



# Telecommunications (Approval of Code for Access to Multi-Unit Complexes) Order 2013

Jerry Mateparae, Governor-General

## Order in Council

At Wellington this 22nd day of April 2013

Present:

The Right Hon John Key presiding in Council

Pursuant to section 155K of the Telecommunications Act 2001, His Excellency the Governor-General makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Communications and Information Technology made after consultation in accordance with section 155J(4) of that Act.

### Contents

		Page
1	Title	2
2	Commencement	2
3	Code for access to multi-unit complexes approved	2

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## Order

### 1 Title

This order is the Telecommunications (Approval of Code for Access to Multi-Unit Complexes) Order 2013.

### 2 Commencement

This order comes into force on 30 May 2013.

### 3 Code for access to multi-unit complexes approved

The code entitled Code for Access to Multi-Unit Complexes 2013 prepared by the Minister for Communications and Information Technology in accordance with section 155J of the Telecommunications Act 2001 and signed by the Minister on 9 April 2013 is approved.

Michael Webster,  
for Clerk of the Executive Council.

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## Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 30 May 2013, approves a code (entitled the Code for Access to Multi-Unit Complexes 2013) (the **Code**) prepared by the Minister for Communications and Information Technology in accordance with the Telecommunications Act 2001 (the **Act**). The Code relates to access to multi-unit complexes, by owners and operators of networks that are used to deliver telecommunication services over fibre media (**fibre-to-the-premises service providers**), under subpart 3 of Part 4 of the Act or by agreement.

Subpart 3 of Part 4 provides a statutory right of access that a fibre-to-the-premises service provider may use to access a multi-unit complex (which can be either a multi-unit building or a group of buildings that are used communally, including the land on which the building or group of buildings is sited) for the purpose of carrying out work on

its network if it has not been able to negotiate an access agreement with the relevant owners of the complex.

Certain pre-conditions must be satisfied before the fibre-to-the-premises service provider can exercise the statutory right of access. Broadly summarised, these require the service provider to—

- have agreed to be bound by the Code:
- have taken all reasonable steps to negotiate an agreement for entry with the owner of each part of the multi-unit complex to be accessed, in accordance with the Code:
- have served specified notices on each owner of the parts to be accessed and obtained access orders from the District Court in respect of those owners:
- be a member of a consumer complaints system for resolving complaints about compliance with the Code and relevant provisions of the Act.

The Code includes the following, which are the minimum matters required to be included under the Act:

- guidance on reasonable processes and time frames for negotiating access with owners:
- guidance as to cost sharing between service providers and owners, and processes for agreeing final cost splits:
- guidance as to reasonable grounds for an owner opting out of providing access under subpart 3 of Part 4 of the Act:
- guidance as to ongoing costs and reasonable conditions for ongoing access.

Under the Act, this order must be published in the *Gazette*. The Code itself, and all amendments to it, must—

- be published on an Internet site that is publicly available at all reasonable times:
- be available for purchase in hard copy, at no more than a reasonable cost.

The Code can be found on the Internet site for the Ministry of Business, Innovation, and Employment and is available for purchase in hard copy from the Ministry's head office in Wellington.

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Access to Multi-Unit Complexes) Order 2013**

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2013/119

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 26 April 2013.

This order is administered by the Ministry of Business, Innovation, and Employment.

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