



Australian Government

Australian Government Response to the

Public Safety Mobile Broadband Strategic Review Final Report

January 2023

Introduction

In February 2022, Mr Andrew Smith, formerly of Optus and NBN Co, was appointed to conduct an Independent Review to inform options for the Australian Government on the most efficient and effective approach to implement a national Public Safety Mobile Broadband (PSMB) capability, including the appropriate roles for the Government and states and territories to progress the PSMB program.

The Review was commissioned to inform the Government with particular regard to:

- the capability that PSMB should deliver into the future, including the need for it to be reliable, nationally interoperable and operating in metropolitan and regional areas
- progress and achievements of the PSMB program to date
- policy and regulatory settings required to establish and maintain a PSMB capability
- capacity and willingness of the telecommunications providers to support a PSMB
- the potential for PSMB to leverage the 5G roll out to deliver advanced capabilities
- other emerging communications capabilities that could be incorporated into a national emergency services communications architecture
- options for the architecture required to support the PSMB capability, encompassing technology, network topology and spectrum, and
- the preferred network supply model for delivering the desired PSMB capability.

The Review found that the PSMB program has historically suffered from a lack of leadership and resourcing, and currently operates under a disjointed federated approach. The Review recommended that the Australian Government take a greater leadership role to support the delivery of a national PSMB capability, including through the provision of substantial funding to enable the establishment of a national PSMB entity. The Review recommended that such an entity should deploy, operate and maintain a PSMB capability. To settle the principles, objectives and operating parameters of a PSMB entity, the Review further recommended that the Australian Government negotiate an Inter-Governmental Agreement (IGA) with the states and territories.

The Government recognises the need to take a lead role in implementing the recommendations of the Review and the establishment of a new, enduring PSMB entity responsible for developing, operating and maintaining a PSMB capability.

Australia can learn from other countries including the United States, the United Kingdom, Germany, New Zealand and France as they have either implemented, or are in the process of implementing, a national PSMB capability. While Australia's operational environment differs from other countries, these examples demonstrate the complexity, significant cost and scale of operations needed to implement a PSMB.

The Government's response to the 12 recommendations made in the PSMB Strategic Review is set out on the following pages. This response has been developed through input provided from the following departments and agencies:

- Attorney-General's Department
- Australian Border Force
- Australian Criminal Intelligence Commission

- Australian Competition and Consumer Commission
- Australian Communications and Media Authority
- Australian Federal Police
- Department of Agriculture, Fisheries and Forestry
- Department of Climate Change, Energy, the Environment and Water
- Department of Defence
- Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Department of Finance
- Department of the Prime Minister and Cabinet
- National Emergency Management Agency
- Productivity Commission

Feedback from each of the states and territories has also been taken into account.

The Government thanks Mr Smith for the thorough and consultative manner in which he conducted his review and all of those who contributed. The Government looks forward to continuing to work with state and territory counterparts in progressing this important national public safety capability.

Recommendation 1:

The Commonwealth strengthen and enhance its commitment to the development of this critical communications capability. A PSMB will modernise Australia's emergency service communications capability, improve the operational effectiveness of its public safety personnel and their safety, and enable them to meet the rising needs and expectations of the Australian public. Numerous Royal Commissions have also called for its delivery.

Response: The Government agrees to this recommendation.

The Government is aware that there remains strong agreement and alignment from stakeholders including state and territory governments that expediting delivery of a PSMB capability is in the best interests of public safety agencies and ultimately the Australian public.

The Government is committed to strengthening its efforts to lead on the development of a PSMB in conjunction with states and territories. The Government recognises that it, and states and territories, will need to strengthen their participation and support including through committing to the resourcing and funding required to create and maintain an enduring national PSMB capability.

Further, the Government acknowledges the high quality and effectiveness of Australia's existing public safety organisations and their personnel and seeks to advance the PSMB program to ensure they are equipped with modern technologies and enhanced digital connectivity within and across jurisdictions to improve operational effectiveness, coordination and safety outcomes for themselves and the Australian community.

The Government, through a Taskforce (refer Recommendation 11), will work with state and territory governments to drive the national PSMB program forward.

Recommendation 2:

The Commonwealth, by Q2 2023, establish close relationships with the PSMB programs in other countries so the Australian program can benefit and learn from the insights gained internationally.

Priority should be given to engaging with the PSMB programs in the United Kingdom, United States, Finland and New Zealand. These jurisdictions offer early mover insights with the most relevance to the Australian program.

Response: The Government agrees to this recommendation.

The Government acknowledges the work undertaken overseas in implementing PSMB capabilities, and recognises the importance of learning how those existing systems were designed, deployed, funded and brought up to operational capability. This approach allows for consideration of existing best-practices as well as building awareness of issues that may be encountered in Australia's path towards a national PSMB.

The Government, through the Taskforce (refer Recommendation 11), will engage with overseas PSMB programs with the intent of developing strong relationships that will allow Australia to harness their experience and acumen in developing and operating a PSMB capability. Additionally, the Government acknowledges the ongoing work the NSW Telco Authority has performed in this area and will look to learn from the experience and contacts that the NSW Telco Authority has established.

Recommendation 3:

The set of National Objectives be expanded by Q2 2023 to include criteria for Transparency and Affordability, where:

- **Transparency** defines the need for Public Safety Agencies (PSAs) to have visibility of the planned and operational status of an Mobile Network Operator's network to enable effective planning and operational management (which is critical when a PSMB solution is hosted on commercial networks); and
- **Affordability** stipulates that any investments in a PSMB capability represent value for money, and that service costs remain affordable for PSAs.

Response: The Government agrees in-principle to this recommendation.

The Government agrees that any investments in a PSMB capability must represent value for money and that service costs must remain affordable for Public Safety Agencies. Further, the Government understands the need for Public Safety Agencies to have visibility over the planned and operational status of a Mobile Network Operator's network that they rely on.

The Government, through the Taskforce (refer Recommendation 11), will work towards the development of the recommended expansion of National Objectives (as defined in the 2018 Council of Australian Governments (COAG) PSMB Roadmap) in collaboration with states and territories to incorporate criteria for Transparency and Affordability, but cannot commit to the recommended timeframe given the nature and timeframes of inter-jurisdictional negotiation processes.

It is expected the National Objectives will form part of an Inter-Governmental Agreement (see Recommendation 6) between the Australian Government and state and territory governments.

Recommendation 4:

The Commonwealth formally engage with NSW Telco Authority (NSWTA) by Q1 2023 to seek their support in developing an initial view of network solution costs, to be used to determine the potential funding demands for the program, particularly seed funding.

Response: The Government agrees to this recommendation.

The Government notes that PSMB developments overseas have demonstrated the complexity, large cost and scale of operations needed to implement national PSMB capabilities, and acknowledges that significant expertise will be required to investigate the costs associated with the development and implementation of a PSMB capability.

The Government considers that, should a national PSMB entity (see Recommendation 5) be established, that this entity would be best placed to investigate the costs associated with developing, establishing and operating a PSMB capability.

The Government is cognisant of the need to develop an initial estimate for network solution costs to determine seed funding required, and that formal engagement with the NSW Telco Authority to develop estimated costs would be beneficial in this regard.

Recommendation 5:

The Commonwealth establish a new, dedicated, enduring National PSMB Entity (NPE) by Q3 2023 to deploy, operate and maintain a national PSMB capability in accordance with the National Objectives.

The entity should comprise:

- An **operations function**, which is responsible for all aspects of program execution, and is resourced by appropriately skilled staff covering the functional disciplines, and sized in accordance with the demands of the program; and overseen by:
- A **governance board**, which is responsible for program outcomes and oversight, populated by skilled resources experienced in governing a program of the scale and complexity of a PSMB; and supported by:
- An **advisory board**, which is populated by PSA representatives and other experts who can provide valuable guidance to the governance board; with
- **Government oversight** of the governance board and entity through either a Commonwealth lead Minister(s), or a Ministerial Council.

Response: The Government agrees in-principle to this recommendation.

The Government acknowledges the expertise required to govern and support a national PSMB capability and will develop options to establish a national PSMB entity (see response to Recommendation 11).

The Government will endeavour to develop such options by Q3 2023, noting that an entity tasked with deploying, operating and maintaining a national PSMB capability will require the agreement, support and encouragement of state and territory governments to arrive at the appropriate operational, funding and governance structures.

Recommendation 6:

The Commonwealth engage with States and Territories to develop a PSMB Inter-Governmental Agreement (IGA), which will define the operating parameters of the new National PSMB Entity.

The IGA should aim to agree the following (non-exhaustive) terms:

- Scope of the role of the NPE, and any exclusions
- Key outcomes to be delivered by the NPE and relevant milestones
- The governance structure of the entity, including:
 - Terms and composition of the governance and advisory boards
 - Governmental oversight model and accountability
- Governance obligations and reporting requirements
- Funding principles and funding requirements, including any seed capital to initiate the venture and ongoing funding arrangements
- Scope and term of the agreement and variation management
- Any relevant directions to the entity.

The engagement and agreement should be completed by Q2 2023.

Response: The Government agrees in-principle to this recommendation.

The Government notes it is appropriate for any Commonwealth-created national PSMB entity to have a governance structure that is responsible for program outcomes, oversight, strategic planning and decision-making and is subject to ministerial oversight. Should such an entity be created on the basis of an Inter-Governmental Agreement (IGA) it will need to be created in accordance with the *Public Governance, Performance and Accountability Act 2013 (PGPA Act)*

The Government accepts the Review's proposal that the governance structure be streamlined and a governing board be populated with directors with the appropriate industry experience and skills to guide and oversee a program of the scale, cost and complexity of the PSMB and without representatives of agencies or jurisdictions. The Government notes that governance structures set up in accordance with the PGPA Act could include advisory bodies to reflect public safety agency and state and territory positions and advice.

Through the Taskforce (refer Recommendation 11) the Government will work with state and territory governments to develop an agreed position for a PSMB IGA but cannot commit to the timeframe recommended given the nature and timeframes of cross-jurisdictional negotiations and budgetary processes.

Recommendation 7:

The Commonwealth formally engage with the NSW Government prior to the establishment of the National PSMB Entity to agree how its existing capability and plans should be considered in the establishment of a National PSMB Entity.

This engagement should seek to leverage the expertise that NSW have gained through their planned development of a State-based PSMB solution and management of the proof of concept as part of the national PSMB program.

Leveraging this progress provides an opportunity to 'jump start' the national PSMB program by saving time and costs and reducing replication of work.

Response: The Government agrees in-principle to this recommendation.

The Government sees merit in harnessing existing capabilities and resources as an effective and efficient approach in implementing the national PSMB program and to avoid duplicating previous work, to which the Government and other jurisdictions have all contributed. Accordingly, the Government will work with the NSW Government, through the NSW Telco Authority, to assess the feasibility of consolidating the development work that has been undertaken on the national PSMB Program proof of concept, and in developing their state-based PSMB solution. Additionally, the Government will collaborate with other jurisdictions to build broad consensus in developing options for a national PSMB entity.

Recommendation 8:

The Commonwealth formally consider the extent to which regulatory and legislative measures are required to support an effective PSMB implementation whilst maintaining a healthy and competitive mobile market. This is to be completed by Q4 2023 with consideration given to:

- a) the nature of the preferred PSMB solution and its reliance on the MNOs' networks
- b) how mission critical capabilities are proposed to be deployed and maintained on MNOs' networks
- c) how fair and sustainable pricing for the provision of PSMB services across MNOs can be ensured
- d) how decisions around the implementation of a PSMB capability may impact the competitive balance of the mobile market.

Response: The Government agrees in-principle to this recommendation.

The Government, through the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, will liaise closely with the Taskforce (refer Recommendation 11), states and territories, and industry to fully consider the relevant and appropriate regulatory measures that may be applied in the development and implementation of a PSMB capability. This includes taking into account approaches to provide fair and sustainable pricing as well as the impact of any measures on the competitive balance of the mobile market.

The Government notes that the extent of regulatory measures required to support a PSMB capability will be influenced by the agreed technical solution for delivering a PSMB capability as well as the response from industry to the proposed model and approach.

Recommendation 9:

The Commonwealth consider:

- a) how any outcomes and recommendations from the Australian Competition and Consumer Commission's (ACCC) Regional Mobile Infrastructure Inquiry (RMII) may be relevant to the PSMB program
- b) how existing Government funded mobile coverage and resilience programs can be leveraged to enable the PSMB program to meet its objectives in a timelier and cost-effective manner.

Response: The Government agrees to this recommendation.

The Government notes the ongoing Australian Competition and Consumer Commission's Regional Mobile Infrastructure Inquiry is expected to provide its final report by June 2023. Any relevant matters outlined in this report related to the PSMB program will be considered by the Taskforce (refer Recommendation 11).

The Government notes that if a PSMB capability is built on the use of commercial Mobile Network Operator networks, the PSMB capability will benefit from any Government funded activities to expand these networks to make them more resilient.

Decisions on how best to leverage coverage expansion and resiliency programs for the purposes of a PSMB capability will be fully considered if a PSMB capability is established, noting a national PSMB capability will require the agreement, support and encouragement of state and territory governments.

Recommendation 10:

The Commonwealth, in conjunction with the States and Territories, renegotiate the open ended 'opt-in' principle that was previously endorsed by COAG to secure a more definitive commitment to each State and Territories' participation in the national PSMB program, with the proposal that:

- States, Territories and Commonwealth agencies must 'opt-in' no later than three years from launch of the PSMB capability
- the outcomes of this agreement to be incorporated into the IGA.

Response: The Government agrees in-principle to this recommendation.

The Government accepts that it is inconsistent for jurisdictions to remain in strong agreement and alignment to expediting delivery of a PSMB capability in the absence of a definitive commitment to formalise and fund participation in a national PSMB program. Further, the Government understands that the viability of a national PSMB capability is contingent on state and territory governments' commitment to subscribing to the network within a reasonable timeframe of the deployment of the PSMB capability and an appropriate funding model to build and operate a PSMB.

An Inter-Governmental Agreement (IGA) is the appropriate mechanism to seek formal, definitive commitments to a national PSMB capability from all jurisdictions.

The Government will investigate options for incentivising a commitment by state and territory governments to an early opt-in and will work with state and territory governments to renegotiate the open ended opt-in principle that was previously endorsed by COAG.

Recommendation 11:

The Commonwealth establish an appropriately resourced, dedicated team led at an appropriate level of authority and with the appropriate level of sponsorship, which is tasked with delivering recommendations 4, 5, 6, 7 and 10. The dedicated team should be established as soon as practical but no later than the end of 2022.

Response: The Government agrees to this recommendation.

The Government notes the complexity, scale, and the cost involved in building a national PSMB capability within a multi-jurisdictional environment.

The Government will establish a multi-agency Taskforce to ensure the requisite skills and expertise are available to take forward recommendations 4, 5, 6, 7 and 10. The Taskforce will investigate options and costs involved in PSMB implementation. This will include options and costs for a national PSMB entity and options and indicative costs for the capability itself, noting that while the Review provides a pathway for PSMB, it does not elucidate the costs involved.

The Taskforce's work, including engagement with states and territories on an Inter-Governmental Agreement (IGA), will inform options to be further considered by Government.

The Government notes the recommendation calls for a dedicated team to be established quickly, however resourcing decisions for the team will need to be undertaken through the normal Budget process and timeframes.

Recommendation 12:

The Commonwealth demonstrate its support for a national PSMB by providing substantial funding towards the foundation elements of a PSMB solution, such as a national PSMB core and National PSMB Entity.

Response: The Government agrees in-principle to this recommendation.

The Government is committed to strengthening its support for a national PSMB, and as a first step towards progressing a national PSMB capability, the Government will establish a multi-agency Taskforce (see Recommendation 11) to investigate the options and costs involved in developing, deploying and operating a national PSMB. That said, any establishment of a PSMB entity and rollout of a national PSMB capability will require agreement and financial commitment from state and territory governments.