



Australian Government

Australian Government response to the Parliamentary Joint
Committee on Law Enforcement report:

Spectrum for public safety mobile broadband

NOVEMBER 2014

INTRODUCTION

The Parliamentary Joint Committee on Law Enforcement report *Spectrum for public safety mobile broadband* was tabled in the Senate on 12 November 2013 and in the House of Representatives on 13 November 2013. The Australian Government's responses to the committee's five recommendations are provided below.

As first responders during times of emergency, primary responsibility for the protection of life and property rests with the states and territories. The Commonwealth's primary role in emergency management is as the national coordinator. Although the states and territories separately establish, fund and operate their emergency services, it is in Australia's interest that those emergency services are, where possible, fully interoperable. The Australian Government has a role in ensuring, where possible, emergency services initiatives – such as a public safety mobile broadband network – operate both seamlessly and consistently across all jurisdictions.

There are three ways, broadly, to establish a national public safety mobile broadband network: a fully commercial national network, dedicated state-run networks and a combination of the two. Commercial operators can provide an emergency services capability – as the tabled report finds, recent developments and evidence demonstrate the capacity of commercial providers to offer market-based solutions – but some states have expressed a preference to run their own dedicated network.

As it is unclear which of the three options will deliver the most appropriate public safety mobile broadband capability, the Australian Government will undertake a cost-benefit analysis to consider the most cost effective means of upgrading Australia's law enforcement and emergency services mobile broadband network.

The following responses to the Parliamentary Joint Committee's report are predicated on the cost-benefit analysis being undertaken and its subsequent report being completed.

RESPONSE TO RECOMMENDATIONS

The committee's recommendations are addressed in order.

Recommendation 1

5.39 The committee recommends that the Minister for Broadband, Communications and the Digital Economy issue a Ministerial Direction to the Australian Communications and Media Authority (ACMA) to allocate 20 MHz of contiguous spectrum in the 700 MHz band for the purposes of a public safety mobile broadband network.

Commonwealth Position: Not Supported

The ACMA was established as an independent regulator to make independent decisions, and is the technical expert on spectrum matters. The Minister for Communications may direct that the ACMA make suitable provision for public safety agencies, but determining technical planning, location and size of that provision is the ACMA's decision.

In October 2012, the ACMA announced it had reserved two 5 MHz blocks of spectrum in the 800 MHz band for public safety mobile broadband. The ACMA has agreed to reconsider that decision as further, relevant information becomes available.

Recommendation 2

5.40 The committee recommends that the Minister for Broadband, Communications and the Digital Economy take appropriate measures to secure, for public service agencies, priority access to an additional 10 MHz of spectrum in the 700 MHz band for public safety purposes.

Commonwealth Position: Noted

The ACMA has reserved 10 MHz of spectrum in the 800 MHz band for public safety agencies. The allocation is harmonised with Region 3 (Asia-Pacific) of the International Telecommunication Union where the 800 MHz band has been identified as suitable for public protection and disaster relief use. Harmonisation provides access to the Asia-Pacific equipment supply market.

The cost-benefit analysis will inform final decisions made on the appropriate balance between a fully commercial national public safety mobile broadband network, dedicated state-run networks and a combination of the two. That in turn will determine what, if any, additional spectrum needs to be deployed for the purpose.

Recommendation 3

5.41 If recommendation 1 is not supported by the Australian Government, the committee recommends that the Minister for Broadband, Communications and the Digital Economy issue a Ministerial Direction to the Australian Communications and Media Authority to allocate as a minimum requirement, 20 MHz in the 800 MHz band for the purposes of a public safety mobile broadband network.

Commonwealth Position: Not Supported

The ACMA was established as an independent regulator to make independent decisions, and is the technical expert on spectrum matters. The Minister for Communications may direct that the ACMA make suitable provision for public safety agencies, but determining technical planning, location and size of that provision is the ACMA's decision.

In October 2012 the ACMA announced it had reserved two 5 MHz blocks of spectrum in the 800 MHz band for public safety mobile broadband. The ACMA has agreed to reconsider that decision as further, relevant, information becomes available.

Recommendation 4

6.45 The committee recommends that the Attorney-General's Department facilitate a public consultation process on a regulatory framework for overflow arrangements between public safety agencies and commercial carriers.

Commonwealth Position: Not Supported

The cost-benefit analysis will inform final decisions made on the appropriate balance between a fully commercial national public safety mobile broadband network, dedicated state-run networks, and a combination – including overflow arrangements – of the two.

Recommendation 5

7.10 The committee recommends that the Australian Government direct an appropriate portion of the proceeds derived from the auction of spectrum to fund the allocation of 20 MHz of spectrum in the 700 MHz band for the purposes of a national public safety mobile broadband network.

Commonwealth Position: Not Supported

Spectrum revenues are returned into the Consolidated Revenue Fund in accordance with Section 81 of the *Commonwealth of Australia Constitution Act 1900* that requires ‘All revenues or moneys raised or received by the Executive Government of the Commonwealth shall form one Consolidated Revenue Fund’. Accordingly, it is appropriate that the revenue from the sale of spectrum be returned to consolidated revenue and not hypothecated to another purpose.