications Act 1997 (the Act)

Findings

1. The Australian Communications and Media Authority (the **ACMA**) finds that Fiber Asset, as a carrier, contravened subsection 68(1) of the Act on 42 occasions because it did not comply with the following provisions in Part 19 of the Act:

Provision	Requirement	Breaches
Section 360HA	A carrier must give the ACMA a written notice (an anticipatory notice) within the applicable legislative timeframe - either 10 or 20 business days - after entering into a contract for the installation of telecommunications network infrastructure in a new real estate development project or a building redevelopment project area. ¹	31
Section 360H	A carrier must declare that the whole of the project area of a real estate development project or a building redevelopment project is a <i>provisional nominated service area</i> within 10 business days after completing the installation of the telecommunications network infrastructure. It must then give a copy of the declaration to the ACMA within 10 business days of making the declaration.	11
Total		42

¹ Part 19 of the Act was amended by the *Telecommunications Legislation Amendment (Enhancing Consumer Safeguards and Other Measures) Act 2024*. The effect of this amendment was that from 1 June 2024, the timeframe for giving an anticipatory notice to the ACMA under section 360HA of the Act changed from 10 to 20 business days. Some of the 31 breaches occurred in relation to anticipatory notices that should have been provided to the ACMA prior to 1 June 2024, and the others occurred in relation to anticipatory notices provided to the ACMA after 1 June 2024. See also paragraph 11 below.

2. Fiber Asset's contraventions are set out in **Appendix A** of this investigation report.

Background

3. The statutory infrastructure provider (SIP) regime is set out under Part 19 of the Act. The regime places obligations on SIPs to connect premises and supply eligible services to carriage service providers so that they can supply qualifying carriage services to end-users. Additionally, there are obligations on carriers (who will become SIPs) to give the ACMA an anticipatory notice about contracts the carrier enters into to install telecommunications network infrastructure in real estate development project areas or building redevelopment project areas.² Those carriers are also required to declare those areas as provisional nominated service areas once the installations have been completed and give a copy of the declaration to the ACMA. The ACMA must include notices and information about declared service areas in an online register that it maintains under section 360Z of the Act.
4. Fiber Asset is a carrier and holds a current carrier licence ([Carrier licences - Licence 486 - Fiber Asset Management Pty Ltd - Data.gov.au](#))
5. Between 21 February and 3 April 2025 (the **relevant period**), Fiber Asset gave the ACMA anticipatory notices for 40 project areas and declarations for 74 nominated service areas.³ In reviewing this information, the ACMA identified that Fiber Asset had not been giving the anticipatory notices and declarations to the ACMA within the required legislative timeframes in the Act.
6. On 16 May 2025, the ACMA commenced an investigation under section 510 of the Act into Fiber Asset's compliance with the notification requirements under sections 360HA and 360H of the Act. On 22 May 2025, we met with Fiber Asset to advise that we had commenced an investigation and to explain the investigation process.
7. On 10 July 2025, the ACMA provided its preliminary findings on Fiber Asset's compliance with these provisions in a preliminary investigation report (**the ACMA's preliminary findings**) to Fiber Asset and invited it to respond by 31 July 2025. Fiber Asset provided its response to the ACMA's preliminary findings in a submission on 30 July 2025 (**Fiber Asset's submission**). In Fiber Asset's submission, Fiber Asset disclosed that it had identified several occasions where it gave multiple notices and declarations to the ACMA for single project areas and nominated service areas and asked that the ACMA revise the calculation of notices and declarations accordingly. The ACMA has accepted these submissions, and based on them, the ACMA's revised findings of Fiber Asset's contraventions are set out in **Appendix A** of this investigation report.
8. In making these findings in this investigation report, the ACMA has considered the information provided to it in Fiber Asset's submission.

² Section 372Q of the Act defines a real estate development project and section 360Y of the Act defines a building redevelopment project.

³ Of the 40 anticipatory notices and 74 nominated service areas, 7 anticipatory notices and 8 nominated service area declarations were excluded from assessment due to the consolidation of duplicate notices/declarations. 1 anticipatory notice was excluded as it related to a pre-existing area already designated under section 360L of the Act and 6 nominated service area declarations were excluded as the telecommunications network infrastructure installations they related to were completed prior to 1 June 2024 when there was no legislative timeframe in the Act for giving declarations to the ACMA.

Relevant facts

9. Fiber Asset did not dispute the ACMA's preliminary findings. In its submission, Fiber Asset advised that the non-compliance arose from system errors and that the issue was undetected for some time because their internal procedures did not include the necessary assurance checks.

Applicable legislation

10. Subsection 68(1) of the Act provides that a carrier must not contravene a condition of the carrier licence held by the carrier. Section 61 of the Act provides that a carrier licence is subject to the conditions specified in Schedule 1 to the Act. Clause 1 of Part 1 of Schedule 1 to the Act requires carriers to comply with the Act.

Scope of the ACMA's assessment

11. The legislative timeframes in the Act applicable to Fiber Asset for giving notices and declarations to the ACMA were amended from 1 June 2024.⁴ Therefore, the ACMA's assessment of Fiber Asset's compliance with these provisions takes into account whether the relevant activity undertaken by Fiber Asset occurred before or after 1 June 2024.
12. For anticipatory notices required to be given under section 360HA of the Act, the legislative timeframe for giving them depends on when the contract with the developer was entered into and whether it was before or after 1 June 2024. If the contract was entered into before 1 June 2024, the timeframe of 10 business days after the contract was entered into applies and if the contract was entered on or after 1 June 2024, the timeframe of 20 business days after the contract was entered into applies.
13. For declarations required to be given under section 360H of the Act, prior to 1 June 2024, the Act did not specify the timeframe for giving a declaration to the ACMA. Therefore, the ACMA has only considered declarations that were required to be given by Fiber Asset under section 360H of the Act for installations of telecommunications network infrastructure completed from 1 June 2024 onwards. From 1 June 2024, the legislative timeframe for Fiber Asset to give a declaration to the ACMA is 10 business days after it makes the declaration and a declaration must be made by Fiber Asset within 10 business days after completing the installation of telecommunications network infrastructure.

Compliance with section 360HA of the Act

14. Of the 32 Fiber Asset anticipatory notices assessed by the ACMA, 31 notices were not given to the ACMA within the legislative timeframe under section 360HA of the Act. Only 1 anticipatory notice was given to the ACMA within the legislative timeframe. (see **Appendix A**).
15. The ACMA therefore finds that Fiber Asset contravened section 360HA of the Act on 31 occasions by failing to give an anticipatory notice to the ACMA within the legislative timeframe.

⁴ As set out in footnote 1, from 1 June 2024, the timeframe for giving an anticipatory notice to the ACMA under section 360HA of the Act changed from 10 to 20 business days. Also, from 1 June 2024, under section 360H of the Act, the timeframe for giving a declaration to the ACMA was specified as within 10 business days after making a declaration and a declaration was required to be made within 10 business days after completing installation of the network infrastructure.

Compliance with section 360H of the Act

16. Of the 60 Fiber Asset declarations assessed by the ACMA, 11 declarations were not given to the ACMA within the legislative timeframe under section 360H of the Act. The remaining 49 declarations were given to the ACMA within the legislative timeframe (see **Appendix A**).
17. The ACMA therefore finds that Fiber Asset contravened section 360H of the Act on 11 occasions by failing to give the ACMA a copy of a declaration within the legislative timeframe.

Compliance with carrier licence conditions

18. As a carrier, Fiber Asset must comply with conditions of its carrier licence under subsection 68(1) of the Act. Under clause 1 of Part 1 of Schedule 1 to the Act, a carrier licence condition is that a carrier must comply with the Act.
19. The ACMA finds that by failing to comply with sections 360HA and 360H of the Act, Fiber Asset has contravened subsection 68(1) of the Act on 42 occasions.