

Telco's Still Flexing their Powers – Be Warned Strata!

Strata be Warned of Telecommunications Providers

Earlier this year we wrote about an increasing rise of telecommunications providers who are licensed under the relevant Commonwealth telecommunications legislation, using their powers to gain compulsory access (at no cost to them!) to owners corporation's buildings. In that article ([Pushy Telco's and Owners Corporations](#)) we drew to the attention of owners corporations that such telecommunications providers use the processes set out in the *Telecommunications Act* and the *Telecommunications Code of Practice* and in particular, the use of a Notice to Inspect and a Notice to Install. We pointed out in that article that if an owners corporation does not respond within very precise timeframes to these Notices, then the owners corporation loses its ability to object to the proposals set out in those Notices, and they lose their ability to require the relevant telecommunications provider to consider any alternatives.

Ongoing Developments Since Our Original Article

Since the time of our original article, it has been clear that the activities of these telecommunications providers (which go by various names, including GigaComm, and Servicestream) has continued, with more and more Notices to Inspect and Notices to Install coming to our attention.

Owners Corporations Act or Lose your Rights

Telecommunications service providers have written to us unhappy that they are being challenged, and they have suggested that they are only utilising the rights which they have under the telecommunications legislation. What they fail to comprehend is that landowners (such as owners corporations) also have rights to object to the proposals by telecommunications service providers, and certain rights to require telecommunications service providers to properly justify these proposals.

To be clear, if an owners corporation wishes to question a proposal which they receive from a telecommunications service provider, then it is essential and critical that the owners corporation acts in a timely and immediate fashion to ensure that a properly draft Notice of Objection is served on the telecommunications service provider, or the owners corporation may be stuck with whatever proposal the telecommunications service provider wishes to proceed with.

Unsure What to do...

If your owners corporation requires assistance with a proposal from a telecommunications service provider, we are experienced in the processes under the telecommunications legislation including in drafting Notices of Objection in compliance with that legislation.



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Since 1990, Warwick has specialised in strata law, property law and litigation. Recognised for his expertise, he is also a NSW Law Society Accredited Specialist in Property Law. In 2021 he was selected to serve on the Property Law Committee of the Law Society of NSW. [Profile](#) I [LinkedIn](#)

Contact Us

For all strata law advice including by-laws, building defects and levy collections contact our specialist NSW and Sydney strata lawyers [here](#) or call 02 9562 1266, we're happy to assist.