

Australasian Railway Association

DITRDCA Submission

Review of the 'Telecommunications
(Low-impact Facilities)
Determination 2018'

2 December 2024

ABN: 64 217 302 489



**Australasian
Railway
Association**



The ARA

The Australasian Railway Association (ARA) is the peak body for the rail sector in Australia and New Zealand, and advocates for more than 220 member organisations across the industry.

Our membership covers every aspect of the rail industry, including the:

- passenger and freight operators that keep essential rail services moving;
- track owners, managers, and contractors that deliver a safe and efficient rail infrastructure network; and
- suppliers, manufacturers, and consultants that drive innovation, productivity, and efficiency in the rail industry.

Our members are driven to support vibrant, sustainable and connected communities through greater use of rail across Australia and New Zealand. We bring together industry and government to help achieve this ambition.

Our advocacy is informed by an extensive research program to ensure we offer solutions that are grounded in evidence and focused on delivering tangible value in our daily lives.

The rail industry has a crucial role to play in the region's sustainable development and growth, and offers meaningful and rewarding careers for tens of thousands of people in the regions.

Our significant program of work is focused on supporting a strong advocacy agenda, and creating opportunities for the rail industry to network, collaborate and share information, and maximise the benefits we have to offer the wider community.

The ARA thanks the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for the opportunity to make this submission, which has been developed in consultation with ARA member organisations.

Any questions regarding this submission should be directed to Jesse Baker, General Manager Passenger Rail and Safety via jbaker@ara.net.au

Australia's Rail Industry

Rail is a significant industry in Australia, creating economic activity through its operations and capital investments. It is an industry with activities across every major metropolitan and regional area and is supported by the full spectrum of skills in the Australian workforce.

In 2019, the rail industry contributed around \$30 billion to the Australian economy and employed more than 165,000 workers (directly and indirectly in full-time equivalent terms, FTE). The industry is made up of around 900 businesses that are located in approximately 20 major hubs.



Submission

ARA welcomes the invitation to comment to the proposed Amendments to the Telecommunications (Low-Impact Facilities) Determination 2018 and Telecommunications Code of Practice 2021

This submission incorporates comments from the broader Australian railway industry through ARA's membership base.

Ensuring the safety of the railway is the number one priority of Australia rail transport operators. Australian railways are committed to fulfilling their obligations under both state and federal rail safety legislation, including the Rail Safety National Law as well as state and federal transport, rail and electrical safety acts.

Under the Rail Safety National Law, rail transport operators, which include rail infrastructure managers and rollingstock operators must ensure the safety of rail operations.

The rail industry has concerns regarding the proposed amendments to the Telecommunications Act (Low-Impact Facilities) Determination, namely; increase in dimensions of telecommunications facilities, cabling on bridges and streamlined planning approvals.

While the Australian rail industry understands the demands for enhanced connectivity and improved network deployment efficiencies, there needs to be a balance when deploying public networks in a rail environment. The railway is a complex and dangerous environment. Installation, maintenance, and removal of infrastructure in the railway requires meeting various safety procedures, standards, and requirements. While these may be interpreted as inefficient, they are essential to control the risk of injury or loss of life in accordance with Rail Safety National Law obligations.

The powers granted under the proposed amendments to the Telecommunications (Low-impact Facilities) Determination 2018 (the LIFD) and the Telecommunications Code of Practice 2021 (the Code) would allow telecommunications providers to circumvent railway planning approvals put in place to ensure safety in the rail corridor.

Increase of dimensions of low-impact facilities, such as equipment shelters, larger antennas, increased volume of co-located facilities, larger solar arrays, placed near the railway or at stations will interfere with rail safety and operations.

The rail industry does not support the proposal to determine cabling on bridges as a low-impact facility. There are concerns this could impact:

- the railway through obstruction to railway operations,
- the structural integrity of bridges,
- the rail industry's ability to maintain and repair bridges without approval from the Carrier, and
- existing and future capacity for communications cabling and conduits used for railway safety and control systems.

While the code of practice contains guidelines how Carriers should engage with owners of land and infrastructure, they are not definitive and can be open to interpretation.

As discussed above, the rail industry, by law, must ensure the safety of railway operations. Hence any work on or near rail infrastructure needs to be planned and implemented to railway requirements, standards and terms.