

From: [Patrick Emery](#)
To: [Nicholas Brody](#); [Sean McQueen](#)
Cc: [Stewart White](#)
Subject: RE: Reserved list for amateur call signs [SEC=OFFICIAL, ACCESS=Legal-Privilege]
Date: Thursday, 12 November 2020 4:27:05 PM
Attachments: [image001.gif](#)
[image002.gif](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[ACMA to \[REDACTED\] - November 2020 - Reserved list for amateur call signs \(PE\).docx](#)

Thanks Sean. My suggested edits attached. [REDACTED]
[REDACTED] – it's simply explaining why we've done what we've done (strictly, we could limit the correspondence to explaining that the Deed isn't 'regulation').

[REDACTED] But [REDACTED] is not a party to any decision here. [REDACTED] would have no standing to challenge this decision in the AAT or beyond.

Happy to discuss.

Cheers

Patrick

From: Nicholas Brody <Nicholas.Brody@acma.gov.au>
Sent: Thursday, 12 November 2020 2:31 PM
To: Sean McQueen <Sean.McQueen@acma.gov.au>; Patrick Emery <Patrick.Emery@acma.gov.au>
Cc: Stewart White <Stewart.White@acma.gov.au>
Subject: RE: Reserved list for amateur call signs [SEC=OFFICIAL, ACCESS=Legal-Privilege]

Hi Sean,

This looks great – only one comment from me. Happy to discuss.

NB

Nicholas Brody

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I would like to acknowledge the traditional custodians of this land on which we meet, work and live. I recognise and respect their continuing connection to the land, waters and communities. I pay my respect to Elders past and present and to all Aboriginal and Torres Strait Islanders.

From: Sean McQueen <Sean.McQueen@acma.gov.au>
Sent: Thursday, 12 November 2020 1:54 PM
To: Patrick Emery <Patrick.Emery@acma.gov.au>; Nicholas Brody <Nicholas.Brody@acma.gov.au>
Cc: Stewart White <Stewart.White@acma.gov.au>
Subject: RE: Reserved list for amateur call signs [SEC=OFFICIAL, ACCESS=Legal-Privilege]
I've done this as a letter from Pete in an attempt to provide an elevated response [REDACTED]

[REDACTED]. I've noted your comment immediately below, Patrick, but, if we can, I'd like to expose a little of the thinking, mainly in the interests of warding off another FOI.
Cheers

[REDACTED]

From: Sean McQueen <Sean.McQueen@acma.gov.au>

Sent: Tuesday, 10 November 2020 12:41 PM

To: Patrick Emery <Patrick.Emery@acma.gov.au>; Patrick Belton <Patrick.Belton@acma.gov.au>; Nicholas Brody <Nicholas.Brody@acma.gov.au>

Cc: Stewart White <Stewart.White@acma.gov.au>

Subject: RE: Reserved list for amateur call signs [SEC=OFFICIAL, ACCESS=Legal-Privilege]

[REDACTED]

I will draft a response that:

- explains the policy
- sheds some light on our reasoning in this particular instance
- provides an extract of the relevant sections of the Deed
- indicates that we are considering making the Deed (or a version of it) publicly available.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

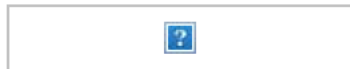
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

From: Patrick Emery <Patrick.Emery@acma.gov.au>

Sent: Tuesday, 10 November 2020 10:44 AM

To: Patrick Belton <Patrick.Belton@acma.gov.au>; Sean McQueen

<Sean.McQueen@acma.gov.au>; Nicholas Brody <Nicholas.Brody@acma.gov.au>

Cc: Stewart White <Stewart.White@acma.gov.au>

Subject: RE: Reserved list for amateur call signs [SEC=OFFICIAL, ACCESS=Legal-Privilege]

OK, thanks Patrick. [REDACTED]

[REDACTED]

[REDACTED] In relation to the two-letter callsign subject of [REDACTED] correspondence, I am entirely comfortable with the merit of our view that the callsign should not be released, given the circumstances of its current 'reservation'.

Nick/Sean – happy for you to draft a response to [REDACTED] and for us to comment on it.

Cheers

Patrick

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

From: Patrick Emery <Patrick.Emery@acma.gov.au>
Sent: Tuesday, 10 November 2020 9:54 AM
To: Sean McQueen <Sean.McQueen@acma.gov.au>; Nicholas Brody <Nicholas.Brody@acma.gov.au>; Patrick Belton <Patrick.Belton@acma.gov.au>
Cc: Stewart White <Stewart.White@acma.gov.au>
Subject: RE: Reserved list for amateur call signs [SEC=UNOFFICIAL]

Hi Sean,
I'm pretty sure the Deed (pre most recent changes) has already been released via FOI, so [REDACTED] can be directed to our FOI log. I don't believe the text regarding deceased amateurs has been changed. I don't want to publish the Deed generally, unless we're required to release it via FOI.
On the broader matter of 'regulations', we should make it clear (again) that there are no statutory or regulatory requirements that apply directly to the issue of callsigns. The Deed between the ACMA and the AMC is a bilateral arrangement and 'decisions' under it are not subject to administrative review.

[REDACTED]

Regards,
Patrick

From: Sean McQueen <Sean.McQueen@acma.gov.au>
Sent: Tuesday, 10 November 2020 9:47 AM
To: Nicholas Brody <Nicholas.Brody@acma.gov.au>; Patrick Emery <Patrick.Emery@acma.gov.au>; Patrick Belton <Patrick.Belton@acma.gov.au>
Subject: FW: Reserved list for amateur call signs [SEC=UNOFFICIAL]

I think there we should either provide [REDACTED] with an extract of the Deed (the part about reserved calls for deceased amateurs), or the Deed itself. Preferences? Objections?
Either way, I think it would be useful for us to consider publishing the Deed, or asking the AMC to. It has been disclosed in an FOI before, and probably will be again under the current [REDACTED] FOI.

Sean

From: Sean McQueen

Sent: Tuesday, 10 November 2020 9:38 AM

To: [REDACTED]

Cc: Peter Wardle <Peter.Wardle@acma.gov.au>; Nicholas Brody <Nicholas.Brody@acma.gov.au>

Subject: RE: Reserved list for amateur call signs [SEC=UNOFFICIAL]

Dear [REDACTED]

Mr Wardle has referred your enquiry to me. I will respond shortly.

Sincerely

Sean McQueen

Senior Policy Advisor

Spectrum Allocations Branch | Communications Infrastructure Division

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The ACMA acknowledges the traditional custodians of this land on which we meet, work and live. We recognise and respect their continuing connection to the land, waters and communities. We pay our respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

From: [REDACTED]

Sent: Tuesday, 10 November 2020 12:07 AM

To: Peter Wardle <Peter.Wardle@acma.gov.au>

Subject: Re: Reserved list for amateur call signs

Dear Mr Wardle

I note that I have failed to yet receive an acknowledgement or reply to my email of the 5th November.

I am sure that I do not need to remind you that under the ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW) ACT 1977, you are required to provide me with both the current regulations and the reasons for your decision to retain the lapsed 2 letter suffix call sign on the reserved list.

Yours faithfully

[REDACTED]

On 5 Nov 2020, at 1:51 pm, [REDACTED] > wrote:

Dear Mr Wardle

I understand that you have decided to retain a 2-letter suffix call sign on the reserved list at the wishes of the family seven years after the death of the call sign holder.

I append the last available regulations regarding call signs of deceased amateurs. Can you provide me with the current regulations, please?

It is well known that this call sign in question was maintained on the reserve list by the WIA in deliberate disregard of the

regulations because it was the call sign of a [REDACTED]
[REDACTED] They have had seven years to decide how to protect this call sign in a compliant manner but have failed to do so.

With respect, unless you have altered the rules then this sets a precedent for others to demand the same.

Furthermore, the whole system needs to be tightened up, for example earlier this year a Queensland licence for five years was paid for by a deceased amateur after his funeral! The fact that this information is in the public domain should be a warning to the ACMA that it needs to regain its role as a proper regulator.

Kind regards

"10. Callsigns of Deceased Amateurs

Where an Amateur licensee dies while holding an Amateur licence, the WIA will not place the applicable callsign on the Public List or issue a Callsign Recommendation in respect of the applicable callsign, for a period of two years following the expiry or cancellation of the licence.

The callsign of the deceased Amateur is reserved for two years after the date of the expiry of the licence period upon ACMA or WIA being made aware of the death of the Amateur licensee. It is important that the WIA or ACMA are advised of the death of any amateur holding a current

amateur licence. The WIA can be advised of the death of an amateur by mail to WIA Callsigns, P.O. Box 2042, Bayswater, Victoria 3153 or by telephone to the WIA office at (03) 9729 0400 on a Working Day between 9 am and 3 p.m., or by email to the WIA at nationaloffice@wia.org.au.

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

If a partner, next of kin, personal representative or executor or administrator of a deceased Amateur's estate writes to the WIA requesting that the callsign be released after the expiry of the

*Amateur licence and prior to the end of the reservation period, the WIA will make the callsign available on the Public List.
The WIA will not charge any fee for providing this service."*