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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.

The location of telecommunications 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 rooves of reservoirs and the location of equipment such that the water authority cannot maintain its asset as access is limited due the emission of electromagnetic radiation. The penetration on rooves allows the ingress of insects, rodents, birds and faecal matter all of which pose a risk to public health. The location of telecommunications equipment on reservoirs prevents the water authority undertaking operational activities such as dosing and maintenance activities, both required to maintain a safe drinking water supply.

In these matters carriers typically chose to ignore Clause 8 Division 5 of Schedule 3 "to do as little damage as practicable". Carriers have typically left holes in rooves, placing at risk water authorities' ability to provide safe drinking water. Further the damage created is exacerbated by the exposure of metal surfaces, they then corrode at greater rates reducing the life span of the infrastructure on which facilities are located. Carriers have also located facilities on water authority assets which do not have the structural capacity to carry the facilities.

Further, typically carriers licensed under the Telecommunications Act 1997 (Cth) choose not to address the requirements of Clause 11 Division 5 of Schedule 3 of the Telecommunications Act 1997 (Cth) which states:

### *11 Agreements with public utilities*

*(1) A carrier must make reasonable efforts to enter into an agreement with a public utility that makes provision for the manner in which the carrier will engage in an activity that is:*

*(a) covered by Division 2, 3 or 4; and*

*(b) likely to affect the operations of the utility.*

*(2) A carrier must comply with an agreement in force under subclause(1).*

Carriers usually advise they are going onto site and do not seek to consult or enter into any agreement. If carriers chose to make reasonable efforts to enter into agreements sites could be identified that would both ensure water quality was protected, safety was ensured and adequate telecommunications outcomes could be achieved. This is not industry practice. In the alternate, if carriers chose to undertake genuine consultation with water authorities, in most cases, alternate options could be provided.

Any amendment to the Act must address the risk to water supply posed by the installation of telecommunications equipment on water authority assets.

Any amendment to the act must ensure that a safe working environment is maintained for water authority employees 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 if it considers there is an unacceptable risk to public health or the safety of its employees.

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 Coordinator – Strategy and Business Management, Robert Siebert on (02) 6670 2506.

Yours faithfully

**David Oxenham**  
**DIRECTOR ENGINEERING**