

To the Department of Communications and the Arts  
GPO Box 2154  
Canberra ACT 2601

## Submission response—Possible amendments to telecommunications powers and immunities

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Yes.

Date of submission

24/07/2017

Logo of organisation—if an organisation making this submission



### Water Services Sector Group – Executive

Name and contact details of person/organisation making submission

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### Background

Critical infrastructure delivers essential services such as food, water, healthcare, electricity, communications, transportation and banking. Without these services, Australia's social cohesion, economic prosperity and public safety are threatened. The resilience of our critical infrastructure is therefore integral to a strong economy and a vibrant business sector. It is also vital to the resilience of our communities to disasters.

The Trusted Information Sharing Network (TISN) for Critical Infrastructure Resilience was established by the Australian Government in 2003. It is Australia's primary national engagement mechanism for business-government information sharing and resilience building initiatives on critical infrastructure. The TISN provides a secure environment for critical infrastructure owners and operators across eight sector groups to regularly share information and cooperate within and across sectors to address risks, security and resilience challenges.

The Water Services Sector Group (WSSG) is made up of representatives that support these resilience initiatives internally within their business, and actively contribute to the broader resilience discussion for the Australian water sector.

Members of the WSSG are Critical Infrastructure owner / operators and provide the essential services of safe drinking and raw water, and the collection and treatment of waste water and storm water. The collection and distribution of water for a variety of uses contributes to our economic, social and environmental wellbeing, while supporting a healthy population. Other critical infrastructure sectors including the Communication Sector are reliant on the water sector for the safe operation of their buildings and equipment and the health of employees.

As a representation of the WSSG members, the WSSG Executive team would like to raise their concerns regarding the proposed changes to the telecommunications powers and immunities, and the process by which the Department of Communications and the Arts have undertaken this consultation process. These comments are primarily related to the security and broader resilience of infrastructure and the services they provide to the communities we serve, and as such this submission does not provide detailed responses to each of the discussion points in the consultation paper. Whilst the WSSG provides a coordinated and expert view on these matters across the Australian water sector, the response and comments provided by the WSSG Executive does not directly relate to the direct views of any specific or associated member water sector agency.

## General Comments

- WSSG Executive members' agencies were not consulted about this proposal, despite these changes having a direct impact on their organisations ability to ensure the safe and secure management of their infrastructure and the services they provide.
- Federal government agencies need to collaborate on the best possible engagement strategy for these types of consultations in future, to ensure all organisations likely affected are provided with adequate time to respond.
- Generally, it is the position of the WSSG that owners and operators of water infrastructure should have more / direct control over any changes to existing / new telecommunication infrastructure that is required to be installed / maintained on and around their infrastructure sites.
- Historically, water sector agencies have worked collaboratively with Telecommunications agencies and their representatives to be able to balance water infrastructure risk and the installation of the telecommunication equipment on water infrastructure. This has often been met with a perception within the telecommunications industry that the existing legislation provides them with an absolute right to access and alter water sector infrastructure regardless of the water sector agencies risks or requirements. The proposed changes to the telecommunications powers and immunities could strengthen that position.
- Recent improvements in these arrangements and relationships have supported a better balance in the collaborative management of telecommunications assets and access to water sector infrastructure. This has been driven by an increase in conditions set by water sector agencies, and the respect of these requirements by telecommunications agencies. Blanket changes that are being proposed to the telecommunications powers and immunities could reduce the rights of water sector agencies, and potentially increase risk to their infrastructure sites.
- Any changes to the telecommunications legislation needs to recognise other critical infrastructure sectors the assets they manage, and the essential service they provide, and that the management of risk related to those services must always take the priority
- As the asset owners and the essential service providers, water sector agencies must have the final say on all additions, improvements, changes and access to their asset to support telecommunications equipment, so they are able to take all necessary measures to ensure the safety and security of their assets with particular concern in regards to critical infrastructure

## Resilience and Security

- The resilience and security of water sector infrastructure is imperative to ensure the provision of essential services to the communities we serve.
- The primary purpose of water reservoirs are to act as a secure storage facility for drinking water. As such, they are constructed to act as a barrier to prevent water contamination and maintain a high standard of drinking water quality. Any breach of the reservoirs integrity (e.g. installation of telecommunications equipment on the roof of the reservoir) increases the risk of contamination of the drinking water supply.
- Water services infrastructure (nationally) is designated essential services and critical infrastructure under the Federal - Council of Australian Government Arrangements (COAG). Water service providers need to ensure the effective management of elevated risk, and the requirement for increased safety and security standards of these assets. As such these assets cannot be considered low risk for access consideration purposes and any expansion of “Low Impact” powers for Carriers is therefore not appropriate in these cases.
- Water services infrastructure was not, and is not, designed for the colocation of, and the addition of communications infrastructure, and as such the suggestion that any extension or modification of the allowable communications infrastructure, presents a community safety risk for the delivery of safe water services.
- The colocation of communications infrastructure with sensitive water service infrastructure quantifiably aggregates the community risk and infrastructure security sensitivity and importance of the site.
- Therefore Telecommunications operators accessing the asset must, financially and organisationally, contribute to the enhanced security risk assessment and infrastructure security enhancements required to mitigate that heightened risk
- The recent announcement of the Australian Critical Infrastructure Centre by the Attorney-General’s Department, has identified the water sector as one of three high risk critical infrastructure sectors, and outlined a need to better understand these risks and continue to improve the resilience of the sectors critical infrastructure.
- Based on proposed changes to the telecommunications powers and immunities, there seems a contradiction or misinformation that the protection of other critical infrastructure has not been considered.
- An example of this is the broad application of the ‘*low impact facility*’ to assets in residential areas (eg Water reservoirs / towers) that could be deemed critical infrastructure. Without direct consultation and a multi-disciplinary / agency risk assessment, there is likely to be an increase in the risk to these water assets under the proposal.
- To minimise these types of service continuity risks for both parties, there is always a preference for the use of a monopole or standalone tower as opposed to direct attachment to the water infrastructure.
- The use of temporary telecommunications infrastructure to support upgrades to static telecommunications equipment as outlined in the proposal, should also be able to be used to support upgrades or changes to water sector infrastructure. This would support minimising service disruption risks for both sectors, improving resilience.
- The WSSG would welcome further discussions with the Communication Sector on how we can continue to collaborate on working together to manage these security and safety risks.