



Association Number A03958 | ABN 64 217 302 489

---

# AUSTRALASIAN RAILWAY ASSOCIATION SUBMISSION

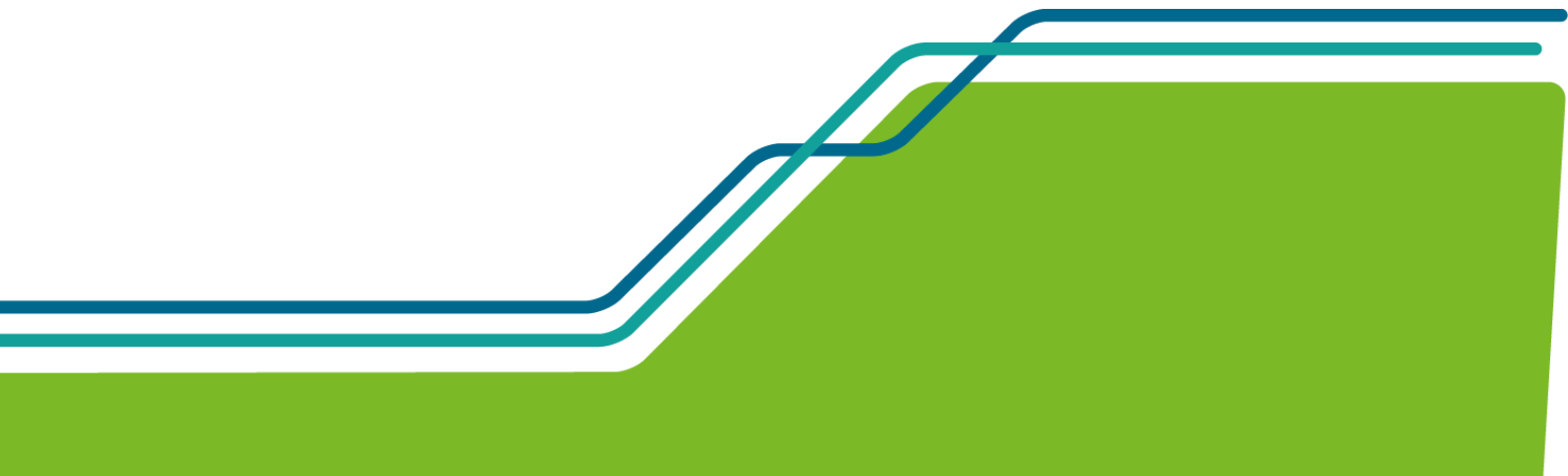
---

To

The Department of Infrastructure, Transport, Regional Development  
and Communications

On

**Improving the telecommunications powers and immunities  
framework**



## The ARA

The Australasian Railway Association (**ARA**) is a not-for-profit member-based association that represents the Rail industry throughout Australia and New Zealand. Our members include rail operators, track owners and managers, manufacturers, construction companies, and other firms contributing to the rail sector. We contribute to the development of industry and government policies in an effort to ensure passenger and freight transport systems are well represented and will continue to provide improved services for a growing population.

The ARA thanks the Department of Infrastructure, Transport, Regional Development and Communications for the opportunity to provide feedback to the *Improving the telecommunications powers and immunities framework*.

This submission has been developed in consultation with the ARA's Telecommunications Committee which is comprised of representatives from the following organisations: Arc infrastructure, ARTC, Department for Infrastructure and Transport South Australia, One Rail Australia, Metro Trains Melbourne, Pacific National, Public Transport Authority of Western Australia, Queensland Rail, Sydney Trains; Transport for NSW, V/Line and VicTrack.

For further information regarding this submission, please contact [REDACTED]

### The need to improve the powers and immunities framework

The rail industry recognises that the powers and immunities framework plays an important role in the deployment of telecommunications facilities and it should cater for essential services requirements. In the below responses, rail infrastructure requirements are highlighted.

### Responses to prompt questions and general comments

*Only questions relevant to the rail industry are included in the below response.*

General comment: throughout the paper where it refers to public utilities and road authorities," rail authorities" should be consistently added.

**1. Safety and notification**

**A. Creation of a primary safety condition**

Prompt questions

1. Do the current safety arrangements provide assurance for the safe and effective implementation of telecommunications equipment?

---

No, not in a railway environment. Rail experience is that carriers, their designers and sub-contractors have no appreciation of the safety and access requirements of installing equipment in and around the operational railway.

Refer to previous ARA and Queensland Rail submissions dated July 2017, discussing impacts to rail safety. In addition, there appears little consideration to the impacts to rail operations and ongoing maintenance of the rail network.

2. If no, what additional regulatory mechanisms may provide that assurance?

---

That carriers are bound by the requirements of the Rail National Safety Law which includes adherence to the owners and operators processes and procedure.

Refer to previous ARA and Queensland Rail submissions dated July 2017 requesting consideration to the Rail Safety National Law.

3. Would the addition of a primary safety condition to the Code of Practice provide that assurance?

---

Rail industry does not believe that the focus would be on maintaining the structural integrity of infrastructure or assets as it is not the main concern, generally the engineering practices are good. The focus should be on understanding the access and Safeworking requirements, for example, all works in the rail reserve should be carried out by railway accredited workers.

Industry codes that are not registered by the ACMA could also be used to provide operational guidance and co-ordination for the safe installation.

**B. Standard notifications across industry**

Prompt questions

1. Is there any other information that could be included on a notice would provide clarity on the installation process and timeframes?

---

*See attached guidelines document provided by the Public Transport Authority of Western Australia.*

2. What benefits, either financial or non-financial would additional notice and information bring to landowners?

---

Sufficient time to consider the impacts of the installation by multiple disciplines (civil, structural, electrical, communications, facilities) and carry out risk assessments

3. If possible, to what extent would the inclusion of a standardised notification process increase or decrease regulatory burden, and at what cost per notification?

---

It should decrease if all the relevant information is provided up front.

**D. Requirement to provide engineering certification**

Prompt questions

1. What benefits would landowner or occupiers see in the provision of an engineering certificate within 30 business days after the certification has been received?

---

Assurance that the installation has been constructed to the agreed design and meets all requirements of the landowners' own regulations.

**E. Extending notification timeframes**

2. What are the benefits (financial and non-financial) of a regulatory approach in providing a longer notification timeframe?

---

Ensuring consistence of approach across all carriers and their designers and installers.

3. Should longer notification timeframes apply to all landowners, and not be limited to landowners that are public utilities and road authorities?

---

Yes for rail.

4. What would be the benefits (financial and non-financial) of providing a longer timeframe for objections to be made to carriers about proposed activities?

---

Ability to plan works, assess all the impacts and coordinate with the operations of the landowner/utility

5. What other factors should be considered when considering whether to extend notification or objection timeframes?

---

The complexity of the works and their effects on the owners' operations.

## 2. Objections and protections

### A. Clarifying the objections process for landowners

Prompt questions

1. Is the objections process as set out in the Code of Practice clear and easily understood by landowners and occupiers? If no, what parts of the process need further explanation?

---

If the LAAN doesn't contain sufficient detail for the proposed works to be assessed then the landowner has no option but to object. A guideline document could give details of the timeframes required for the landowner to properly assess the works and their impacts.

### B. Allowing carriers to refer objections to the TIO

Prompt questions

1. What benefits or disadvantages are there in including a carrier as a party that can initiate dispute resolution with the TIO?

---

It is the carrier who is potentially going to disrupt the operations of the landowner, it should be their responsibility to do the work required to raise the dispute with the TIO. Landowners are the subject of their own regulations and objections are often because the works have the potential to make the landowner non-compliant to their own legislation.

### C. Removal of redundant equipment

Prompt questions

1. What level of enforcement would provide the best solution to the issue of redundant equipment?

---

Either should work – however rail operators do not agree with the following statement: *For either of the options above, a carrier or other operator would not be expected to remove redundant equipment where it is impractical to do so.* If the carriers can install it then it should be designed to be removed as part of whole of life considerations.

**3. Facilitating services in line with community expectations and to support economic growth**

**A. Improve coverage outcomes through better infrastructure, where safe**

Rail industry believes that the definition of low impact needs to be reviewed entirely. Low impact currently purely means low visual impact whereas rail biggest concern is the impact of the facility to rail operations during construction and maintenance and this is not considered anywhere in the legislation.

Refer to previous ARA and Queensland Rail submissions dated July 2017 regarding Low-impact facilities. Installation of a telecommunications facility within the rail corridor is not low impact. Low-impact facilities are generally telecommunications equipment that:

- are essential to the efficient operation of telecommunications networks
- have low visual impact, and
- are unlikely to cause significant community disruption during installation or operation.

**D. Encourage the co-location of facilities**

Prompt questions

1. Would a consistent approach to measuring co-location volume assist or hinder the co-location and visual amenity of equipment?

---

Yes, it will assist.