



Police Federation
of Australia
The National Voice of Policing

**SUBMISSION OF THE POLICE FEDERATION OF AUSTRALIA TO THE PARLIAMENTARY
JOINT STATUTORY COMMITTEE ON LAW ENFORCEMENT**

INQUIRY INTO SPECTRUM FOR PUBLIC SAFETY MOBILE BROADBAND

INTRODUCTION

The Police Federation of Australia represents the nation's 57,000 police officers in every jurisdiction across the country. In the case of public safety mobile broadband communications, we are also speaking of the interests of the 400,000 first responders in police services, fire and rescue, ambulance and State Emergency Services.

Law enforcement, and the other first responders, unquestionably need 21st Century communications tools to do their challenging work, protecting life and ensuring public order in critical situations, safely and effectively. This means they need adequate, dedicated mobile broadband spectrum.

The PFA has been campaigning for adequate spectrum since June 2010 when this issue of strategic importance came to our attention. We must succeed because it is in the national interest, and the interest of all Australians.

The *Radiocommunications Act 1992* requires the Federal Government and the Australian Communications and Media Authority (ACMA) to "make adequate provision of spectrum foragencies involved in the **defence or national security of Australia, law enforcement or the provision of emergency services**". (Section 3(b)).

This is a most unusual provision. It does not simply require them to have regard to the needs of these essential services, but expressly compels them to make adequate provision. This obligation has belatedly been acknowledged by the ACMA¹.

In this submission we address the following Terms of Reference:

- (a) How much spectrum law enforcement agencies need?
- (b) Which of the 700 or 800 MHz bands is most appropriate?

¹ ACMA Discussion Paper, Dec 2012, *The 803-960 MHz band-exploring options for future change*, page 43.

- (c) How the spectrum should be secured?
- (d) Arrangements to use commercial carriers' networks in extreme circumstances.
- (f) Principles which should guide the financial contributions to Australia's public safety mobile broadband networks.
- (g) Any other related matters:
 - (i) Police officer work health and safety.
 - (ii) Comments on the ACMA handling of this matter.

BACKGROUND

The Senate Environment and Communications References Committee report of November 2011 into emergency communications unanimously found that law enforcement and emergency services need dedicated mobile broadband spectrum to develop their networks.

In its report that Committee said:

- "The committee recommends the Commonwealth Government allocate sufficient spectrum for dedicated broadband public protection and disaster relief (PPDR) radiocommunications in Australia."
- "The committee further recommends that any allocation of broadband spectrum to emergency services organisations (ESOs) for PPDR must be provided on the basis of interoperability amongst Australian ESOs and with ESO counterparts overseas."

The committee left open the question of how much spectrum law enforcement needs, and which of the 700 or 800 MHz band spectrum would be most appropriate.

Since that time, the Public Safety Mobile Broadband Steering Committee (PSMBSC) (established jointly by the Minister for Broadband Communications and the Digital Economy and the Attorney-General and Minister for Emergency Management) and the ACMA have been considering how much spectrum law enforcement needs. The Steering Committee was asked to report on broadband capability to meet their operational requirements and to work with the ACMA "to identify a suitable amount of spectrum necessary to meet foreseeable operational needs" (Terms of Reference at **Attachment 1**).

The PFA understands that an initial proposal to allocate 20 MHz from the 700 MHz band public safety mobile broadband needs was withdrawn on the basis of the Government's intention to make a similar allocation from the 800 MHz band. The PFA was advised that such an allocation from the 800 MHz band could be better planned and would have less impact on the marketability of the remainder of the band.

In October 2012, the ACMA announced that it intended to allocate 10 MHz (5 MHz plus 5 MHz) of spectrum in the 800 MHz band for law enforcement and emergency services (**Attachment 2**). That decision, improperly in the PFA's view, pre-empted the

decision expected from the PSMBSC in advice to the Standing Council for Police and Emergency Management (SCPEM).

The ACMAs proposed allocation is, it is claimed, based on analysis of needs by Gibson Quai-AAS Pty Ltd (now UXC Consulting), which has only been publicly released in a redacted form. The critical parts of the report on the quantum of spectrum needed have not been released. As the ACMA has advised, its 10 MHz provides for spectrum for Business-as-Usual policing operations and for planned events. It does not cater for operational needs in the event of a terrorism incident in a major CBD or for unexpected serious natural disasters.

The PFA challenged the ACMAs 10 MHz decision in a submission dated 22 February 2013 (**Attachment 3**) to the ACMA's Discussion Paper: *The 803-960 MHz band- exploring options for future change*, December 2012 (**Attachment 4**).

Subsequently, in May 2013 the auction of the 700 MHz band, known as the Digital Dividend, was held. The result of the auction is that 30 MHz of the 700 band has not been allocated because there was insufficient demand for the spectrum from the commercial carriers. It will be vacant and available Australia-wide when Australia's television services switch to digital services by 2015.

(a) HOW MUCH BROADBAND SPECTRUM DO LAW ENFORCEMENT AGENCIES NEED?

In our submission of February 2013 we challenged the ACMA decision on five grounds:

- The objects of the *Radiocommunications Act 1992*
- The ACMA's responsibility towards public safety agencies (PSAs)
- The capability 10 MHz will provide
- The shortfall and the available evidence on what constitutes "adequate" spectrum for public safety
- The consequences of the ACMA decision including for Regional Australia.

We stand by the case put in that submission and our view that:

"To put it plainly, the Act requires the ACMA to turn its mind to the spectrum needs of public safety agencies for the difficult mission critical work that they must do to protect life and property in times of disaster and emergencies when their services are most necessary and urgent. It is exactly when the PSAs needs are most acute that the spectrum proposed will be **half** what is needed.

We believe that it is precisely the PSA needs in times of emergencies and natural disasters that the Act is directed at, and where the ACMA proposal falls seriously short."

We went on to cite experience in the USA, Canada and Germany, and a recent Motorola Solutions demonstration in Perth, to show that 20 MHz is the minimum required for effective communications in mission-critical circumstances. Public safety agencies in the USA initially had 10 MHz of spectrum. This fell well short of what they needed to effectively communicate. After a national campaign by all the PSA organisations over several years to rectify this shortfall, they finally achieved 20 MHz in early 2012 with the support of both sides of the US Congress and President Obama. Their new national network, FirstNet, is now being established to provide interoperable mobile broadband communications across the country. 10 MHz has been conclusively found not to be sufficient. It is clear that 20 MHz for law enforcement is the prevailing minimum.

We note the support of State and Territory Premiers for 20 MHz of spectrum for their law enforcement and emergency services agencies as follows:

“The Premiers of NSW, Victoria, Queensland and Western Australia wrote to the Prime Minister in July 2012 recommending that the Government allocate a minimum of 20 MHz of spectrum for emergency services. We understand the Labor State and Territory leaders also support the need for this amount of spectrum for mobile broadband communications. Leaders in various States have since condemned the ACMA’s October 2012 decision.

All States and Territories signed up to the PSMB Implementation Plan at the November 2012 Ministerial Council meeting of Police and Emergency Services Ministers so that there can be no doubt about their commitment to interoperable mobile broadband communications for their public safety agencies.”

Letters from Coalition Premiers to the Prime Minister, and from Australia’s Police Commissioners and AFAC (fire authorities), expressing their support for 20 MHz of spectrum are at **Attachments 5, 6 and 7** respectively. The united position of State leaders and all Police Commissioners speaks volumes.

We concluded that “(i)t is clear that the ACMA decision flies in the face of all the available expert evidence here in Australia and overseas.”

Since that February 2013 PFA submission, the States and Territories have made a joint submission to the Standing Council of Ministers and the ACMA. This is provided at **Attachment 8** (we call it the States’ joint submission). We believe it is essential reading for the Parliamentary Joint Statutory Committee on Law Enforcement.

The States’ joint submission is a comprehensive and outstanding examination of the ACMA decision and the various issues involved, particularly the amount of spectrum needed for law enforcement agencies, the range of mission-critical incidents for which they need broadband communications, and the weaknesses and impracticality of the backup options that the ACMA has in mind when 10 MHz of the 800 band spectrum is insufficient, as they anticipate it will be.

As the States’ joint submission says,

“It is imperative that all Australian Governments ensure that public safety agencies (PSAs) have adequate capabilities, now and into the future, to meet business-as-usual operational needs and to respond efficiently and effectively when crisis events occur.”

The States point to key concerns:

“The first key concern is the adequacy of 10MHz in meeting PSAs’ future business-as-usual demand profile. Based on overseas evidence and business as usual growth factors, jurisdictions do not consider 10 MHz to be an adequate amount of spectrum to meet PSAs’ future needs.

Jurisdictions’ second key concern is that “the ACMA’s decision in the 800 MHz band is based on its assessment of adequate spectrum for business as usual and planned event demand profiles, but not a major urban incident scenario (e.g. natural disasters like the 2010-11 Queensland Floods or a terrorist attack in the CBD).”

They make the vital point that the operational perspective of police is central to any ACMA decision on “adequate” spectrum.

The PFA would put it rather more bluntly. Just as it would be unimaginable for the ACMA to determine the operational needs of the Australian Defence Force for fighting wars or our national security agencies for conducting terrorist surveillance, the ACMA should not be putting itself in the position where it is dictating the operational needs and capabilities of the Australian Police Services. But, in effect, that is what they are endeavouring to do with the judgments they are making on PSMB capability for law enforcement. To our knowledge, senior police with responsibility for these matters are astonished at the ACMA’s intervention in police operational requirements.

The States’ joint submission then looks in detail at the first and second concerns mentioned above and a “risk-based approach is taken to illustrate that a greater amount of spectrum would better enable PSAs to protect lives and property and contribute to the ACMA’s ultimate goal, shared by jurisdictions, of providing public safety responders with sufficient data capacity when and where they need it”.

They point to factors demonstrating that the ACMA has underestimated the future growth in law enforcements’ need for spectrum for operational effectiveness:

- expected growth in the “business-as-usual” uses of PSMB, given that police are in the very early stages of mobile broadband use; and
- growth factors like the increase in police units as population growth takes place, increases in demand for public safety services, the take-up of mobile data services (as with the general public’s rapid take-up of these services), the development of new PSMB applications for law enforcement.

The PFA understands that the ACMA has based its forecast of demand for PSMB on the period 2015 (when spectrum is expected to be available) to 2020, namely for a

five year timeframe. However, as spectrum licenses are usually for a fifteen year period, law enforcement needs over the period 2015 to 2030 would be more appropriate.

The submission then examines four categories of serious incidents that the ACMA has failed to consider because they only took into account “business-as-usual” police work (day-to-day work when nothing goes wrong) and planned events like New Years’ Eve or the Melbourne Cup carnival. It should be noted that “business-as-usual” activities assume that only a limited number of police response teams and personnel are involved in communications, including between incident control centres and the incident site.

The PFA agrees that “the ACMA’s decision regarding the 800 MHz band is based on its assessment of adequate spectrum for business as usual and planned event demand profiles, but not a major urban incident scenario (e.g. terrorist attack in a CBD or natural disaster like the 2010-11 Queensland Floods)”.

They say,

“In part, the ACMA’s policy decision is based on its assessment that “it would be highly economically inefficient to try and dimension spectrum provisions around what might be a once-in-a-generation event” and that it was not considered “appropriate to provide high value spectrum for rare contingencies”. Jurisdictions disagree with the ACMA that a major urban incident “might be a once-in-a-generation event” and request that the ACMA revisit this assessment to take account of, and consider as further evidence the following:

- natural disasters;
- terrorist attacks;
- security operations for international events;
- small and medium-scale incidents.”

They categorise these four types as **major urban incidents**.

They accept that spectrum for every conceivable scenario should not be provided but go on to say “it is the obligation of all Governments to deliver the levels of response required by PSAs for each scenario with sufficiently reliable support capabilities. Knowingly starting with less than 50 per cent of the necessary mobile broadband capacity in the field to support the most severe demand events/ scenarios is an unacceptable proposal by the ACMA.”

This is clearly a case where police are required by the nature of the work they do to plan for serious contingencies like natural disasters and unexpected crime operations and to be prepared to safeguard life and property and maintain law and order in all sorts of threatening and hazardous situations. It is simply unacceptable to fail to provide the necessary communications capacity to deal with such life-threatening situations.

The option of police services roaming onto the networks of the telcos (commercial carrier overflow) when their own system reaches capacity is seriously undermined by the frequency of telco shutdowns in times of natural disaster. Most revealing is the latest report of these mass service disruptions in the 2012 financial year. The Telecommunications Industry Ombudsman's (TIO) latest report (**Attachment 9** TIO News, June 4, 2013 and media story on the TIO Report) shows that the telcos declared 584 mass service disruptions, some for "up to four months, and were applied to capital cities and other large or densely populated areas". Such areas included metropolitan Melbourne and western Victoria, metropolitan and greater Sydney, the Hunter, Central Tablelands and the Illawarra (from 29 January to 3 May), and Tasmania during the bushfires. The northern half of Queensland was without telecommunications services for weeks during recent floods and cyclones. The increase in disruptions is attributed to the increasing number of severe weather events and the location and severity of those events. By contrast, the networks of our police services are hardened so that they are better able to withstand those sorts of breakdowns.

The States' joint submission makes the following point about the **increasing impact of natural disasters**:

"The evidence of increasing frequency and severity of natural disasters appears to be at variance with the ACMA's assessment that demand profiles for such incidents should be excluded from 800 MHz band decisions as such events might only occur in major urban areas "once in a generation". The ACMA's assessment is also inconsistent with the view of the Queensland Floods Commission of Inquiry, which regarded "as vital, the allocation of broadband spectrum to Australia's emergency services organisations, to avoid congestion on narrowband communications and to assist Australian emergency service organisations achieve interoperability, giving them the best means of communicating and co-operating". It is noted that the Inquiry's identification of broadband spectrum as 'vital' for PSAs was in the context of a major emergency affecting major population centres and was not confined to business-as-usual or planned event scenarios."

In relation to **terrorism risks**, they say:

"These assessments have recently been reaffirmed in the Australian Government's *2013 National Security Strategy where terrorism is identified as a persistent threat* and a key national security risk. In the Strategy the Prime Minister also emphasises that "there is no higher responsibility for a government than the security of the nation".

These threat assessments by Australian intelligence agencies and the significance attached to investing in counter-terrorism capability development and maintenance by Australian Governments appears inconsistent with the ACMA's determination that it would be inappropriate to provide high value spectrum for such 'worst case' events."

In relation to **security operations for international events**, they say:

“Jurisdictions further note that other security-related tasks can, and will, impose extremely high demands on mobile broadband. Major security operations, such as those for the 2011 Commonwealth Heads of Government Meeting (CHOGM) and the future G20 security operation, place greater demand on broadband services and it can be safely assumed that Australia will actively seek to host future engagements of this type. While it is possible to provide for such events through detailed planning and engagement with commercial carriers, a PSMB network would reduce the reliance upon commercial carriers to deploy additional infrastructure to meet demand and mitigate the associated operational risks.”

In relation to **Small and Medium-Scale Incidents**, which are very frequent in every jurisdiction, the States say:

“The ACMA’s omission of the large-scale incident demand profile has also had another consequence that jurisdictions have serious concerns about – that by not considering large-scale incidents the demand profiles for both small and medium-scale incidents have also been effectively disregarded by the ACMA. The use of mobile broadband capabilities at small and medium, as well as at large, unplanned incidents is considered fundamental to the ability of PSAs to deliver improved services to the Australian community.”

“The demand profiles for small and medium-scale incidents are expected to exceed those of business-as-usual operations..... Jurisdictions note the finding of a 2011 Canadian PSMB study which concluded that, with spectral efficiency improvements, a 20 MHz allocation could be sufficient for PSAs responses to small-scale incidents (which can include severe multi-vehicle accidents, train derailments, aircraft emergency landings etc.).”

Fallback Options

The ACMA clouds the issue when they present their decision in sophisticated language describing their solution as a “layered ‘system of systems’ approach—providing 10 MHz of the 800 MHz band and scope for ‘cells on wheels’, plus 50 MHz in the 4.9 GHz band. The latter is of very limited use because it is only useful for stationary, localized incidents like a siege, not a moving bushfire, flood or an incident where criminals or terrorist are on the move. The 4.9 GHz band is spectrum for which there is little if any demand because of its serious limitations. In addition, it is fanciful to imagine using ‘cells on wheels’ during natural disasters, so that is a red herring. Neither are credible substitutes for 20 MHz of the 700 MHz band.

The States’ joint submission provides a detailed, technical and persuasive critique (pages 13 to 26 of **Attachment 8**) of the ACMA’s so-called fallback options, namely:

- Densification’ of fixed infrastructure
- Commercial carrier overflow
- Use of transportable infrastructure
- *Radiocommunications Act 1992* (Cth) provisions.

We will not repeat the critique here. The case they put convinces us that the critical issue is the amount of 700 or 800 band spectrum provided for dedicated law enforcement use, not the possible fallback options which may or may not be feasible depending on the circumstances, and are not tried and tested.

We know that the first few hours of a mission-critical operational response are the most important for saving lives and property; communications must operate seamlessly and immediately. It is not the time for trying to put together “cut and paste” communications capacity or sourcing “cells on wheels” from some storage facility somewhere.

It should be noted that the largest commercial carrier, Telstra, covers only about 27.3% of the land mass of Australia², so that relying on a commercial carrier for overflow needs, even if it proves possible, is not a solution to law enforcement communication needs across the continent. The lack of availability, robustness and resilience of those systems are also serious problems. The 584 mass service disruptions reported by the TIO and referred to above confirm those problems.

In summary, the PFA is of the view that if the Government and the ACMA fail to provide 20 MHz of the 700 or 800 band spectrum, they will be denying Australia’s law enforcement community effective communications for natural disasters, national security and terrorism incidents, security operations for international events and other serious small and medium-scale incidents that occur on a regular basis in towns and cities.

RECOMMENDATION 1

THE PFA PROPOSES THAT THE JOINT COMMITTEE RECOMMENDS THAT A MINIMUM OF 20 MHz OF SPECTRUM BE RESERVED FOR A DEDICATED LAW ENFORCEMENT PSMB NETWORK UNDER A FIFTEEN (15) YEAR LICENCE.

(b) WHICH OF THE 700 OR 800 MHZ BANDS IS MOST APPROPRIATE?

From the outset of our campaign for PSMB, we have preferred spectrum from the 700 MHz band for law enforcement given the quality of that spectrum and its imminent availability.

We were prepared to consider spectrum from the 800 MHz band when we were assured by the ACMA of its suitability and that the necessary quantity could be cleared of current licensees by 2015. It now seems clear that 10 MHz of that spectrum could possibly be cleared by 2015, but that it would be exceedingly difficult to make 20 MHz of cleared spectrum available in that timeframe. The ACMA should be questioned on this subject to establish what is feasible and what is not, and at what cost, numbers, disruption and other problems for current users.

² <http://telstra.com.au/mobile-phones/coverage-networks/network-informatin.nextg/index.htm>

In light of those factors, and given the ready availability of the 700 MHz band now that the Digital Dividend auction has been held and 30 MHz remains vacant and unsold, the PFA's strong preference is for an allocation from the 700 MHz band. We understand that this would align Australia with the USA in the 700 band; and that devices, chipsets and handsets would be more readily available at affordable prices for Australian law enforcement agencies.

There is no longer any imperative to retain the available 30 MHz of the 700 band for commercial carriers' mobile phone services. If they choose to seek additional spectrum, any of the 800 MHz band which becomes available in the future would be possible and suitable for them. They already hold spectrum in the 800 MHz band.

RECOMMENDATION 2

THE PFA PROPOSES THAT THE JOINT COMMITTEE RECOMMENDS THAT A MINIMUM OF 20 MHz OF SPECTRUM IN THE 700 MHz BAND BE ALLOCATED FOR A LAW ENFORCEMENT PSMB NETWORK.

(c) HOW THE SPECTRUM SHOULD BE SECURED?

The PFA is convinced that this is a matter that the Federal Government, rather than the ACMA, should be deciding in the national interest and the interests of the nation's law enforcement capabilities.

Given the troubled history of this matter, we are not confident that the ACMA has the necessary understanding of operational law enforcement requirements now and into the future and the vital importance of the mission-critical incidents in which they must operate. Ongoing delays in settling this matter are jeopardising the capacity of our law enforcement agencies to begin implementing public safety mobile broadband communications.

RECOMMENDATION 3

THE PFA PROPOSES THAT THE JOINT COMMITTEE RECOMMENDS THAT THE GOVERNMENT, VIA THE MINISTER FOR BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY, BY MINISTERIAL DIRECTION, DIRECT THE ACMA TO RESERVE 20 MHz OF THE 700 MHz BAND OF SPECTRUM FOR LAW ENFORCEMENT AND EMERGENCY SERVICES UNDER A FIFTEEN (15) YEAR LICENCE.

(d) ARRANGEMENTS TO USE COMMERCIAL CARRIERS' NETWORKS IN EXTREME CIRCUMSTANCES.

The PFA is not well placed to comment in any detail on this matter. However, it is clear that the ACMA should be taking the initiative in advising the Government on the measures that need to be put in place, including legislation, to ensure that when extreme circumstances arise, the Australian Law enforcement community can if

necessary take over the carriers' networks when and where the public interest demands such drastic measures.

In the most recent case we know of—the Boston Marathon bombings—the law enforcement agencies shut down what remained of the city's operating commercial mobile communications systems within 30-to 45 minutes of the explosions to prevent further potential detonations via those systems. The capacity to close, or make use of, commercial carriers' networks can be critical.

In an extreme case of an urban natural disaster when the police and defence systems are stretched to the limit, it may be necessary to use the commercial carriers' systems to save lives and carry out their emergency operations. The States' joint submission has some useful things to say about these matters (pages 25 and 26).

These things must not be left to chance. They must be planned in advance and tried and tested and the ACMA is not doing its job as the nation's communications regulator if it does not put in place all the necessary measures to ensure a smooth operation when it really matters.

RECOMMENDATION 4

THE PFA PROPOSES THAT THE JOINT COMMITTEE RECOMMENDS THAT THE ACMA BE REQUIRED TO REPORT TO THE GOVERNMENT ON MEASURES THAT NEED TO BE PUT IN PLACE SO THAT IN EXTREME CIRCUMSTANCES, WHEN THE NATIONAL INTEREST IS AT STAKE, THE NETWORKS OF COMMERCIAL CARRIERS CAN BE USED, OR CLOSED DOWN, BY AUSTRALIA'S LAW ENFORCEMENT, NATIONAL SECURITY OR DEFENCE COMMUNITY TO PROTECT PUBLIC SAFETY AND MAINTAIN LAW AND ORDER.

(e) PRINCIPLES WHICH SHOULD GUIDE THE FINANCIAL CONTRIBUTIONS TO AUSTRALIA'S PUBLIC SAFETY MOBILE BROADBAND NETWORKS.

The PFA does not propose to comment on all aspects of Term of Reference (d). We do have a view about financing the various elements of the PSMB network for law enforcement.

Given that the States and Territories will have to finance the further development and ongoing maintenance of their existing communications networks in order to secure the mobile broadband capabilities which are envisaged, and that this will be a multi-million dollar commitment over the coming years, we consider that the Australian Government should be contributing the required spectrum.

The USA Administration has financed the spectrum for law enforcement and emergency services out of proceeds of the auction of spectrum to the commercial carriers. We support this approach.

In Canada, spectrum is provided by the national government.

National governments are contributing the spectrum because all their citizens benefit from the law enforcement and emergency services capabilities, as will be the case in Australia. Australia's national security capability will also be enhanced.

An equally important reason for proposing that the Australian Government finance the required spectrum is that it is envisaged that Australian Government agencies, including the Australian Federal Police and possibly the Australian Crime Commission, ASIO and others, would use the State and Territory PSMB networks as and when they need to during emergencies. This is made clear in the media release (**Attachment 10**) of the then Attorney-General and Minister for Emergency Management, Nicola Roxon of 29 October 2012 when she said:

“The Government's offer to the States of the spectrum will be at a negotiated price and conditional on a number of factors, including:

- the capability being nationally interoperable
- the States and Territories funding all costs associated with designing, building, equipping, maintaining and operating the capability; and
- an agreement to provide reasonable access to State and Territory networks by relevant Commonwealth agencies.”

RECOMMENDATION 5

THE PFA PROPOSES THAT THE JOINT COMMITTEE RECOMMENDS THAT THE AUSTRALIAN GOVERNMENT FINANCE THE NECESSARY SPECTRUM FOR AUSTRALIA'S LAW ENFORCEMENT AGENCIES FROM THE SALE OF SPECTRUM TO COMMERCIAL CARRIERS.

(g) ANY OTHER RELATED MATTERS:

(i) POLICE OFFICER WORK HEALTH AND SAFETY

The PFA wants to make it very clear that having 21st Century mobile broadband communications is also vital to police officer work health and safety, particularly officers working on the front-line. Police officers need the best in intelligence about offenders they are pursuing, up-to-date situational awareness, and data, video and other forms of critical information to operate most effectively and safely in the interests of the community and their own welfare.

In all of the circumstances we refer to under Term of Reference (a) above, our law enforcement officers put themselves in danger in the interests of keeping the community safe. Communications are central to their existence.

Under the heading, ***Broadband is the future so act now***³, one USA article put it this way–

³ American Police Beat, April 2011.

“For a cop, being able to communicate is all about survival. Not even an officer’s service weapon is more critical when it comes to safety. This is why the fight to secure the section of broadband spectrum.....exclusively for first responders is so important.”

US Vice President, Joe Biden said their decision to provide 20 MHz of spectrum would “fulfil a promise made to first responders after 9/11 that they would have the technology they need to stay safe and do their jobs”⁴. With the passage of the necessary legislation through the US Congress, Senator Jay Rockefeller, one of the initiators of the Bill, described it as “A huge day for America”, signalling just how important spectrum is for police.

As the Commissioner of the Queensland Fire and Rescue Service put it recently, “Situational awareness is King”.

Police officer health and safety is one of the key reasons why adequate spectrum for Australia’s law enforcement agencies is essential.

(ii) THE ACMA’S HANDLING OF THIS MATTER

Finally, the PFA feels it important to record our concern about the manner in which the ACMA has handled this matter from June 2010 until now.

Police Services and organisations like the PFA have found dealing with the ACMA exceedingly difficult and time consuming. The PFA has met resistance every step of the way. We have written by registered mail on at least three occasions to the Chairman of the ACMA and have never had the courtesy of a reply from him. We have not been consulted by the ACMA in the three years this matter has been under consideration despite the fact that the former Senate inquiry suggested in very direct terms that the ACMA should be consulting the PFA. We have never had the opportunity to meet with the ACMA to discuss our views.

Observing from the outside, the ACMA’s dealings with the PSMB Steering Committee leaves much to be desired. The most recent meeting of the Steering Committee had on its agenda the States’ joint submission for consideration. The ACMA representative did not turn up. Now we are advised, in a copy of a letter from the Attorney-General, that the ACMA is expected to complete its review of the further evidence submitted by the States and Territories in July 2013. This appears to us to be just another means of prolonging the 20 MHz matter in the hope that it will be delayed until the election intervenes.

The PFA would, with the greatest respect, characterize the ACMA’s stance as arrogant in its treatment of stakeholders and of police operational requirements and overly influenced by the commercial carriers’ views to the detriment of public safety and the national interest.

⁴ Presidential announcement, 21 February 2012.

The fact that the Department of Broadband Communications and the Digital Economy in late 2012 commenced a *Review of the Objects of the Radiocommunications Act 1992* (which is still on foot) with the potential to remove the provision requiring adequate spectrum for law enforcement points to the likelihood of there being a concerted attempt to get rid of this difficult issue by changing the Act. It looks like a conspiracy and it probably is.

Regrettably, we find the performance of the statutory authority with responsibility for such important matters over the last three years to be underwhelming.

The ACMA's latest announcement of 6 June 2013 on spectrum for public safety is at **Attachment 11**.

CONCLUSION

The PFA would like to thank the Joint Committee for the opportunity to make this submission.

We have done so because we consider this a matter of strategic significance for Australia's law enforcement community and particularly for police officers on the front-line every day, and in mission-critical situations when lives are at stake.

This is a once-in-a-lifetime chance to make a big difference to operational policing and emergency response capabilities because once the spectrum is allocated it is effectively locked up for decades to come. It is a finite and scarce resource, wholly-owned by the Commonwealth Government, to which law enforcement needs dedicated access. It is in the national interest for police having the best communication tools at hand during disasters and emergencies.

PFA sincerely hopes the Joint Committee will be able to reach a unanimous view on these matters and settle what has been a long-running examination of the issue.

12 June 2013