

Our reference: BN-04860-2024

The Manager
Spectrum Licensing Policy Section
Australian Communications and Media Authority

by e-mail: SLPSConsultations@acma.gov.au

Dear Manager

NSW Telco Authority feedback on “Our approach to radiocommunications licensing and allocation” of June 2024

On behalf of the NSW Telco Authority (NSWTA), I am pleased to provide feedback to the Australian Communications and Media Authority (ACMA) consultation paper on radiocommunications licensing and allocation.

NSWTA is constituted by, and functions under, the *Government Telecommunications Act 2018* (NSW) to operate and maintain mission-critical operational communications services for public safety and government agencies within NSW.

NSWTA holds responsibility for coordinating telecommunications services support during emergencies under the *State Emergency and Rescue Management Act 1989* (NSW), has a central role in coordinating spectrum holdings on behalf of government agencies and manages major digital connectivity programs for the NSW Government.

In this capacity, we have provided some general comments regarding the ACMA’s spectrum allocation decisions together with licensing options that could support those decisions. In particular, we advocate for a higher priority for public safety and consideration of alternative licences to support spectrum allocation decisions in underserved areas.

Public safety

While the object of the *Radiocommunication Act 1992* is to promote long-term public interest from the use of spectrum, including public safety and community purposes as set out in subsection 3(b)(ii); NSWTA urges ACMA to adequately prioritise public safety in spectrum allocation decisions.

Ensuring public safety communications is critical to both the immediate and ongoing safety of Australian citizens and their long-term public interests. The effects of natural disasters in recent years has demonstrated the important role that public safety communications play to keep the people and places across Australia safe. To ensure that this occurs, Emergency Services Organisations (ESOs) require adequate spectrum to support their operations.

The current mission critical Land Mobile Radio (LMR) network used by the ESOs in NSW allows state-wide, cross organisational mission critical voice and data communications at low bit rates (e.g., short messages, status messages) based on the Telecommunications Industry Association standard P25. This is critical technology and is relied upon heavily by first responders and those with sanctioned roles in public safety and emergency management. Various P25 components will be required to be operational until such a time as reliable Public Safety Mobile Broadband (PSMB) can be trusted as the primary communication system.

Devices and services such as video communication, drones and robot-controlled devices are already critical components of public safety communications. Uplifting the communication toolkit from mission critical voice communications to mission critical broadband voice and data communication would result in an expansion in operational response capabilities including real time intelligence and evidence gathering, life-saving applications, incident control centre command and direction, and geolocation support.

This capability expansion will also see a safer working environment for first responders and faster, more effective and safer responses for members of the public. To ensure these advancements are available to first responders to a mission critical level, government may be required to step in if the commercial market fails to provide the necessary enablers and services. If this occurs, ensuring adequate spectrum for an Australian PSMB, in addition to other public safety communications uses, would be required.

NSWTA recommends that the ACMA continue to work closely with ESOs across Australia to ensure that public safety spectrum needs are met before other allocation decisions are made and to consider the changing requirements of mission critical communications into the near future.

Underserved areas

As noted in the issues paper circulated with the expiring spectrum licences stage 2 consultation, alternative licence conditions such as use-it or lose-it/use-it or share-it, can positively influence efficient spectrum use in underserved areas. For this reason, NSWTA recommends that ACMA closely monitors spectrum use, with a particular focus on areas where there is known to be poor or no coverage.

Given that advice is being sought on licence categories and tenure, NSWTA submits that new licence types provide another mechanism to allow a willing service provider to use another entity's spectrum in a specified area where that spectrum is underused. Geographically limited licences operating for an agreed timeframe in this sense, would permit a community group or small carriage service provider to fill identified coverage gaps, while not threatening longer term plans of the incumbent spectrum holder.

NSWTA recommends that the ACMA consider the model of local access licences¹ used in the UK, which permits another provider to use licenced spectrum that is underused by the licence holder in a

¹ Ofcom local access licences:

<https://www.ofcom.org.uk/spectrum/radio-equipment/local-access-licences/#:-:text=A%20local%20access%20licence%20is,frequency%20is%20not%20being%20used>

specified area via an additional licence. This model could be particularly effective in regional areas across Australia where there is underused spectrum and consequently poor or no connectivity.

For further information, please contact [REDACTED], Director of Whole of Government Connectivity, NSWTA at [REDACTED]

Yours sincerely

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A/Managing Director
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08/08/24