

16 November 2020

By email: [REDACTED]

ACMA file reference: ACMA2019/103-11

Dear [REDACTED]

Reserved list for amateur call signs

I write with reference to your emails of 5 and 10 November 2020.

The arrangements for reserving the call signs of deceased amateur licensees are provided for under a deed between the ACMA and the University of Tasmania, through its institute the Australian Maritime College (AMC)—the Deed for the Supply of Goods and Services related to Amateur Radio Qualifications (the Deed).

I would like to clarify that the Deed is not a regulation (that is, it is not a legislative instrument made under primary legislation), but rather a bilateral agreement that facilitates, *inter alia*, the allocation of call signs.

To that end, the Deed, and the administration of call signs in general, is best understood as a matter of administrative or operational policy, and decisions made under the Deed are not administrative decisions made under a statute, which are the types of decisions contemplated by the *Administrative Decisions (Judicial Review) Act 1977* (the ADJR).

But I would like to respond to your requests outside the terms of the ADJR.

Request for regulations providing for reservation of call signs for deceased amateur licensees

Although it is not a regulation, the Deed does play an important role in call sign allocation arrangements. For this reason, and subject to the AMC's views, I see merit in providing additional transparency about the terms of the Deed.

To that end, I have asked my staff to seek the AMC's views in relation to making the Deed, or extracts of the Deed, publicly available.

In the intervening period, and in respect of your request for the current regulations regarding the reservation of call signs of deceased amateurs, an extract of the relevant parts of the Deed is attached.

Allocating the reserved call sign

The relevant parts of the Deed, and the rules appended to your email to me, provide for the reservation of call signs of deceased amateurs, and the making of those call signs available to appropriate persons at no charge, for compassionate reasons.

The *Radiocommunications Act 1992* and instruments made under it do not provide for the allocation of call signs in general, or for the reservation of call signs for compassionate reasons in particular. For this reason, it is appropriate in my view that the Deed provide for outcomes supported by the amateur community, including reservation of call signs for compassionate reasons.

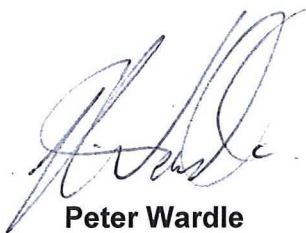
I acknowledge that the WIA had reserved the relevant call sign for a period longer than provided for under the Deed. I am also aware that persons related to the deceased would have been relying on representations made to them by the WIA.

As you know, persons seeking particular call signs do so entirely at their own election. In the situation referred to in your correspondence, allocating the call sign to the person seeking it would have been inconsistent with previous assurances made to persons related to the deceased for compassionate reasons, and would be counter to the wishes of those persons.

In my view, it is appropriate to honour the historical arrangement and the wishes of the persons related to the deceased.

I note also that the person seeking this particular call sign could be allocated an alternative call sign without visiting distress on the persons related to the deceased.

This was an unusual set of circumstances, and one that I would not expect to recur. However, if it does, the agency will once again take into consideration the relevant facts and circumstances and make the best decision available to it.



Peter Wardle
Executive Manager, Spectrum Allocations

ATTACHMENT: Extract from Deed

5. Callsigns of Deceased Amateurs

5.1. The callsign of a deceased Amateur is reserved for two years after the date of the expiry of the period of the licence allocating that callsign.

5.2. If the partner or next of kin of a deceased Amateur, or the personal representative, executor or administrator of a deceased Amateur's estate, writes to the Supplier requesting that the deceased Amateur's callsign be allocated to a particular appropriately qualified person prior to the end of the reservation period, the Supplier shall issue a Callsign Recommendation accordingly to that qualified person.

5.3. If an appropriate representative of a deceased Amateur writes to the Supplier or the Customer, the Supplier shall remove the callsign from the Reserved List and the Supplier shall make the callsign available on the Public List.

5.4. The Supplier will not charge any fee for providing the services regarding the management of callsigns of deceased Amateurs.