

The Manager

Spectrum Licensing Policy Section

Australian Communications and Media Authority

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### **Re- Review of non-assigned amateur and outpost regulatory arrangements – consultation 01/2021**

There are no new proposals in this consultation. It does not seem to make any effort to address the issues raised by Radio Amateurs the last time this issue was raised. Therefore, the answer to this consultation should be the same as the last time it was asked.

That is:- **Stay under Apparatus Licensing.**

#### **I am suggesting a different approach.**

I have looked at the issue without the blinkers of the regulator and viewed at it as a management strategic problem not just a choice between two unsatisfactory outcomes.

I advocated when this structure was proposed some time ago that the elimination of the operator license would be problematic. Since then, any attempt to raise the issue has met with denial because it would involve legislation changes. It now appears that such changes and modifications to legislation occur regularly. The problem is not insurmountable. It seems that ACMA is reluctant to do anything that may show the initial structure was wrong.

The licensing structure of Class, Apparatus and Spectrum was always completely inappropriate for the 15,000 Amateur Radio Operators. I made this point both in writing and in face-to-face consultations. I gained the impression the officers at the time were keen to strangle Amateur Radio by making it a class license with “equipment type-approval”.

It is also clear that while the Amateur Operators license is shoehorned into this equipment-based system it will always be more complicated and simplification will be elusive. Outsourcing will still involve lots of interaction on “grey” areas.

#### **Basic needs**

The ACMA claims to want to simplify licensing and administration. They also say they want to simplify regulatory rules although it is not evident in the papers attached to this consultation which just transpose regulations in whole text from Apparatus to Class. With a few sneaky additions making life worse for Radio Amateurs.

Radio Amateurs want simpler rules with self-regulation. Simple easy to understand administration of licenses would also be advantageous to Amateurs.

The ACMA has a responsibility to ensure that Radio Amateurs are suitably qualified to operate in their allocated spectrum. They also need to be able to easily find out where a permanent station is established by a Radio Amateur in case of interference with essential services. The ACMA is also responsible to ensure the good governance of the Radio Spectrum ensuring no interference to licensed services.

The ACMA has limited ability to police any regulations. Complex regulations, while bureaucratically satisfying, are essentially useless.

## **Self-Regulation**

To minimize work for ACMA it is critical that as far as is possible the Amateur Service is self-regulating. There are several things that lead to successful self-regulation.

- Radio Amateurs take pride in getting a “ticket” and a personal callsign. That predisposes them towards doing “the right thing”.
- Further respect from fellow Amateurs is attained by advancing through the various grades of license.
- Standards have been established over decades for the effective and successful self-governance of Amateur Radio operations.
- The history of self-regulation is passed on to new operators by experienced Amateurs.
- Experienced operators show by example what works best.
- A culture of self help exists so that someone with a transmitter problem is quickly made aware and assisted to track down and fix the problem.
- Most Radio Amateurs take seriously the learning aspects of Amateur Radio and progress knowledge that ensures their ability to operate responsibly.

I have put pride in the license and callsign at the top of the list as this is something that ACMA should strongly support if they want self-regulation to continue. Citizens Band has shown how a class license system quickly reduces to lowest standards with no effective self-regulation.

Radio Amateurs expect the regulator to protect frequencies allocated to Radio Amateurs from interference. It undermines authority that ACMA has not only failed to do this but has authorized things like broadband over power lines that massively interfere with the use of even bands exclusively allocated to Radio Amateurs.

ACMA along with other regulating agencies throughout the world have allowed the background noise floor to rise to significant levels. A good example of regulation without policing being completely ineffective.

## **How Amateurs Operate**

Before deciding what sort of license is required an analysis of the Amateur Service is required.

The amateur service is frequency agile within stipulated bands. The operator chooses what frequency to use within the Amateur spectrum allocation. There is no way that the ACMA can

micromanage this decision. It relies wholly on the operator to do the right thing because of training and experience.

The amateur service is equipment agnostic. Use is made of everything and anything that can radiate at an appropriate frequency. This may be a home-built transmitter, these can range from a single transistor through to a complete software designed radio. It may be a re-purposed commercial or military equipment. It may be a transmitter designed specifically for the amateur market which may cost from less than a \$1000 to nearly \$20,000. The equipment may be capable of operation outside the Amateur bands, and it is the responsibility of the operator to ensure that it is used correctly. Without a whole legion of field staff, the ACMA cannot micromanage what equipment is in use.

The Amateur Service has a long record of self-regulation. The standards and norms are relayed to each new generation of operators.

The Amateur Service is based not on equipment but on responsible individuals. It is quite clear that whatever the license that is issued it should license a “real” person and hold that person responsible for the actions under their control.

### **A Personal License**

What is the minimum requirement for a personal license?

Each category of Amateur Radio license has its own syllabus of knowledge that the individual requires as a bare minimum to ensure they can operate a transmitter in such a way as not to cause interference to others especially other spectrum users.

Further each category has a set of frequencies within the Amateur Bands that can be used by licensees in that category.

Each category has a power level appropriate to that level of expertise.

Some generic statements complete the minimum requirement.

- Standards for harmonic and spurious emissions
- There is no need for detailed emission types. Just a rule that all the principal components are within the amateur band. Very wide band emissions, such as spread spectrum, should be limited to above 29MHz.
- Location records for where licensee operates for more than six months.
- Process for dealing with the odd “bad apples”!
- Directions on no commercial use.
- Directions on bad language and other unacceptable behavior.

This personal license does not fit into either the Class or the Apparatus license system. Which are specifically designed to license equipment.

### **Administration**

This can easily be simplified using good computer systems. I would recommend the approach of OFCOM in the UK where the licensee has the responsibility to maintain their record on a computer. They can

input change of address etc. In OFCOM they must log in at least every five years to re-validate the entry. That deals with people dying or leaving Amateur Radio.

There are many commercial membership programs available that could deal with this function.

The initial entry would be done by the outsourced licensing group after that it becomes the operator's responsibility to ensure it is up to date. This can be policed by doing a sample audit each year to identify anyone changing address and not notifying the computer.

This has enabled OFCOM to treat the license as free for life. I would charge an initial set up cost but after that free.

If the operator requires a printed license for things such as travel overseas it should be possible to print their own copy from the license system.

I strongly advocate that the "problem" of Class versus Apparatus be solved by creating a new license category called "Operator License" even if it does mean a small inconvenience in passing it into legislation.

If ACMA persists in efforts to absolve itself from responsibility for interference to licensed operations in the radio spectrum it will have cast off one of the main reasons for this part of ACMA to exist. It may as well return to being a small office under the Department of Communications.

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## **Attachments**

Some further thoughts

### **A “left field” approach**

The personal license could perhaps fit into a spectrum license.

The ACMA could issue itself with a spectrum license that covers the Amateur Bands as set by ITU Region 3. Footnotes can be used to deal with issues such as the 3.7MHz to 3.776MHz which is not allocated to Radio Amateurs in Australia. The term of that license could be seen as an advantage to radio amateurs in providing some degree of certainty.

Within the spectrum license the categories of individual licenses would still exist.

(There may even be room for an Extra Advanced category to allow for the use of 1000 watts by those who demonstrate an understanding of the rules for RF Safety)

Further the spectrum license can provide a “container” which can be outsourced to a suitable not for profit entity such as the Wireless Institute of Australia to manage the licensing process.

That is if Radio Amateurs can trust the ACMA after the poor outcome of transferring the examination process to a commercial enterprise. The ACMA showed contempt for the WIA which had developed the assessment process and the WIA offered a more cost-effective solution both to the ACMA and Radio Amateurs.

Part of the self-regulation is that the ACMA trusts the main representative body for Radio Amateurs. There was trust while the WIA and ACMA worked together on developing the exam system. It seems something or somebody changed at ACMA not for the better!

### **Longer term license**

In the papers you mention little interest in a 5year license. It seems the ACMA has little or no understanding of consumer behavior.

The five year license does not provide a financial incentive to use the process. The negative aspect for a consumer is that the ACMA has a history of failing to provide renewal notices. It is better from a consumer perspective to minimize the risk of a non-renewal and stick with an easily remembered yearly transaction. Further, the ACMA will save on renewal notices, administrative action and banking on at least four transactions. A real discount on the fee would make a lot of difference to the take up!