

Pro forma submission 3 – the ACMA received 2 submissions in this form.

Notes on this pro forma submission:

- On page 3, both submitters selected Option A in the poll table.
- On page 4, one submitter voted “I do support streamlining Amateur Licensing” and one submitter voted “I may support streamlining depending on the proposal”.

# WIA request for feedback on the ACMA Consultation 01/2021: “Review of non-assigned amateur and outpost regulatory arrangements”



## Introduction

The Australian Communications and Media Authority (ACMA) have commenced a “Review of non-assigned amateur and outpost regulatory arrangements – consultation 01/2021”. In the consultation, the ACMA has stated the objective of the review is:

*“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”*

In undertaking this review, the ACMA has proposed three options for public consideration.

The WIA has reviewed the paper and conducted an analysis of the opportunities and risks each option poses to the operation of the amateur and amateur-satellite services in Australia. The major items for consideration follow:

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

Opportunity	Risk
Maintenance of Individual licensee identification and registration in the ACMA licence database (and hence an individually attributed licence document) which supports both self regulation and international reciprocal rights - operating in other countries under an Australian licence.	This option fails ACMA’s key cost saving objective of the review.
Maintenance of the existing (albeit limited) domestic interference protection arrangements offered under Apparatus Licensing in the RadCom Act.	Does not streamline entry to Amateur Radio or simplify any outdated regulations that unnecessarily restrict existing Amateur Radio activities.
Maintain simplified management of EMR (RadHaz) safety for Amateur Stations today as defined in the “Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015”.	Retains high costs for Assigned Amateur Apparatus Licensing (repeater and beacon stations) as this needs to be undertaken through a commercial ACMA accredited assigner.
Maintain existing technical conditions including power levels on MF and LF as well as existing transmitter spurious emissions limits in line with the ITU standards.	Qualified amateurs do not retain their licensed status or call-sign unless they pay licence renewal fees. (Nil fees for a Class licence better maintains an amateur population base.)

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

Opportunity	Risk
Limited streamlining of the amateur service regulatory environment potentially on offer.	No detail provided on how this proposal would work. The impact to the amateur service is unable to be assessed as a result of the lack of detail.
Retention of existing interference, EMR (RadHaz), and callsign recording and management functions under an apparatus licence regime.	May not offer the level of savings that the ACMA is seeking as their driver for undertaking this review.
A review of the arrangements for (assigned) amateur apparatus licensing (repeater and beacon stations) could achieve savings for amateurs if an alternative to commercial ACMA accredited frequency assignment was established.	

**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.*

Opportunity	Risk
Streamlining of licensing process. The ACMA proposes that under the Class Licence, all that would be needed is an AOCPP qualification and the assignment of a callsign by a third party body. This may significantly reduce the delays between completing an assessment and being allowed to start transmitting - simplifying entry to the amateur service.	The proposal states that under the Class licence, the amateur service would now operate under a 'no interference, no protection' basis. This is contrary to the status of the amateur service in the Australian Radio Frequency Plan which grants multiple spectrum blocks either 'EXCLUSIVE' or 'PRIMARY' status.
The consultation paper is offering a new model for managing amateur repeater & beacon - apparatus (assigned) licences - retaining the value of an Assigned licence for fixed site frequency management and coordination while (potentially) reducing the cost barrier to establishing fixed (repeater and beacon) amateur stations.	An Amateur Radio station would be authorised to operate only if "it does not cause interference to other devices and services". The addition of "devices" is the issue. It fails to recognise that the solution to EMC compatibility problems usually requires mutual cooperation of the transmitting and receiving parties. It also fails to recognise that the fault may lie solely with the receiving device's immunity and not the characteristics of the transmitter.
Allow qualified operators to operate an amateur radio station for life with no administrative fees levied by the ACMA for spectrum access, and only minimal administrative service fees (potentially by a third party) for services such as callsign management.	The proposed Class Licence wording that amateur stations must not "exceed the general public exposure limits specified in the ARPANSA Standard" requires them to show compliance directly with that Standard, removing the additional conditions afforded Apparatus Licensees.  This will substantially increase compliance costs and enforcement risk for the amateur service.
Simplification and removal of outdated prescriptive regulations.	The proposal to remove individual Amateur Station licenses from the Radiocommunications Register of Licences (RRL) harms the ability of the amateur service to carry out any form of self regulation. Expiry of callsign allocations to individuals has also not been considered.

### Opportunity

Amateur Operating procedures previously covered in the Amateur Apparatus (LCD) would no longer be mandatory and would be moved to an advisory document that could ultimately be directly managed by the Amateur Service.

### Risk

Removal of an individual licence document that identifies the individual operator (and includes the reference to the CEPT T/R61-01 licence), will prevent Australian Amateur Radio operators from using the CEPT international Amateur Radio arrangements when travelling overseas.

Various concerns around transmitter spurious emissions standards, translations of technical requirements (particularly impacting the MF and LF bands) and the handling of secondary spectrum, that further restrict the amateur and amateur-satellite services.

The WIA asks all Radio Amateurs in Australia to consider the opportunities and risks associated with each of the three options presented by the ACMA, and to show their preference in the poll below.

## The WIA's preliminary position

The WIA has carefully weighed each option and has also considered the intent of the ACMA in conducting the consultation. The WIA has concerns that the principle of “preserving operational utility” or effectively the application of a “no disadvantage” test, has not been met with Option C. There are considerable impacts to the operation of the amateur service with the proposal as presented.

While the WIA understands the pressures ACMA is facing to reduce costs and applauds moves to streamline management of the amateur service, the WIA believes that the ACMA Option C proposal, as presented, will significantly impact and disadvantage Australian Amateur Radio operators.

- **In its current form, the WIA does not recommend that Option C be endorsed.**

Option B is also risky, due to the lack of supplied detail.

- **The WIA does not recommend that Option B be endorsed.**

This leaves the WIA in the position of needing to support Option A at this time, noting however that this will not satisfy the ACMA core objective of reducing costs and overlooks the potential opportunities in Option C.

- **The WIA recommends Option A be endorsed.**

**POLL:** Which of the ACMA's three options (as currently proposed) do you believe will best maintain the existing rights of licensed amateur operators and facilitate continuation of the Amateur Service in Australia into the next decade: (Choose One only)

OPTION	YOUR VOTE (Choose One)
Option A - Status Quo	
Option B - Simplified Apparatus Licence	
Option C - Class Licence	

## A Way Forward

The WIA has long-held the policy that future amateur licensing "***is not reduced or downgraded from the current principles embodied in Apparatus licensing***". This does not presume that the only possible outcome is an Apparatus Licence, but it does mean that the values and utility that Apparatus licensing brings to the amateur service are not lost.

For there to be progress on this matter, mutual ground needs to be found between the members of the amateur service and the ACMA. The WIA acknowledges that advocating for Option A at this time does not meet the objectives of the ACMA. The WIA also notes that the ACMA states that they want to "preserve the current operational utility for licensees". The WIA asserts that this objective has not been met within the ACMA's current proposals and that the Option C proposal, as presented, fails any sort of "no disadvantage" test.

However, the WIA does believe that there are potential opportunities for either Apparatus or Class Licence types to deliver mutually beneficial outcomes for both the Australian amateur and amateur-satellite services and the ACMA, which would not disadvantage Australian Amateur Radio operators.

As a next step, the WIA will seek discussions with the ACMA on how changes to amateur radio licensing could evolve, including moving to a Class Licence framework, to meet both their and the amateur service's objectives.

**POLL:** Would you support the WIA exploring options of a streamlined amateur service licensing system with the regulator that could deliver benefits to both the amateur service and the ACMA?

OPTION	YOUR VOTE (Choose One)
I do support streamlining Amateur Licensing	
I may support streamlining depending on the proposal	
I do not support streamlining Amateur Licensing	

### Your Comments (not mandatory)