

Co-existing with telecommunication carriers

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This paper intends to briefly outline the Commonwealth's telecommunication legislative framework that Telecommunication Carriers (Telcos) are required to operate under, and promote how we can use the existing legislative framework to protect our assets and operations, and to meet our State's legislative requirements (eg. NSW Public Health Act, NSW Work Health Safety Act, etc).

There are documented horror stories when the balance between the burden of Telco infrastructure on "Low Impact Facilities" (such as water reservoirs, road signage, bridges, railway buildings, etc) favour telecommunications carriers (telcos). Perhaps our industries have unknowingly made things too easy for Telcos by simply allowing them to dictate how they install and operate their communication equipment on our assets. Or perhaps our State legislation associated with planning approvals, public health and workers' safety has become incompatible with current telecommunication legislation. Whatever the case may be, there is a need for us to understand and exercise our legislative rights so we can meet operational and governance requirements, reduce business costs, and highlight any legislative deficiencies.

Recent changes have already occurred to the Commonwealth's telecommunication legislation that initiated a number of key stakeholders to combine their efforts to influence further legislative changes as well as highlighting legacy issues. The Department of Communications and Arts (DOCA) have since established a Powers and Immunities Reference Group (PIRG). The PIRG is comprised of representatives from the peak bodies for telecommunications, water, road, rail, power and facilities management. The objective of the PIRG is to understand and address legacy issues relating to Telco Powers and Immunities along with discussion of future proposed amendments.

One cannot say the "system is broken" to attempt to manage Telco's communication facilities on low impact facilities unless there's legitimate attempts to use the system. It's hoped that the information contained in this paper will motivate asset owners and operators to hold telecommunication carriers to account of how they conduct their business utilising our assets.