Senator Stephen Conroy
Minister for Broadband, Communications and the Digital Economy
Parliament House
CANBERRA ACT 2601

Dear Senator Conroy,

The Digital Dividend, which is to become available when the changeover from analog to digital television occurs, is of great importance to Australia.

It is also of major significance to the States and Territories because of the requirement of law enforcement and emergency service agencies to maintain an effective and modern 21st Century communication capacity.

We understand that the Government will soon consider whether or not, and if so, how, the needs of law enforcement and emergency management – the public safety agencies – are to be met in the process of allocating the freed-up 126 MHz of the 700 MHz Digital Dividend.

We note that the *Radiocommunications Act 1992* (Cth) requires the Australia Media and Communications Authority (ACMA) to 'make adequate provision of the spectrum - for use by agencies involved in the defence or national security of Australia, law enforcement or the provision of emergency services'. It also recognises that charging for the use of spectrum should take account of these non-commercial uses.

It is understood that the ACMA and the Department of Broadband, Communications and the Digital Economy are not proposing to reserve any of the 700 MHz Digital Dividend for public safety agencies but are recommending that if public safety agencies require access to the 700 MHz band, that they enter into commercial arrangements with the major carriers of communications services in that band. The ACMA's recent Discussion Paper, *Spectrum reallocation in the 700 MHz digital dividend band,* does not deal with the needs of law enforcement and emergency services but proposes to allocate all the available spectrum to the highest bidders through an auction process in the second half of 2012. Non-commercial public safety agencies could not compete with profit-making commercial entities in bidding for spectrum at auction.

The 700 MHz segment of spectrum has many advantages over other bands; particularly wide area coverage for broadband mobile communications. As a result, it is variously described as the 'waterfront property' or the 'dress circle' spectrum, is

highly valued for a wide range of mobile and fixed communications services, and will be much sought after for uses such as mobile broadband services.

The collective law enforcement and emergency services community, including most recently Police Commissioners, have assessed that 20 MHz of the 700 MHz spectrum (2 x 10 MHz) is needed for mobile broadband communications. It can accommodate our data, video and high-speed broadband communications needs, especially during emergencies, natural disasters and major public events such as New Year's Eve and international events like CHOGM. This is the same amount of 700 MHz spectrum requested for public safety agencies in the USA and Canada, and is also proposed in Europe. It is essential for 'mission-critical' radio-communications during life-threatening events and events where the risk of terrorism is acute.

Police and emergency services have experienced the extreme problems bought about by a lack of suitable and reliable spectrum and priority for public safety purposes. The 2009 Victorian Black Saturday bushfires - in which 173 people lost their lives - highlighted emergency services communication failings and the the critical need for interoperability between Emergency Services Organisations plus provision of common voice, data and personnel alerting infrastructure and capability for fully effective state-wide communication.

In addition, the needs of contemporary policing work on the frontline in every Australian city and town increasingly relies on real-time data provision in a mobile setting for which fast, reliable communications and data exchange are essential. For example, frontline police on the road are now accessing data about motor vehicle licence plates, vehicle registrations, and drivers in ways that were not possible a few years ago. Criminal history is accessed remotely. Police pursuits and criminal investigations are also managed remotely by supervisors through the communications system. Security, reliability, redundancy and priority access are essential characteristics for this work and for other 'mission-critical' emergency work by police, emergency services, fire authorities and ambulance services, features which commercial communications carriers do not, as a matter of course, ensure.

The Council of Australian Governments (COAG), through the Inter-operability Framework, has agreed on the need for harmonisation and greater inter-operability between law enforcement and other public safety agencies. Reservation of 20 MHz of spectrum would be a major step towards this COAG commitment, and in Australia's public interest. It is argued that it would not be prudent for the Commonwealth to leave this matter to whatever arrangements can be struck by each public safety agency with a dominant commercial carrier, where the resources and bargaining power of the respective parties are so mismatched.

Ultimately, it is strongly suggested that it would be possible, with the 126 MHz of 700 MHz spectrum available, for the Australian Government to both utilise the proceeds of the Digital Dividend to meet fiscal consolidation targets and provide public safety agencies with the 20 MHz of spectrum required.

It would be appreciated if you could urgently consider the above proposal, prior to any plans for a Digital Dividend auction proceeding.

Yours sincerely,

Andrew Scipione, Commissioner, NSW Police Force

Simon Overland, Chief Commissioner, Victoria Police

Bob Atkinson, Commissioner, Queensland Police Service

Mal Hyde, Commissioner, South Australia Police

Karl O'Callaghan, Commissioner, Western Australia Police

John McRoberts, Commissioner, Northern Territory Police

Darren Hine, Commissioner, Tasmania Police

Roman Quaedvlieg, Chief Police Officer, ACT Policing

Michael Phelan, Acting Commissioner, Australian Federal Police