

22 March 2022

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 an agreement between the parties 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 a central role in governing how the ACMA and AMC manage call sign allocation. While there is no scope for the Deed to be registered on the Federal Register of Legislation, I do think there is merit in making it more widely available.

To that end, I have asked my staff to consider making a version 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.

Request for reasons for continuing to reserve call sign

The relevant parts of the Deed, and the rules appended to your email to me, both appear to 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 relevant to the amateur community.

The allocation of a particular call sign to an individual licensee is immaterial to the ACMA from a regulatory perspective, and so it is appropriate in my view that the Deed provide for outcomes valued by the amateur community, rather than required the regulator.

In forming a view on this matter, I acknowledged that the WIA had reserved the relevant call sign for a period longer than provided for under the Deed. I also took into account 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, and in the circumstance before me, allocating the call sign to an individual would likely involve countermanding assurances made to individuals for compassionate reasons, and going against the wishes of those individuals.

I took the view that it was appropriate for me to honour the wishes of the persons related to the deceased, especially when 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, I will once again take into consideration the relevant facts and circumstances and make the best decision available to me.

Commented [NB1]: I would prefer this to be drafted as being from Pete, but he has asked his staff about the decision to honour the wishes of the persons related to the deceased, and agrees with it. If an FOI does come, it's the accurate approach.

Peter Wardle
Executive Manager, Spectrum Allocations

Phone Sender's phone number
Email Sender's email

ATTACHMENT

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.