

Australian Communications and Media Authority

Authority assessment of amateur radio regulation

August 2021

Background

The amateur service is a longstanding user of radiofrequency spectrum, with a range of bands made available for qualified amateur radio operators. The amateur service is designed primarily to facilitate hobby radiocommunications and technical experimentation. Amateur radio operators communicate using transmission modes including, but not limited to, Morse code, voice and data.

ACMA's amateur-related work program is multidimensional. We support the amateur service through planning arrangements that facilitate amateur radio operators to access frequency bands, while balancing other demands for spectrum. Amateur radio operators are authorised to operate amateur stations if they hold an amateur apparatus licence, issued under the Radiocommunications Act 1992.

The role of ACMA is to ensure that the operation of amateur stations is appropriately authorised, including that amateur radio operators are appropriately qualified before issuing an apparatus licence.

The Commonwealth, represented by the Chair as the accountable authority of ACMA, has entered into a Deed of Agreement with the University of Tasmania, through its institute the Australian Maritime College (AMC), for the provision of services related to amateur radio qualifications (the Deed).

ACMA has delegated the power to issue amateur certificates of proficiency to the AMC under section 122A of the Act and has also approved the AMC to conduct amateur-related examinations under subsection 122(2) of the Act. The AMC also performs associated administrative services for ACMA, such as making recommendations about the assignment of call signs to new and existing qualified operators who hold an amateur operator's certificate of proficiency.

Authority-led assessment of amateur radio regulation

In response to a number of representations made by amateur radio licensees, the ACMA undertook an assessment of our regulation of amateur radio. The assessment commenced in 17 May 2021 and was overseen by Authority member James Cameron on behalf of the Authority. The Authority, which consists of the Chair and other members, makes the decisions on the regulatory functions of the ACMA. Some of these decision-making functions have been delegated by the Authority to ACMA staff.

The objective of the assessment was to examine the ACMA's regulation of amateur radio, focussing on two aspects:

- the procurement process, decision making, delegation and contract management arrangements in place under the Deed of Agreement between the ACMA and the University of Tasmania's Australian Maritime College (AMC). This aspect of the assessment was reviewed by an independent company which provides internal audit services to the ACMA, and
- regulatory development, including consultation and implementation activities undertaken in relation to services provided under the Deed. This aspect of

the assessment was informed by a review undertaken by a senior manager from outside the areas responsible for administering amateur radio matters

The assessment focussed on the period from January 2019 to present, representing the period when ACMA negotiated the Deed and undertook regulatory development activities related to amateur call sign, reciprocal licensing arrangements, call books and licensing arrangements for non-assigned amateur licences.

The assessment involved the review of documentation, decision-making processes and involved interviews with ACMA staff.

The Authority reviewed and agreed the outcome of this assessment on 22 July 2021.

Findings

Overall, the assessment found that activities related to the Deed and regulatory development were well managed by ACMA staff.

Management of the procurement process complied with the Commonwealth Procurement Rules and the related ACMA policy and procedural documentation, Procurement and Contract Management Guide - Mandatory procedures and responsibilities, and Procurement and Contracting Management Instruction.

Decisions relating to amateur radio were well-reasoned and appropriately informed by the views of the amateur radio community. The approach taken by decision makers was found to be commensurate with the relatively low risk of amateur radio in the overall regulation and management of the spectrum by ACMA.

However, the assessment found that ACMA staff could be more proactive in managing issues under the Deed. It also found that communications with the amateur sector on the risks and expected outcomes of regulatory reforms could be improved.

In regard to the Deed, the assessment found that a number of external factors impacted the AMC's ability in Q3 and Q4 2020 to meet the 15-business day service levels under the Deed for the issue of a certificate of proficiency and call sign recommendations. This included the impact of COVID 19 on the University of Tasmania. Service level performance in 2021 has returned to the required 15-business day benchmark. ACMA considers that the AMC has been compliant with the Deed for the 2021 reporting period.

The reasons for delays could have been better communicated to the sector and more active management of the Deed undertaken, recognising the disrupted period in 2020 in response to the impact of the COVID 19 pandemic.

ACMA has been active in its consideration of amateur radio regulation during the assessment period, consulting with the amateur radio community on five proposals for changes to licence conditions and other arrangements affecting amateur services. ACMA also publicly consulted annually through the Five-year spectrum outlook (FYSO) work program consultation process. ACMA has also engaged with the Wireless Institute of Australia (WIA) and Radio Amateur Society of Australia (RASA) to facilitate their constructive involvement on a range of amateur radio issues. The resources directed to amateur radio regulatory reforms and dealing with direct contacts from the amateur radio community are significant in the context of the broad remit of ACMA's spectrum management role.

The amateur community engagement strategies are critical to the ACMA achieving its regulatory objectives. The improved communications strategy implemented in July 2020 (which includes the ebulletin, Fact sheet and information pages on ACMA's website) has been effective in reaching the broader amateur community outside of the representative bodies and providing a mechanism for communicating and managing expectations around delays in implementation by AMC.

Outcomes

Following these findings, the assessment concluded, and the Authority endorsed, that there was scope for improvement in some areas of ACMA's regulation of amateur radio. The following outcomes have been identified and will be implemented in the near future. Work has already commenced for some outcomes.

Outcome 1: additional performance reporting by the AMC

ACMA has written to the AMC requesting monthly reporting on service level performance commencing from July 2021. This request is in addition to the existing requirements under the Deed.

Outcome 2: additional complaints data and analysis

ACMA has written to the AMC requesting disaggregated complaints data. Again, this request is in addition to that required by the Deed.

Outcome 3: regular formal meetings between ACMA and the AMC

The ACMA has scheduled quarterly meetings to discuss performance levels under the Deed. The first meeting will be held in September this year.

Outcome 4: summary or issues log of stakeholder engagement

The Authority will be provided with enhanced reporting on amateur radio related matters undertaken by ACMA staff under delegation. These regular updates will also include:

- information on the number and substance of complaints received by the ACMA
- Freedom of Information and review requests from individual licensees
- issues arising from the quarterly reports provided by the AMC on their performance under the Deed
- any changes to ACMA's amateur communication strategy.

Outcome 5: Strategy for engaging with the amateur radio community

ACMA will reassess its current communications strategy to consider the most effective approach to engagement with amateur radio sector more broadly.

Outcome 6: ACMA public messaging

ACMA will reconsider its public messaging about our role to ensure there is clarity around the matters on which ACMA will be informed by amateur radio community views, consistent with our engagement strategy.