

To : Australian Communications and Media Authority

Reference : Review of non-assigned Amateur and Outpost regulatory arrangements – Consultation 01/2021

Consultation Number : IFC 01/2021

This submission will cover most of the points mentioned in the Consultation Paper titled “Proposed changes to amateur licensing arrangements, Non-assigned amateur stations”, dated February 2021.

The reference consultation paper provided by the ACMA regarding the Amateur Service provides for three options : A, B or C.

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Our review is considering several options to authorise the operation of amateur stations, each with varying degrees of regulatory, administrative and financial burden.

This paper sets out options and proposals for public consideration. We are seeking stakeholder views on options being considered under the review:

Option A: *keep the existing apparatus licensing arrangements with the same licence conditions*

Option B: *simplify the current licensing arrangements and licence conditions by amending the Radiocommunications Licence Conditions (Amateur Licence) Determination 2015 (Amateur LCD)*

Option C: *transition to class licensing arrangements for amateur stations operating on common frequencies (non-assigned amateur stations). The operation of amateur beacon and repeater stations (assigned amateur stations) would continue to be authorised under apparatus licensing arrangements, possibly with new arrangements for frequency coordination and assignment.*

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The main aim of the given proposal is to reduce the licensing and regulatory costs of the Amateur Service to the ACMA, given that the income derived from all non-assigned Amateur licences is currently in the order of \$800,000. There has not been any indicative cost of maintaining the Service ‘as-is’ supplied in the provided documents so it is difficult to perceive the magnitude of any shortfall between funds from licences and relevant running costs.

The other stated aims :

The review is consistent with our ongoing work to seek opportunities to deliver better regulatory outcomes, including self-regulation, and is consistent with the Australian Government’s [Deregulation Agenda](#).

The Amateur Service in Australia has been mostly self-regulating for some years now. There will always be some instances where technical issues or bad behaviours will occur but that will continue regardless of any option to transition to a Class Licence. The ACMA will still be at least partially responsible for managing those occasions when they occur, regardless of non-assigned apparatus or Class Licence status.

This review aims to identify the best licensing mechanism that would reduce regulatory burden and minimise costs for licensees, while preserving the current operational utility for licensees. The review is examining whether the existing licensing framework best achieves the objective or whether it could be better met through alternative licensing arrangements.

While this might seem a valid point to state in the reference document, the Amateur Service in Australia does not really need radical reform. The stated preferred ACMA option (C : Class Licence) makes it simpler for the ACMA to ignore what it doesn't want to really know about since it doesn't derive much income from the Service, much like when CB was established as a Class Licence.

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There is a simpler way to achieve cost saving : use the current New Licence Application fee (ACMA form – AMATEUR1, for non-assigned Amateur Licence) to fund the creation of the Public Register entry and issue an non-assigned apparatus licence under the current LCD (as is done at present), or one with minor revisions, for a 10 year period on a 'no-fee' and 'no-tax' basis. The overhead costs in creating, mailing and processing invoices and payments on an annual basis thus disappears thus reducing actual and recurring overheads. Existing Amateur licences have 10 years added to their current expiry date and new licence PDFs are generated for download automatically, as triggered by the expiry date change. The ACMA computer flags any near-expiry licence, generates an email to the last known email address inviting renewal. No response by the expiry date results in automatic licence cancellation. The onus is on the licensee to ensure that a current email address is held in the ACMA database and they actively check for emails utilising it.

If a software system interface similar to the FCC's *Licence Manager* as entry to their *Universal Licensing System* was used, the end user (/ licence holder) has the ability to edit address or change email details directly thus removing that task from ACMA staff duties. The FCC issues a callsign/licence for a 10 year period with an option to renew during the last 6 months of that period. Until recently, there was no cost attributable to this initial licensing process but this is now \$US35 and is equivalent in function to our New Licence Application (at about \$AUD80, ACMA form – AMATEUR1, for non-assigned Amateur Licence), but is all done electronically. Callsigns can be surrendered to the FCC, vanity callsigns applied for, etc, all through that user interface. There is also a process for surrender in the event of the death of a licence holder thus releasing any callsigns held. Other options – 5 year, 10 year, 20 year or even lifetime – Amateur licensing is possible using the following scenario : Once a year, some defined time (1-3 months) before the next individual licence expiry date, the ACMA computer system generates an email to the last known email address seeking notification of continuation of a licence. It might contain a reference like the ACMA customer number and a transaction number or code key. The Amateur is required to enter that key in a form on the ACMA web site before the expiry date for the licence to continue to be valid. No response = licence / callsign cancellation, validation enables continuation. That means that the onus is on the licence holder to ensure a valid email address is used, and automatically covers situations like the death of a licence holder (= no response).

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The ACMA/DOC drafting team has developed an LCD, both the current and the proposed Class Licence LCD, that meets the legislative requirements but does not take into account the end user.

Most Amateurs do not have legal backgrounds so the LCD must be plain-enough English such that the interpretation of Sections can not be in doubt.

There should not be a need to reference the Acts Interpretation Act, the recent Modernisation Act, the RadioCommunications Act itself or any ACMA Spectrum Plan to understand the intent of the LCD.

The lowest common denominator is the determining factor for the language level to be used. That is probably high school or young adult level based on the Amateur licences on issue in Australia at present. That ultimately requires a simplification of the text used within the LCD or the production of another official document that provides easy explanations for each and every Section.

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Under the 'Issues for Comment' section of the Consultation Paper, there is an element of doubt about what the following pertains to : *"The development of an amateur operating procedures document to include non-binding recommendations for operation of amateur stations, removing binding conditions under options B and C."* There is no real indication as to what this document might contain so providing comment on this is impossible.

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The sections : *"Whether a new type of accreditation should be created that allows the issue of frequency assignment certificates only for beacon or repeater licences."*, *"The qualifications that should be required from applicants for this kind of accreditation."* and *"Any other matters that are relevant to the establishment of such an amateur accreditation arrangement."* all belong in one response. There are members of the Amateur community who have the knowledge and skill to be able to utilise frequency assignment tools to create or approve the assignment of frequencies for beacon and repeater facilities without the need for the use of commercial assigning services.

The band segments for these types of service are already defined in the WIA band plan, and accepted by all, and the frequency assignment process is mostly a confirmation of final frequencies within these plans such that no interference is generated through intermodulation products to or from other radiocommunications users on the same or a nearby site, or to other Amateur facilities within a recognised use-again distance. The main accreditation requirement is the level acceptable to the ACMA for a selected person(s) to access the Public Register (eg Secret, Top Secret) to retrieve existing site allocation data/details and enter details for a new facility. *Asking outsiders for comment on what is acceptable to the ACMA is futile.*

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For many years now, there has been a near-world-wide acceptance of CEPT or T/R 61-01 for reciprocal licensing for travelling amateurs, or those who move permanently from one country to another. My view is that an equivalent qualification level should be accepted for either temporary(/visitor) or permanent licensing. As an example : a person holding a USA Extra Class licence should be accepted for a permanent Australian Advanced Licence, not just temporary status, and can apply for a permanent Australian callsign. Sure the regulations in the USA are somewhat different but, reciprocally, so are the Australian ones and some learning is required. The only requirement should be that licensees operate under the licence conditions applicable to the country from which they transmit (and/or operate), regardless of whether they have qualified in that country or another.

This detail is mostly covered under the ACMA's [Tables C\(i\) to C\(iv\) of Equivalent Qualifications and Licences](#) and [Class Licences](#) documentation on the ACMA and legislation web sites and does not seem to require significant review.

Of course, this all becomes somewhat one-way if the Amateur Class Licence is introduced here without some methodology to issue licence documents that are acceptable overseas.

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Regarding "Any suggestions to further reduce regulatory burden on amateur licensees." This comment is without context. Financial, yes, no-fee and no-tax under the existing LCD. Do we need to comply with ARPANSA standards ? Yes, without doubt. Do we need to ensure that our transmissions are solely within the Amateur allocation ? Yes. Do we need to keep logbooks ? No, not for some years now.

The 'regulatory burden' on the Amateur licensee cannot be defined because there is no true context provided.

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There are some troubling aspects the the ACMA's stated preferred option (C) : transition non-assigned amateur stations to class licensing arrangements.

The transition to Class Licence (Option C) invokes a 'no interference, no protection' status where the Amateur station cannot cause interference to any device, and likewise has to suffer interference from any device. That device could be any type of electronic device including a transmitter or receiver in either the Amateur Service or another type of Service, power lines, solar inverter, computer, audio system, TV, broadcast radio, etc.. The list is virtually endless and we are being asked if we wish to forgo any and all protection to or from any device. The document *Radiocommunications (Amateur Radio Stations) Class Licence 2021* provides no references to interference status other than in Note2 (g) : "harmful interference", cross-referenced to *Radiocommunications (Interpretation) Determination 2015* which then cross-references to the *spectrum plan*. I am aware that there is a train of thought amongst some others that any interference concerns only relate to the Amateur Service and other radiocommunications services but the reality is most likely different : everything is included in a generalised 'device' concept, radiocommunications or not. Again, the necessity for a plain language LCD.

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Another troubling factor is the omission of any reference to a continuation of the existing advisory note on Advanced Licences : *"This licence accords with the requirements of the European Conference of Postal and Telecommunications Administrations (CEPT) Recommendation T/R 61-01. Diese Lizenz entspricht den Vorgaben der CEPT Empfehlung T/R 61-01. Cette licence est conforme aux conditions requises par la CEPT Recommendation T/R 61-01."* The licence document must be issued by the regulator, in this case the ACMA, to be accepted as valid and is used for Amateurs visiting overseas countries.

It is thought that a document issued by the callsign management authority, currently the AMC in Tasmania, would not be regarded as acceptable. The licence document can, at present, be

downloaded from the ACMA Public Register as a PDF but a transition to an Amateur Class Licence would remove all non-assigned entries thus removing any ability to email / print / prove licence entitlements either within Australia or overseas. Any documents generated '*on the behalf of the ACMA*' would likely be unacceptable evidence as anyone with a computer could generate a reasonable facsimile : an entry in the regulator's database (ie ACMA Public Register) is difficult/impossible to falsify .

Licence documents are also required for proof of status when registering for access to various digital mode access points, even the ARRL's Logbook of the World. A transition to Class Licences removes this proof statement option.

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There has not been any reflection of the uniqueness of the Amateur Service in terms that equipment used for transmitting and/or receiving does not have to comply with any type-approval process. Amateurs are long renowned for the building and use of home-made equipment yet there is no reference to equipment types in the documentation other than the compliance of spurious emission product levels, something that most Amateur operators would not be able to measure.

This question could have been resolved by a simple inclusion : Section 15, Equipment, (a) Radio transmitting and/or receiving equipment used in the Amateur Service does not require Type Approval.

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In Section 4 of the proposed Class Licence document under Definitions is the statement : "***call sign*** means a sequence of letters and numbers assigned to a person by the AMC as a call sign." where "***AMC*** means the Australian Maritime College, an institute of the University of Tasmania." **I strongly object that the AMC is named in proposed legislation** where instead it should be more like "a body, or bodies, duly authorised to issue Amateur callsigns". The existing Deed between the AMC and ACMA only has a couple of years of tenure remaining and there may be a change away from the AMC at its expiry, or any subsequent Deed expiry. Naming the AMC in legislation is a severe oversight by the drafters given that the resulting LCD may be in force for many years.

Even the Consultation Paper refers to "*The assignment of call signs will be managed by a third-party provider.*" in the proposed summary of changes.

Further, there could be more than one body responsible for the issue and management of callsigns for the Amateur Service at any one time and the LCD must allow for that option in the wording.

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Moving on to Option (B). The ACMA-supplied documents do not provide a deep enough view as to what "streamlining" provisions envisions or encompasses. In fact the most revealing facet of (B) is the statement "*Financial and administrative costs remain the same*" thus eliminating any cost benefit to the ACMA. Not really a viable option in view of the stated aims of the review.

The paragraph stating "*Resulting licence conditions would be similar to those proposed within the draft class licence in Attachment A. The conditions removed from the Amateur LCD and the Overseas Class Licence may be set out in non-mandatory amateur operating procedures.*" - reveals that it is essentially a class licence so no individual licences documents, no entries in the Public Register, etc.

In reality it is a thrown-in substitute that mainly duplicates Option (C) to make it appear that there are three choices while in fact there really are only two.

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Option (A) : This is the best available option as the omissions detailed in Option (C) are avoided, despite the ongoing costs to both Licence holders and the ACMA administration.

Of course the 'no-fee' and 'no-tax' option, coupled with a 10 year licence as was suggested earlier in this document, reduces the financial and administrative burden on both parties.

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There may be some areas of the Consultation Document that have not been dealt with in-depth but I feel sure that other submissions will encompass those omissions.

Personally I would like to avoid the annual licence fee, as would occur with the Class Licence, but not at the expense of degradation to the Australian Amateur Service.

Unless the ACMA can provide alternative details in a further Consultation process that refines Options (B) and (C), the Amateur Service in Australia will be degraded by other changes.

Accordingly I can only support Option (A) as being the best of the supplied alternatives.

Douglas Hunter
VK4ADC
doug@vk4adc.com

ACMA C/No : 96193

Note :-

Background : Previously employed by P&T, then re-named DOC, then re-named SMA, in Queensland from 1978 to 1996 as a Technical Officer / 'Radio Inspector' involved in investigating interference to radio, TV and radiocommunications, licensing activities, and investigation and prosecution of breaches under the Wireless Telegraphy Act and the subsequent RadioCommunications Act 1992, plus other internal technical roles. Left on redundancy before the organisational transition to ACMA occurred.

Initially licensed as an Amateur in 1967 as VK4ZDC, updated to VK4ADC in 1976.
Continuously licensed since 1967.