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Commissioner David Robertson
Radiocommunications Inquiry
Productivity Commission
Locked Bag 2
Collins Street East
Melbourne VIC 8003

Dear Commissioner Robertson,

Reference: *Submission re the Review of Radiocommunications Act and the Role of the Australian Communications Authority.*

I write to you in my capacity as Chairman of the Security Services Spectrum Committee (SSSC) representing state and federal law enforcement agencies, Customs and the national security community. This letter is a response to your request for information to assist the Commission in its review of the Radiocommunications Act 1992 and the role of the Australian Communications Authority (ACA).

In recent years SSSC members have found it difficult to obtain additional radio communications spectrum and in particular, in maintaining existing spectrum allocations. This has been exacerbated by the ACA conducting public auctions for occupied frequencies that are deemed desirable by the telecommunications industry. In recent years, three different radio bands have been re-allocated from law enforcement agencies by the spectrum auction mechanism. The agencies affected were forced to seek new spectrum in which to operate, only to become a secondary user in a radio band where the primary licence holder tolerates law enforcement, but clearly dictates the circumstances in which we are able to operate. In two out of the three spectrum re-allocations no monetary funding was available, with the affected agencies having to fund their own equipment acquisitions into their replacement radio spectrum.

The management of future radio spectrum planning from an economic base should be viewed with serious concern from a community service perspective. Due to tight fiscal government policy, SSSC members cannot compete with commercial interests in obtaining radio spectrum allocations at public auction. We would suggest that in license re-allocation issues resulting from spectrum auctions that two events occur. There should be a compensatory value to fund the incumbent licence holder to

relocate and secondly a determination by the regulatory body to identify and provide suitable radio spectrum prior to any finalisation of a spectrum auction.

The SSSC can appreciate that technology developments are accelerating rapidly and economic pressures are being placed upon the spectrum regulator to release new operating frequencies. The rate of development and the subsequent interest by commercial vendors should be measured against the wider Australian community's ability to respond and adapt to these changes. From the SSSC perspective, the decision to re-allocate licensed radio spectrum has had significant strategic implications for all Australian law enforcement agencies, if they are to continue to provide acceptable levels of community service. These recent spectrum auctions and subsequent consequences have been dramatic and I would suggest, not in the public interest.

With regard to your discussion paper's issue about the Government's desire to ensure 'adequate' provision for spectrum use by public or community services, I make a number of comments. In recent years SSSC members would argue that barely adequate provision has been made when the spectrum auction process has occurred. As previously highlighted, the affected SSSC members have had to extensively lobby the ACA for replacement spectrum and in each case, be re-allocated in spectrum that has not served the user as well as the previous allocation. It is suggested that the wording of future documentation and legislation clearly articulates and reflects the need to ensure 'sufficient and suitable' provision of spectrum, for use by public services such as the SSSC members are achieved.

Further, SSSC members do not seek to exempt themselves from licensing fees, but are aware that the cost of radio spectrum management is being closer aligned to commercial schemes. The SSSC's view of licensing fees is that any potential remodelling of the licensing fee structure should delineate between users that utilise radio spectrum in a commercial sense, as part of their revenue return and other users who do not operate on a cost return and profit basis.

SSSC members seek to enhance the level of community safety and security and require particular consideration with respect to the allocation of various radio frequency assignments. We seek a co-operative approach with the radio spectrum regulator to support our aims and endeavours with regard to public safety and the welfare of the Australian community.

I would be happy to provide further information regarding this submission to the inquiry if required.

Yours sincerely,



Ray Shuey
Assistant Commissioner
Chairman SSSC