

Reference: G10056010

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Director Consulting Policy
Department of Communication and the Arts
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Dear Sir/ Madam

Possible Amendments to the Telecommunications Carrier Powers and Immunities

Thank you for the opportunity to make a submission on possible amendments to the Telecommunications Act 1997 (Cth) in relation to telecommunications carriers powers and immunities.

Goldenfields Water are writing to voice concerns regarding the current and proposed Powers & Immunities of Telecommunication Carriers. The location of telecommunication equipment on the assets of water authorities, particularly the location of facilities on or around reservoirs poses a significant risk to the ability of the water authority to provide safe drinking water to its customers and hence the ability of water authorities to comply with the requirements of the Public Health Act 2010 (NSW).

The risk is posed by penetrations on the reservoirs and the location of equipment such that the water authority cannot maintain its asset in accordance with its required obligations, as access can be limited, due to the emission of electromagnetic radiation and physical equipment installed on the water authorities assets.

The penetration of reservoirs allows the ingress of insects, rodents, birds and faecal matter all of which pose a risk to public health. Penetration of reservoirs also limits the ability of the water authority to undertake appropriate reservoir rehabilitation works (reservoir lining) and maintain asset life in accordance with established targets. The location of telecommunications equipment on reservoirs prevents the water authority undertaking operational activities such as chemical dosing and maintenance activities, both critical activities required to maintain a safe drinking water supply. Goldenfields Water has recently had a contractor refuse to undertake reservoir cleaning activities due to Telecommunication Carriers assets posing a risk to their staff.

Historical issues of existing agreements requires a minimum of three months' notice to major carriers for a shutdown to undertake critical maintenance activities. These time restraints cannot be adhered to by the water authority when trying to minimise risk of public health and ensuring essential water supply to communities. Water authorities must not be controlled by the carrier's timeframes and must have the ability to undertake shutdown procedures as required.

Historically In these matters, the carriers ignore the risks imposed on water authorities in the regulation of public health activities and refuse to agree to conditions by which a water authority can maintain some control over the site and the risks associated with shared localities. Goldenfields Water believes that the Telecommunications Act 1997 (Cth) broadly



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covers this requirement under Clause 11 Division 5 of Schedule 3 of the Telecommunications Act 1997 (Cth); however the water authority requires the right to modify an agreement if the carriers assets impact on the ability of the water authority to carry out its obligations for the protection of public health.

If carriers chose to make reasonable efforts to enter into and renegotiate agreements for sites, it would ensure water quality was protected, safety was ensured and adequate telecommunications outcomes could be achieved without risk of other utilities obligations.

Goldenfields Water believes that any amendment to the Act, must address the risk to water supply posed by the installation of telecommunications equipment on water authority assets.

Any revision of the Act must also ensure that a safe working environment is maintained for water authority employees and their contractors maintaining water authority assets where telecommunications facilities are located

To address these issues, it is proposed that provision be made in the Act for a water authority to refuse access to sites it owns and or operates. The Act must allow the water authority to renegotiate historical agreements that do not consider public health, safety and maintenance issues as these are deemed an unacceptable operating risk.

Further, a provision is required that in the event that a water authority considers the installation of a telecommunications facility on an asset owned and or operated by the water authority, poses an unacceptable risk to public health or the safety of its employees then the water authority can direct that telecommunications facility to be removed.

Should you require any further information regarding this letter please contact Manager Production & Services Geoff Veneris on 02 69 773200.

Yours faithfully

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