

From: [Patrick Emery](#)
To: [Nicholas Brody](#); [Matthew Bye](#); [Patrick Belton](#); [Stephen A Jones \(VIC\)](#); [Stewart White](#)
Subject: FW: FW: please transfer this email to your legal [REDACTED]
[SEC=OFFICIAL]
Date: Monday, 12 October 2020 12:22:26 PM
Importance: High

Fyi

From: Patrick Emery
Sent: Monday, 12 October 2020 12:22 PM
To: [REDACTED]
Subject: FW: FW: please transfer this email to your legal [REDACTED]
[REDACTED]
Importance: High

Dear [REDACTED]

I refer to your application for an amateur licence dated 16 September 2020, and your subsequent correspondence dated 17 September and 23 September 2020.

While I now have carriage over this matter, I note that there are a limited number of staff at the Australian Communications and Media Authority (ACMA) who deal with amateur licensing issues, and that Nicholas Brody and his team are responsible for amateur radio licensing policy. In response to your statement that the ACMA has declined to process your application, the ACMA has not yet made a decision on whether to issue you the licence with the call sign specified in your application. Pursuant to subsection 286(1) of the *Radiocommunications Act 1992*, the ACMA has 90 days from receiving a licence application to make a decision on whether to issue a licence. After that 90 day period has passed, the ACMA is taken to have refused the application.

As was noted in response to your application dated 17 September 2020, the ACMA prefers for all amateur licence applications to include a call sign recommendation from the Australian Maritime College (AMC). This is consistent with long-standing arrangements the ACMA has had with third-parties, including the Wireless Institute of Australia and the AMC. Your application does not yet have such a recommendation, in relation to the requested call sign VK3KI or any call sign. Consistent with the established procedures for assigning amateur call signs and processing licence applications, upon receipt of your application, the Customer Service Centre recommended that you contact the AMC to seek a call sign recommendation. The ACMA has not refused your application, rather we have sought further information (as requested on the application form).

I understand that you do not wish to contact the AMC. However, the ACMA's policy is generally to refuse applications that are made without a call sign recommendation from the AMC. Accordingly, before 15 December 2020 (i.e., 90 days from the initial application), you can either obtain a call sign recommendation from the AMC, or provide me with submissions on why the ACMA's general policy should not apply in this case. A decision on your application won't be made until 15 December 2020, or the time I receive a recommendation or submissions from you (whichever is the earliest).

Regards,

Patrick Emery
Manager
Licence Allocation Section

Australian Communications and Media Authority
E patrick.emery@acma.gov.au

----- Original Message -----

From: [REDACTED]
Received: Wed Sep 23 2020 10:45:34 GMT+1000 (AUS Eastern Standard Time)
To: ACMA Customer Service Centre; Mail Delivery System; System Contact
Subject: please transfer this email to your legal

Regrettably an old address of legal@acma.gov.au does not appear to now be current
Please find below the email sent to that address that has just got rejected

Please forward this onto your legal area as soon as possible

[REDACTED]
[REDACTED]

----- Forwarded Message -----

Subject: Re: Complaint re Australian Communications and Media Authority
Date: Wed, 23 Sep 2020 09:59:38 +1000
From: [REDACTED]
CC: legal@acma.gov.au, Julian Hill MP <julian.hill.mp@aph.gov.au>, ombudsman@ombudsman.gov.au

To: ACMA Legal

CC - For information Commonwealth Ombudsman

CC - For information Julian Hill MP, Federal Member for Bruce

RE ACMA re: Application for amateur licence [REDACTED]
[REDACTED]

On 16th September 2020 I emailed to the ACMA an application for a call sign/licence as provided for in the RadioCommunications Act. I have been in discussion for some time with my local Federal Member of Parliament re the conduct of the ACMA.

In the text quote:

Having regard to procedural fairness I would ask that those persons previously involved with my other requests for a two letter call sign including Nicholas Brody and associated staff not be involved if there is an intention to reject this application.

However Mr Brody made a decision to become involved. In a phone call to me last Friday, the 18th of September, he made various statements concerning my application and the Deed signed by Ms Nerida O'Loughlin and the University of Tasmania. That has raised even more concerns and that Mr Brody perhaps may have also transgressed IPP's and other statutory obligations.

A 'Commonwealth officer' in providing information has a duty not to act in reckless or negligent manner. To do so may amount to an offence (absolute liability) under the Criminal Code 137.1. That includes providing information that is false, misleading or by omission of any matter without which the information would then be misleading.

Part of my communications with the Ombudsman office stated:

REQUEST FOR AN INTERIM RESPONSE - Like so many others I am in stage 4 lock down, [REDACTED]

[REDACTED]. As such whilst you may not be able to immediately undertake further inquiries may I ask that you promptly communicate with the ACMA to request they do not take action in the interim period to reallocate my requested the call sign VK3KI to another applicant.

I phoned the Ombudsman Office yesterday it was indicated that in the interim period I could repeat the above request to the ACMA.

I ask that you do not to proceed with allocating the requested radio call sign/licence VK3KI to any other person until such times as the Ombudsman has attended to the matter.

I await your confirmation to this request

yours respectfully

[REDACTED]