

The Manager  
Spectrum Licensing Policy Section  
Australian Communications and Media Authority  
PO Box 13112 Law Courts  
Melbourne VIC 8010  
SLPSConsultations@acma.gov.au

Thank you for the opportunity to respond to the ACMA's Public Consultation re: Proposed new amateur radio assessor accreditation and qualification framework. I have read all the documents provided and noted a number of inconsistencies between them. As such, I will address each document in order for consistency and clarity. I also note that the Consultation paper, references are made to Attachments however no such labelled attachments were included in the paper. In addition, the consultation paper (in Marking a submission) states that the closing date for submission is COB, 25 September 2023 however the public consultation website stated that submissions were required by 5pm (AEST) on 26 September 2023.

I begin my response with a short background. I am (and continue to be) an accredited assessor for the AMC-Amateur Radio office and was an assessor when the Wireless Institute of Australia (WIA) held the deed with the ACMA. I was also one of the WIA recommended members to the ACMA's Amateur Radio Syllabus Review Panel. I am an Australian Advanced Licence holder (AOCP(Advanced) qualified), United States of America FCC Amateur Extra Licenced and have also previously held (after sitting the relevant examinations) an A65 (UAE) amateur radio licence.

With regard to the Consultation paper, I provide the following comments, observations and questions:

1. The document makes extensive reference to 'hobby'. This is an ACMA construct. Amateur Radio is a 'service' by definition. Nowhere in the ITU definitions is there reference made to 'hobby'. It would be advantageous if the ACMA could and did align its publications to the accepted definitions without diminishing the service to that of a 'hobby'. We note that aviation (aeronautical) radio licencing isn't referenced to 'hobby communications' (despite the fact that it supports 'recreational flying', nor is marine (maritime) radio licencing referenced to 'hobby communications' despite being utilised by 'recreational boat/marine' users (both of which, in terms of 'operation' operate under class licencing regimes)). For reference and clarity, the ITU-RR(2020) Item 1.56 defines the amateur service (and therefore amateur radio) as follows:

**1.56** *amateur service: A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.*

Furthermore, if the ACMA wishes to continue to consider the amateur service as being for 'hobby radiocommunications' then it is only reasonable that the ACMA (and the ITU) no longer licence (or provide approvals and qualifications to) any satellites or other entities (e.g. universities) access to the amateur radio service as their use can not be considered a 'hobby' when it relates to their research activities (as an example) and other academic endeavours.

2. In Introduction – Background to the amateur radio service – included within the list of responsibilities of the ACMA 'managing... congestion within bands authorised for amateur use.' however there is no evidence of this being the case. The bands are defined within the legislative instruments (arguably without any consideration to congestion) and any 'congestion' management is undertaken by the amateur community/cohort by means of the recommendations contained within the amateur radio band plans (based on those prepared by the IARU and Australia's national representative organisation, the WIA).
3. In 'New Qualification Framework' – there is a statement re: Certificate of Proficiencies and their linkage to transmitter licences. It is implied that this relates only to 'apparatus licenced transmitter licences' however there are existing examples where class licenced operation of radiocommunications devices requires Certificate of Proficiency-based 'qualified operators'

(e.g. as per the 27MHz and/or VHF Marine equipment via the maritime ship station class licence and the associated operator qualification requirements) and it would appear, in particular given the history of the Amateur Operators Certificate of Proficiency(AOCP), dating back to July 1924, that this title and system is maintained. There is an opportunity in maintaining the AOCP to simplify many of the administrative changes being proposed.

4. In 'New Qualifications Framework' – it is stated that the ACMA's intention is 'proposing minor alterations to the syllabi at this time.' When it is likely that these changes will be communicated given that the change to a class licence will require substantial alternation of existing 'education' material (specifically Sections 1, 2 & 8 of the Foundation Syllabus, Section 1, 2 & 9 of the Standard syllabus and Section 10 of the Advanced Syllabus) and the associated question pools and that these changes need to be somehow communicated correctly to potential licence candidates being assessed in February once activation of the class licence occurs? It appears as if this issue has not been adequately considered by the ACMA.
5. In 'New Accreditation Procedures' – there is mention made re: 'Assess a person's prior experience in operating an amateur radio station and/or the equivalency of domestic qualifications (i.e. recognised domestic qualifications).' I would suggest that this should not be included in the role of the accredited assessors. Equivalency of domestic qualifications should remain with the ACMA and implemented via the likes of the reciprocity tables. There is and will be concern expressed by parts of the Australian amateur radio community/cohort regarding overseas parallel arrangements that may circumvent the Australian system. This could simply and reasonably be addressed by means of these tables by implementing the following key considerations:
  - a. Any overseas qualification being presented for 'credit' that is CEPT TR61/01 or CEPT TR61/02 endorsed provides **theory only credit** for an Australian qualification at any and all levels up to and including Australian Amateur Advanced,
  - b. Any overseas qualification being presented for 'credit' that is CEPT Novice Licence ECC Recommendation (05)06 endorsed provides **theory only credit** for an Australian qualification at any and all levels up to and including Australian Amateur Standard. In addition, the ACMA should seek to and ultimately endorse all Australian Standard qualifications (including those predating these changes) as being CEPT Novice Licence ECC Recommendation (05)06 compliant,
  - c. Any overseas qualification being presented for 'credit' that is CEPT Entry Level Licence ECC Report 089 endorsed provides **theory only credit** for an Australian qualification at Australian Amateur Foundation level only,
  - d. For non-HAREC/ECC licences and qualifications, a similar approach to that in a-c should be used based on the ACMA's published Tables A, B and C(i) to C(v) (similar to Tables 4 and 5 proposed in the draft Amateur Radio Qualification Framework document) expanded in a similar manner to that of Table 1 proposed in the draft Amateur Radio Qualification Framework document.
  - e. Any overseas qualification being converted to an Australian qualification should require the operator to undertake both an Australian Amateur Regulations paper and a Practical assessment,
  - f. Any currently grandfathered Australian Amateur qualification holder seeking to upgrade their licence shall be required to undertake Practical assessment.

The above avoids any need for an assessor to have to attempt to assess a candidate's operating experience and goes a long way to ensuring integrity of the assessment system and an equitable and level playing field for all candidates.

6. In 'New Accreditation Procedures' – under the benefits it is stated that 'Amateur radio examination candidates are able to gain feedback on their assessed examination from accredited assessor(s)' however this does not appear to be well defined within the other documents whereby assessors have a significant number of working days in which to undertake the 'assessing' and then arguably are only required to indicate to the candidate their result. A process where the 'marking' occurs on the day and the candidate is 'counselled' (as was done under the WIA administered scheme), perhaps optionally at the candidate's request, was and is seen to be highly beneficial to candidates.
7. In 'New Accreditation Procedures' – under the benefits it is stated that 'costs for amateur radio examination candidates are minimised'. While this is welcomed, it would appear that

much of the examination expense costs are being transferred directly onto the Accredited Assessors how appear to be unable to recover these costs. Based on historic cost information, to provide assessments to 6 foundation candidates it would cost me in excess of \$260 with an indicative cost breakdown as follows:

- a. \$250 hall hire for 10 hours @ \$25/hr,
- b. \$9.60 printing of 6 qty 8 page A4 B&W Foundation assessment papers
- c. \$1.20 printing of 6 qty 1 page A4 B&W Instructions to Candidates
- d. \$1.20 printing of 6 qty 1 page callsign recommendation/application forms

Any assumption that these costs can be picked up by amateur radio clubs/societies is inappropriate and fails to recognise that amateur radio clubs/societies have no relationship with the ACMA with regard to the assessment process and, in fact, their insurances may not cover such activities as the activity is being provided by individuals (independent of their club/society membership) as volunteers to the ACMA and not to their clubs/societies. Given I would likely conduct 4 such events a year, this amounts to over \$1000 per annum, and likely to be subject to significant escalation in the current climate with hall hire costs currently skyrocketing for many amateur radio clubs/societies (and other similar small groups) across Australia (600% increases are not unheard of).

8. In Proposed New Amateur Radio qualification framework – I note that introduction of three new certificates. I believe that there is a better manner in which the same outcome can be achieved as outlined in my comment 3 above.
9. In Proposed New Amateur Radio qualification framework – Examinations - it is stated that 'Under the new arrangements, accredited assessors will be responsible for arranging a time and location for the examination to take place.' In many amateur radio clubs/societies, this function is undertaken by an 'Education/Training Officer' who may not be an accredited assessor.
10. In Proposed New Amateur Radio qualification framework – Examinations, and throughout the documents, there is many references to accredited assessors provided correspondence with (prospective) candidates to the ACMA. This appears excessive and may not be practically achievable (I am aware of candidates who will 'flood email' assessors seeking an assessment or otherwise making enquiries). I see little to no value in providing such communications to the ACMA (it was never a requirement under the deeds with the WIA or AMC) and I suggest that this requirement be removed. I have assessed candidates where the communications with that candidate may have spanned a number of years.
11. In Proposed New Amateur Radio qualification framework – Examinations – there appears to be some ambiguity regarding when a remote assessment can be conducted and which type of accredited assessor can conduct these assessments. In this regard, I would recommend that any accredited assessor may conduct a remote assessment however only a Specialist Assessor may conduct an assessment, to be deemed a 'Special examination' 'when the candidate has an impairment that prevents them from attending the assessment in person'.
12. In Proposed New Amateur Radio qualification framework – Examinations – it is stated 'A practical component may also be required for the standard or advanced examination if an accredited assessors deems it necessary – for example, if the candidate has not previously undertaken a practical assessment.' Please refer to my comment 5 above regarding this item.
13. In Proposed New Amateur Radio qualification framework – Issuing ACMA recognition certificates, given the intent of the ACMA to create and utilise an online assessment management system, it would appear that there is a significant opportunity for the ACMA to further reduce the administrative burden (and associated costs) by automating most of the processes described and substantially reducing the 'time to issue' both ACMA recognition certificates and callsigns to the mutual benefit of both the candidate and the ACMA (this would not be too dissimilar to the USA(FCC) process where qualifications and licences can be issued in days instead of weeks).
14. In Proposed accreditation rules – Types of accreditation – there is an inconsistency within the document with regards to remote assessments. Please refer to my comment 11 above regarding this issue.
15. In Proposed accreditation rules – Qualification and requirements for applicants seeking accreditation – the qualifications identified do not align with the proposed legislative

instruments. This is a significant issue and speak directly to the integrity of the assessment system and the ACMA's ability to manage and maintain oversight. It should be noted that under the current deed arrangements with the UTAS-AMC that it would appear that no less than 69 of the 157 accredited assessors (being >43% as at 07 March 2023) supervising assessments do not meet the specified qualification requirements and that this continues to occur under the watch of the ACMA. This assessment is based on information in the public domain with 93 of the 157 assessors being categorised (unfortunately time and limited access to the necessary information means that 63 assessors were not able to be categorised and therefore it is likely that the total number of assessors not meeting the specified criteria is likely to be significantly higher. In fact, if the rest of the uncategorised assessors (63) were distributed in the same manner as the already categorised (93), the outcome would be that in excess of 73% of the current assessor base do not meet the specified qualification requirements to be assessors.

16. In Conditions of accreditation – the requirement to keep and provide to the ACMA ‘any written communication between the accredited assessor and the candidate’ is raised again. Please refer to my comment 10 above regarding this issue.
17. In Conditions of accreditation – the requirement to keep a copy of each examination (not the original) appears to be contradictory to other requirements regarding replication of examination materials. I would recommend that the majority of these requirements should be deleted and, in fact, assessors should be keeping an absolute minimal amount of information post-examination.
18. In Withdrawal of accreditation – I note that ‘incorrectly awarded a person a result of at least 70% or above.’ is identified. I struggle to see how this could occur if the computer-generated papers (and associated answer key) are provided to accredited assessors and these are followed (including in the case where a ‘technical’ dispute is raised by an accredited assessor due to the nature of a question and/or answer key provided in determining an examination outcome).
19. In Accredited Assessor Guidelines – General guidelines item 2 makes reference to ‘theoretical examination’. There is nothing theoretical about the examination – I recommend the term ‘theory’ examination is used. It should be noted that there are 3 components (not 2) under the syllabus – the 3<sup>rd</sup> (missing from this list) is the Australian Amateur Radio Regulations component – also provided in a multiple choice format (in the case of current Foundation licences, these questions are combined with the ‘theory’ examination although I would suggest that future syllabus reviews consider separating this element and creating a single, standardised ‘Regulations’ paper across all three licence classes).
20. In General Guidelines – it states “Examination would not be conducted in a private residence’ and the same is mentioned throughout the documents provided. Under previous examination regimes it was permissible to conduct examinations within a private residence. It should be noted that this occurred with no less than two assessors present (as was the requirement at the time for ALL assessments which I believe increases the transparency, integrity and probity of the examination system). In many cases, this was provided for the candidate’s convenience, typically for upgrade assessments including occasions where this was provided for other logistical reasons (I won’t provide details of these assessments where they are going to be publicly accessible/viewable). If the assessor was required to hire a hall (for example) for this single candidate, this becomes a very costly exercise and reduces the opportunities and service provided by the examination service to prospective candidates. I understand that there may be concerns regarding protection of vulnerable persons (and other reasons) however I believe that there may be opportunities to relax this absolute prohibition, subject to putting in place appropriate protections. I would be more than happy to provide confidentially a number of examples where there such assessments have occurred and the benefit of providing flexibility regarding this issue.
21. In General Guidelines – I note that there is an expectation that local council meeting rooms, radio club/association or a local community hall will provide suitable public liability insurance however this may not be the case, in particular where the activity being undertaken is not associated with that entity providing the space. Please refer to my comment 7 above regarding the assumption that amateur radio clubs should financially support ACMA’s examination service.

22. In Practical assessment – refer to my previous comments regarding the ability for an accredited assessor to waive the need for a qualified person to have to undertake a Practical Assessment.
23. In Re-sitting assessment – it states that “The assessor would need to ensure that the questions provided to the candidate during the re-sit examination are different to those previously attempted by the candidate”. The statement is vague – is the intent that no previously attempted question shall be in the re-sit paper or that an identical paper is not provided to a re-sit candidate. Furthermore, it may be the case that the re-sit candidate undertook their first assessment with a different assessor and therefore the assessor is not aware that this will be a re-sit (and yet the assessor would technically be in breach of the requirement to ‘ensure that the questions...’). Furthermore, the candidate may not even inform the assessor that they are attempting a re-sit. Given the ACMA appears to intend to automate the generation of examination paper, I believe that there are means by which this can be better managed without placing an unreasonable onus or obligation on the accredited assessor which they may inadvertently (and without prior knowledge) breach the accreditation rules and potentially then be subjected to sanctions as outlined under Withdrawal of accreditation. I provide further comment regarding this item further in this response below.
24. In Preparation before, during and after the examination – it states that ‘Assessors would also be required to print examination papers and ensure that the examination’s date, time and location are displayed on the paper.’ I would suggest (and I elaborate on this issue further below in this response) that the printed papers need not have the time, date and location printed on them but that space should be provided for the candidate to fill in details for date (not time) and location. This would be consistent with the examination processes established by both the UTAS-AMC and the WIA.
25. In Service level – reference again is made to ‘all correspondence with the candidate’. Please refer to my previous comments above regarding this issue.
26. In Operational processes to support proposed arrangements – reference is made to the online accredited assessor portal. I have touched on the opportunity that such a portal may provide including extending its capabilities to issuing the certificate of proficiency and possibly even callsign management/issuance. In addition, such a portal could provide tracking of examinations and minimise the extent of (offline) record keeping required by the accredited assessors. Something similar to that which was provided by the WIA’s assessment system (in the form of the assessor online log) would be very helpful.
27. In Operational processes to support proposed arrangements – it is stated that ‘we will not reimburse accredited assessors for any costs associated with undertaking an amateur radio examination’. Please refer to my comment 7 above regarding this issue.
28. In Recognition of Prior Learning (RPL) – I believe there is a significant opportunity to streamline this process as outlined in my comment 5 above. This process could be further extended by the ACMA (including using historic data from both the WIA and UTAS-AMC) by upgrading the referenced tables (accessible to accredited assessors). As such, where the ACMA has already established an ‘equivalency table’ then it should be possible for an accredited assessor to provide the necessary details online (e.g. overseas qualification/licence (perhaps a certified copy scanned in PDF format by the accredited assessor)) when lodging the additional examination results. Where the ACMA has not yet established/assessed equivalency, then this should be provided to the ACMA for determination (so that it can be added to the equivalency tables to expediate future assessments of the same qualification/licence).
29. In Recognition of Prior Learning (RPL) – regarding HAREC, please refer to my comment 5 above. With regard to overseas HAREC licensees operating in Australia, I do not consider the proposal to include the HAREC licences as ‘a recognised qualification’ however I would recommend (in line with my comment 5 above) that all three levels of CEPT/HAREC/ECC be enacted in a similar manner.
30. In ‘Fees’ – I note that the ACMA are seeking to charge \$45.20 for ‘ACMA recognition certificate application’ and between \$30.15 to \$52.75 for ‘Call sign application’. Given the intent to create and utilise an ‘online’ assessment management system there would appear to be an opportunity to further extend that system to minimise ACMA staff involvement to drive greater cost reductions (potentially including automated issuance of the Certificate of Proficiency and callsign). It would also appear in Proposed New Amateur Radio qualification

framework – Issuing ACMA recognition certificates, that a candidate upgrading an existing qualification would not be required to submit a call sign application to reflect this change. Is this the intention of the ACMA and that in processing the ACMA recognition certificate application that the administrative costs for updating the callsign registry are included?

31. In Changes to the proposed amateur class licence and non-renewal instrument – reference is made to the next certificated. Please refer to my comment 3 above regarding this issue.
32. In Changes to the proposed amateur class licence and non-renewal instrument – reference is made to 'removing all references to 'Call Sign Entity'. I would suggest that this is unnecessary in that there is nothing preventing the ACMA from assigning itself as the 'Call Sign Entity' and by leaving these references it enables the ACMA to continue to pursue opportunities to outsource this function, perhaps under a co-regulation model in the future.
33. In Changes to other legislative instruments – Amateur LCD – it is stated that 'We propose to include in the Amateur LCD a condition requiring that a person operating an amateur beacon station, or an amateur repeater station must be a qualified person'. While I generally agree with the intent of the proposal, I suggest that the specific wording will require careful consideration given that many amateur repeaters and beacons are operated and licenced by amateur radio clubs/societies and therefore may not meet the specified requirements, once enacted.
34. In Changes to other legislative instruments – Amateur LCD – It is stated that "we propose to retain reference to all amateur station in the Amateur LCD. This is because there would be apparatus licences that authorise the operation of non-assigned amateur stations still in force. The Amateur LCD is due to 'sunset' in 2025. As part of the sunseting process, we will sunset those provisions in the Amateur LCD that apply to non-assigned amateur stations.' I suggest that sunseting those clauses in 2025 may not be possible as there will still be active apparatus licences at that time (I am currently licenced to 2027 under one of my apparatus licences).

In response to the specific questions raised by the ACMA in the consultation paper, I provide comment as follows:

Question 1 – Please refer to comment above.

Question 2 – Please refer to comments above, in particular regarding the potential of the online accredited assessor portal. I generally support the development and implementation of a wholly online system for the generation of examination materials, submission of results, lodging formal disputes, issuance of certificates of proficiency and the issuance of callsigns. I do not fully support a system whereby candidates will be able to undertake their assessments 'wholly online' in particular where this may not provide suitable oversight in terms of cheating activities etc. as well as the need to undertake a practical assessment.

Question 3 – Please refer to the above comments.

Question 4 – Please refer to the above comments.

Question 5 – Please refer to the above comments.

Question 6 – Please refer to the above comments.

Question 7 – Please refer to the above comments regarding the syllabus changes required and the need to update the question pools and make this information available some (significant) time prior to enable suitable education/training material to be developed. I suspect the extent of change required has been underestimated including the amount of external effort that will be required prior to the February transition.

Question 8 – Please refer to the above comments.

Question 9 – Please refer to the above comments. It may be necessary to amend the proposed Class Licence instrument Clause 8 Qualified persons to address proposed changes including

potentially the inclusion of '(ii) is not an Australian resident' (nothing that this term is potentially undefined or otherwise ambiguous – a person may be considered to be a resident in less than 12 months from arrival for taxation purposes for example). This would also potentially prevent an Australian citizen returning to Australia who became licenced overseas from operating at all under the Class licence until they were able to obtain an Australian qualification to satisfy the condition in Clause 8(a).

Question 10 – I generally do not have any comments however I suggest caution be exercised as I am not convinced that the proposed Class licence document adequately addresses existing 'club licences'.

Question 11 – Please refer to the above comments.

With regard to the draft Accredited Assessor Guidelines, I provide the following comments, observations and questions:

35. In Executive summary it states "In summary, an accredited assessor must:". Given that this document is stated to be a 'guideline' then it is questionable as to whether the use of the mandatory 'must' criteria is appropriate. This 'must' condition exists throughout the document and my comment applies to each instance.
36. In Qualifications and requirements for accreditation - I note the inclusion of '> an advanced qualification that the ACMA is satisfied is equivalent to one of the above qualifications.' The inclusion of this line item is contradictory to the advice provided in the Consultation Paper and discussed in my comment 15 above. It is also specifically contradictory to the position the ACMA has presented in the Consultation Paper (page 21) which states "...should a HAREC licenced operator wish to become an accredited assessor, they would need to meet the requirements for accreditation, which includes holding an ACMA recognition certificate (Advanced)."
37. In Qualifications and requirements for accreditation – it states "To apply for a Specialist Assessor accreditation, you must both:" and then proceeds to list three (3) items. As such, the use of the term 'both' is incorrect and these three items should be stated as all being required by the use of sequential AND statements.
38. In Qualifications and requirements for accreditation – It states that 'The ACMA recommends that accredited assessors be at least 18 years of age at the time of their application.' however nowhere in the Consultation Paper or other documents provided is this age limitation (recommendation) stated. The ACMA should clarify their position with regard to this matter. It should be known that the ACMA's current provider originally did not have such a requirement and proceeded to discriminate against an individual on the basis of their age (rejecting the individual's application without further consideration solely based on their age in contravention of legislated discrimination protections) and only introduced such a requirement (enforcing a minimum age requirement) only after they had already undertaken their discriminatory actions. It is noted that at this point in time, there is no minimum age requirement for any candidate to obtain their Amateur Advanced licence (and I do not support introducing one) however if the ACMA is pursuing this age restriction (solely on the basis of 'age') presented under the guise of 'protection of vulnerable persons' then the ACMA should equally place into the guidelines checks and balances (requirements) regarding any assessor and the potential that they are considered a 'vulnerable person' in accordance with legislative requirements and definition. For reference, <https://www.acnc.gov.au/tools/topic-guides/vulnerable-people> provides the following advice regarding the definition of vulnerable people, many of which could possibly cover members of the current and the ACMA's assessor pool.:

Vulnerable people are defined as a people aged under 18 or other individuals who may be unable to take care of themselves or are unable to protect themselves against harm or exploitation.

While all people must be protected from harm, there are additional legislative and ethical considerations for protecting vulnerable people. Vulnerable people can include:

- children and seniors
- people with impaired intellectual or physical functioning
- people from a low socio-economic background
- people who are Aboriginal or Torres Strait Islanders
- people who are not native speakers of the local language
- people with low levels of literacy or education
- people subject to modern slavery, which involves human exploitation and control, such as forced labour, debt bondage, human trafficking, and child labour.

39. In decisions on accreditation – it states ‘>any other matter the ACMA considers relevant’. This appears (for good reason) to be open-ended and non-restrictive however does not appear to specifically address the issues raised in my comment 38 above.
40. In 1. General guidelines – items 1.4 and 1.5 relate to accredited assessors not being able to receive fees or other compensation however my comment 7 above highlights a hidden cost that the ACMA proposed system imposes on accredited assessors. To quantify the magnitude of this ‘hidden cost’ I have used data recently published by the WIA in their Amateur Radio journal (Vol. 91 No.4 2023 pages 44 and 45). Taking the annual average over the 17 years of data we have 987 assessments (candidate). Assuming 6 candidates per assessment session (as per comment 7) this comes to a total number of assessment sessions being (I would suggest the actual number is greater and therefore the incurred cost is greater) 164 sessions at a cost of \$260 per session resulting in a total hidden cost of \$42,640/annum burdened onto the existing amateur radio community who are volunteering to conduct these assessments for the ACMA. I am sure that no assessor is looking to profit from volunteering to conduct these assessments but equally I don’t not consider that it is equitable that assessors are unable to recover their reasonable costs incurred in providing these services on behalf of the ACMA. I suggest that the ACMA include a statement to the effect that accredited assessors may recover these costs from examination candidates and that this cost-recover mechanism is not considered ‘a fee, other compensation or charge’ under these guidelines.
41. In 1. General guidelines –Item 1.7.1 regarding the need to undertake a practical examination. Please refer to my comment 5 above regarding this issue.
42. In 1. General guidelines –Item 1.7 it states “An examination can consist of 3 components. I’d suggest that this be reworded to ‘An examination may consist of up to 3 components.’ For consistency in terminology.
43. In 1. General guidelines –Item 1.8 states “Accredited assessor should mark all relevant parts of the candidate’s examination.’ This is not a ‘should’ condition. This is a ‘must’ if the ACMA is intending to use ‘must’ conditions within the guideline (refer my comment 35 above), otherwise I’d recommend that the ACMA reword as an expectation either “Accredited assessors will mark all relevant parts...” or ‘Accredited assessors are expected to mark all relevant parts....’. These statements need to be read in the context of the imposed condition by the ACMA ‘...that all accredited assessors comply with these Guidelines.’
44. In 1. General guidelines –Item 1.9 regarding ‘copies of all communications with the candidate.’ please refer to my comment 10 above.
45. In 2. Conduct guidelines – 2.1 states “Accredited assessors must be mindful of whether their actions would subject other licensed radio spectrum users to interference during the examination process.’ I consider this a peculiar inclusion in these guidelines and does not appear to have come from the current UTAS-AMC guidelines. I would have thought this statement is not required at an accredited assessors (operating in accordance with the licence conditions (as stated in the Class Licence) is already subject to interference restrictions. The issue with the statement, as written, is that any action which happened to cause interference (not necessarily ‘harmful interference’) to any other amateur could be considered a breach of this clause and result in the suspension of the assessor’s accreditation. It also does not appear to recognise the fact that there may be cases where a transmission may not be detectable (for many technical reasons including emission characteristic, propagation etc) and as such non-intentional interference may occur unknowingly. I recommend this requirement be removed from the Guidelines.
46. In 3. Examination papers – item 3.3 please refer to my comments 7 and 40 above.
47. In 3. Examination papers – item 3.4 – This requirement appears to be contradictory to requirements specified elsewhere which prevent accredited assessors from making copies of examination papers including item 3.8.
48. In 3. Examination papers – item 3.5 – states :Accredited assessors are permitted to review the pool of questions and notify the ACMA of any issues by email...’ I recommend that this item should be extended to include ‘ and other ACMA provided materials ‘ as the existing materials provided by the ACMA and UTAS-AMC continue to have errors which were raised with the ACMA as far back as 2020 and most recently with UTAS-AMC in February 2023 (to which a formal response has never been received). I welcome the opportunity to resolve these unnecessary and ongoing issues in consultation with the ACMA.

49. In 3. Examination papers – item 3.7 – please refer to my previous comments 10 and 44 above.
50. In 4. Practical component – item 4.1 – please refer to my previous comments 5, 12 and 41 above.
51. In 4. Practical component – item 4.6.1 – please refer to my previous comments 5, 12, 41 and 50 above.
52. In 4. Practical component – item 4.6.3 – please refer to my previous comments 5, 12, 41, 50 and 51 above.
53. In 5. Resit examination – items 5.2 – 5.4 there is a requirement for the accredited assessor to advise whether this is a resit examination, provide the candidate's name and 'ensure that the candidate is provided with a different examination paper from their previous attempt'. Please refer to my comment 23 above. Given the ACMA has indicated that they intend to automate the generation of examinations from the question pools, I would suggest the following for consideration:
  - a. That for each of the four examination paper types that each is provided a serial number printed onto the paper itself, similar to the manner in which the WIA produced its examination papers. The ACMA's management system should keep a record of which specific questions from the pool were used to generate that specific examination paper. These serial numbers could be F# for Foundation Theory & Regulations(combined), S# for Standard Theory, A# for Advanced Theory and R# for Regulations.
  - b. That when returning examination results – the paper number used by the candidate is recorded in the ACMA's management system.
  - c. That when ordering a re-sit paper, a check box is available for each of the four examination paper types. If a re-sit paper is ordered, the serial number of the candidate's previous paper(s) (where known) is able to be entered so that the generation system is able to 'ensure' that the questions are different. These papers should be provided a serial number which distinguish them as re-sit papers. These serials could be FR# for Foundation Theory & Regulations(combined) Resit, SR# for Standard Theory Resit, AR# for Advanced Theory Resit and RR# for Regulations Resit. The paper should also include the candidate's surname (in the case that there are multiple resit candidates in a given examination session). To assist the ACMA administratively, it should be possible that the # of the papers remains sequential with those for the same class (non re-sit) e.g. the system would generate F12345, F12346, FR12347, F12348.

If the above appears too complicated, then it could be considered that the risk of a candidate getting the same questions is sufficiently mitigated by means of the extent of the question pool and the random paper generation engine itself.

54. In 6. Special assessments – items 6.5, 6.7 and 6.8 appear to be in conflict. If the candidate is required to 'meet the same competency requirements' and the process 'must not diminish the integrity of the examination' then it would appear inappropriate that 'the normal time of the assessment can be extended.' If the ACMA wish to be seen to maintain the integrity of the 'competency based system of assessment' then the decision needs to be made as to whether a time limit is to be imposed on any examination and if so, then this time limit should be imposed consistently across all examination candidates. If 'time' is an issue, then this may be better addressed by incorporation into the 'assessment methodology' in item 6.4 by incorporating a means of a 'clock stop' regime whereby specific activities undertaken by the assessor (or in some cases another person assisting) are not included in the 'examination time' provided to the candidate.
55. In 7. Remote assessments – item 7.1 – please refer to comments 11 above. Furthermore, it would appear that there is an obligation on any and all assessors to undertake remote assessments on assignment by the ACMA. Many assessors may not be in a position or otherwise feel comfortable about undertaking remote assessments (I personally continue to question whether they truly meet the requirements and obligations under the syllabus) and I suggest that there should be no onus on any assessor to undertake a remote assessment and perhaps there should be a means by which an assessor can indicate whether or not they

'offer' to undertake remote assessments. I would also like to see an increased opportunity is providing flexibility to assessors to assist those remote persons the opportunity to undertake an 'normal' examination (i.e. if the restriction was lifted regarding the use of private residences for example then an assessor would be able to (at their discretion) travel to a remote candidate to undertake an examination or multiple examinations).

56. In 7. Remote assessments – item 7.7 states 'Assessors should obtain approval from the ACMA to conduct a remote assessment'. As written, this requirement could be interpreted that such approval is only required in the case that video conferencing is not available however it is not clear as to whether this is the intent of the ACMA or whether ANY remote assessment required prior approval. The intent of this requirements needs to be clear as a breach (i.e. failure to obtain approval) could result in an assessor losing their accreditation.
57. In 8. Examination preparation – item 8.1. states "When the examination papers are printed, they should include the date, time and location of where the examination is occurring." Refer to my comment 24 above. This item also appears to discourage the 'stockpiling' of examination papers by assessors. While significant stockpiling should not be necessary if examination papers can be ordered, generated and provided electronically in near real time, there may be cases where assessors could benefit from have a small stockpile of examination papers of various types. Under the WIA administered scheme this stockpiling was not uncommon as it allowed assessors the opportunity to offer further upgrade assessments on the same day should a candidate be successful in their examination as a lower licence class level (typically upgrade candidates who attempted Standard Theory assessments and who achieved a very high (>90%) mark would be capable of sitting the Advanced Theory examination and meeting the 70% pass mark threshold). In addition, it is not uncommon for a Foundation assessment session (with multiple registered candidates) to have a last minute non-attendance (resulting in a now wasted examination paper and the associated costs under this proposed system) or a last minute additional attendee request. I'd suggest that not having a prepared examination paper linked to a prospective candidate (noting the potential exception for re-sit papers as discussed in my comment 53 above) would prove advantageous and provides a better overall service to prospective candidates (I have personally had situations (2 qty) where one candidate sat all examinations in a single day to walk away with their Advanced licence – this involved a Foundation Theory & Regulations paper, the Practical assessment, a Standard Theory paper, a Standard/Advanced Regulations paper and an Advanced Theory paper – a total examination time close to 4 ½ hours. In addition, I've had 10 additional candidates that have done multiple upgrade assessments on the same day when the system allowed us, as assessors, to enable such opportunities to candidates.)
58. In 9. Immediately prior to the start of the examination – item 9.4 states "Notes and book are not required." I'd suggest this should be changed to 'Notes and books are not permitted.'
59. In 9. Immediately prior to the start of the examination – item 9.5 states "Mobile phones must be switched off and, for face-to-face examination, held for safe keeping by the accredited assessor.' This clause appears to fail to recognise the extent of cellular/mobile and internet connected communications devices which are likely to be an issue. I'd suggest that this clause be amended to "Any telecommunications and/or internet connected devices must be switched off and remain so and out of reach of the examination candidate for the duration of an examination.' This would then include tablets, smart watches and the like. I do not believe that accredited assessors should be made responsible for the 'safe keeping' of candidate personal belonging (noting that a failure to comply with 'safe keeping' could lead to an assessor having their accreditation revoked).
60. In 9. Immediately prior to the start of the examination – item 9.6 states 'Accredited assessors must ensure that examinations commence at the scheduled time.' I suggest that the ACMA needs to exercise caution with regard to the wording of this clause as there may be circumstances beyond the control of the accredited assessor that results in a delay to the scheduled time. Furthermore, it is not atypical for group examination events that some flexibility is afforded in the actual time of the commencement of an examination and for a Foundation assessment event it would be highly unlikely that the Practical examination is formally 'scheduled' as these examinations occur one-on-one with the candidate that therefore are subject to 'ebb-and-flow' in terms of timing due to the varying ability/confidence of the candidates being examined.

61. In 9. Immediately prior to the start of the examination – item 9.7 states ‘that: 9.7.1 the examination is a multiple-choice examination; and 9.7.2 the pass mark is 70%’. Both these statements are incorrect for the Practical examination. This clause requires amendment.
62. In 9. Immediately prior to the start of the examination – item 9.8 states “A copy of the ‘Instructions to candidates’ should be provided to each candidate along with the examination paper.’ There are multiple issues with this statement. The first is the use of the word ‘should’ which implies that this is discretionary – which I do not believe is the intent. If the ACMA is looking to mandate a requirement, then ‘must’ is to be used (although I also refer to my previous comments regarding the use of ‘must’ in what is stated to be a ‘Guideline’ in my comment 35 above. Furthermore, the need to provide a copy of the instructions is an added and unnecessary cost to assessors. If the ACMA really want such instructions provided to each and every candidate at each and every examination, then they should be incorporated into the examination paper itself at the time of generation. I also note that this item is likely to be collapsing two separate ‘Instruction to candidates’. Under the existing system (and similarly when the WIA was administering the examination service) there were and currently is two sets of ‘Instructions to Candidates’ as follows:
- a) The first is an entire A4 page read aloud to the candidates prior to the commencement of the examination.
  - b) The second is ½ A4 page on the front of each examination paper plus an additional small section at the top of the answer page showing how to indicate the candidate’s response appropriately. (the WIA version was approximately ½ A4 on the front page of the examination paper which also included a space for the candidate’s identification information to be recorded).

I’d suggest the Guidelines require amendment to separately identify these two distinct ‘Instructions to Candidates’.

63. In 9. Immediately prior to the start of the examination – item 9.11 states “The accredited assessor must advise all candidates that they will assess each answer sheet after the completion of the examination.’ This statement is somewhat ambiguous with regards to the expectation around timeframe for this to occur. Is this ‘assessing’ to occur immediately after the examination, on the same day or only within the 10 business days as stated within item 9.12 or 15 business days stated within Item 13.2? This item requirements amended for clarity. Also, please refer to my comments 6 & 43 above.
64. In 9. Immediately prior to the start of the examination – item 9.12 states ‘The accredited assessor must provide completed, marked copies of the examination materials to the ACMA’. Please refer to previous comments that this may trigger a breach of other clauses of the Guidelines as identified in my comment 47 above.
65. In 10. During the examination – item 10.10 – Should this not be in section 11 below as this item commences with ‘Once the examination has ended...’? Furthermore, I do not believe that any candidate having ended their examination AND having left the examination room should be permitted to re-enter the examination room under any circumstances including to retrieve any personal items and as such believe that all words after and including ‘, except’ be removed from this clause.
66. In 11. On completion of the examination – item 11.1 states ‘an accredited assessor may choose to provide feedback.’ The intent of this statement is unclear. ‘May’ implies that the provision of feedback is discretionary. Please refer to my prior comments regarding assessing of examination paper and the requirement to provide feedback.
67. In 11. On completion of the examination – item 11.6 – please refer to my previous comments above, in particular 57 above.
68. In 12. Withdrawing accreditation – item 12.2 – the last sentence appears to be in conflict with clause 12.4 in that once the ACMA has decided to withdraw accreditation and the notification provided, the assessor would be no longer considered accredited, even if they were to be successful in appealing the decision and therefore would not only be considered to have had their accreditation withdrawn (even momentarily) – which goes to the ‘considerations’ of the ACMA as identified in ‘Decisions on accreditation’ detailed on page 3 of the Guideline document and would require the assessor to reapply for accreditation despite being successful in their appeal.

69. In 13. Relevant time periods – item 13.1 states ‘Accredited assessors must assess a complete examination paper, and notify the candidate of their results,...’. The clause does not state the means by which the notification is to occur (i.e. in writing). I’d suggest that based on my previous comments regarding timing of assessing the papers and providing feedback, that this should/could be done ‘on the day of examination’ at the venue. To facilitate this, a suitable space could be provided on the assessment paper where the outcome is recorded, signed by both the accredited assessor and the candidate (this is currently the process for Practical examinations). This way, the evidence of notification is captured in the returned documents and does not require further correspondence.
70. In 13. Relevant time periods – item 13.2 again makes mention of ‘all correspondence with the candidate’. Please refer to my previous comments regarding this issue.
71. In Social media guidelines – there are a number of references with regards to accredited assessors ‘making comments’ including ‘Accredited assessors.... Should refrain from making comments on the actions of the ACMA on social media when acting in their capacity as accredited assessors.’ and ‘Accredited assessors should also not make public comment about the policies and programs of the ACMA where comment is likely to compromise their ability to undertake their roles in an unbiased manner.’ I fully understand the need for the ACMA and the Australian Government to limit discourse in the public realm however such inclusions in the Guidelines could be misapplied and prevent accredited assessors from providing critical feedback as part of the public consultation process. This would be a disappointing outcome as it has been refreshing to see a substantial change in the behaviour of the ACMA over the past few years in their engagement with the Amateur Radio community/cohort.

With regard to the Draft Amateur Radio Qualification Framework, I provide the following comments, observations and questions:

72. In Executive summary – reference is made to ‘amateur radio hobby’ and ‘hobby’ in multiple instances. Please refer to my comment 1 above regarding this matter.
73. In Executive summary – it is stated “This approach is consistent with the non-commercial licensing framework...”. This statement is questionable as my comment 3 above identifies other ‘non-commercial’ radio activities which operate under Class Licences and Qualified Operators which required Certificates of Proficiencies.
74. In What is amateur radio? - reference is made to ‘hobby’ in multiple instances. Please refer to my comment 1 above regarding this matter.
75. In Key Terms – the introduction of ACMA recognition certificates – please refer to my comment 3 above.
76. In Key Terms – the definitions of the various amateur stations as per the meaning in the Radiocommunications Interpretation Determination 2015 (sic) needs further clarification as these definitions make specific reference to ‘transmitter licences’. This reference also requires correction as the document is actually titled the ‘Radiocommunications (Interpretation) Determination 2015’.
77. In Amateur radio qualifications – the second last paragraph states ‘The foundation qualification consists of a practical and theoretical examination.’ This statement is incorrect. Refer to my previous comment 19 above regarding the use of the term theoretical examination. Furthermore, the foundation qualification actually consists of three examinations – theory, regulations and practical, conducted in two parts – one written, being the combined theory & regulations paper, and the other being the practical. This requires correction.
78. In Amateur radio qualifications – the last paragraph states “Candidates must achieve a mark of 70% or higher in the examination to successfully pass the examination.” This is not correct – the Practical examination requires competence to be demonstrated in all items (i.e. 100% is the required mark to be deemed successful). This requires correction.
79. In Examinations – the third paragraph states “The accredited assessor will arrange a time and location for the examination to take place.” This should be amended from a ‘will’ condition to a ‘may’ condition otherwise it could be interpreted that the accredited assessor, once approached, has an obligation (no matter how unreasonable the request) to facilitate an examination.

80. In Examinations – the last paragraph makes reference to ‘correspondence’ being provided to the ACMA, please refer to my previous comments above regarding this matter.
81. In ACMA recognition certificates and call signs – it states “Following receipt of an application for an ACMA recognition certificate, we will assess the application. Our assessment of the application is likely to include, but is not limited to, the following:” Given the ACMA has indicated an intent to automate much of the processing of amateur radio examinations, I believe there is value in extending this automation to the issuing of the certificates of proficiency (refer comments above re: certificates of recognition) and call signs. Please refer to my previous comments above regarding the opportunity presented.
82. In Recognised domestic qualifications – Table 2 – it makes no sense that these qualifications are considered appropriate for full (or partial) recognition of an amateur radio qualification. In fact, the qualifications listed are not ‘Other Australian amateur radio qualifications’ and therefore should not be included in this table. The inclusion of this table fundamentally contradicts the current situation (as stated at <https://www.amc.edu.au/industry/amateur-radio/certificates/recognition-of-prior-learning>) which states ‘A Certificate of Proficiency will not be issued on the basis of RPL, unless the candidate has passed at least one part of an approved examination, and ordinarily two parts, namely the practical assessment and the regulations qualification.’ The table also appears inconsistent with the information on ACMA’s own website found at <https://www.acma.gov.au/amateur-radio-qualifications>. This table should be removed in its entirety as there is no basis for its inclusion and its inclusion substantially risks undermining the integrity of the amateur radio licencing and examination system.
83. In Recognition of prior learning - please refer to my previous comments above including in particular comment 5 and those regarding the need to undertake a practical assessment as well as the issues raised in 82 above regarding the current arrangements. I believe that there is a significant opportunity to streamline the RPL process into a two-stream process as detailed above in comment 28.
84. With regard to Tables 4 & 5 - please refer to my comments 5 & 28 above.

With regard to the draft Radiocommunications Accreditation (Amateur Radio Examinations) Rules 2023, I provide the following comments, observations and questions:

85. Clause 8(2)(b) is inconsistent with the Public Consultation paper and other representations as discussed in comments above. I do not believe that this item should be included.
86. Clause 8(4)(b) is an incorrect reference. As written, this would imply that any currently accredited assessor (i.e. lists on the UTAS-AMC List of Authorised Assessors) may be provided Specialist Assessor Accreditation. This clause requires amendment.
87. Clause 8(5)(b)(iii) is inconsistent with the Public Consultation paper and other representations as discussed in comments above. I do not believe that this item should be included.
88. Schedule 1 – Clause 2 – please refer to my comments above, in particular comments 7 and 40 above. It should be noted that these costs should not be pushed onto amateur radio clubs/societies as they have no involvement or relationship with the ACMA with regard to the examination service.
89. Schedule 1 Clause 5 – the note suggests that community halls and amateur radio clubs are ‘public venues’. Neither of these would meet the legal definition of a public venue. I’d suggest the note be removed. Please also refer to comments above regarding the prohibition of providing examination services in a private residence.
90. Schedule 1 Clause 7(1)(a) – please refer to my previous comments above regarding the inclusion of this requirement.
91. Schedule 1 Clause 7(5) does not stipulate the manner in which the ACA is required to provide notice. I suggest that this should be nominated.
92. Schedule 1 Clause 7(6) does not stipulate a timeframe. I suggest that the timeframe should be nominated.
93. Schedule 1 Clause 7(6) requires compliance with a notice given however does not appear to require confirmation/notification that compliance has occurred. I suggest that this should be required and the manner in which this confirmation/notification is to be provided.

With regard to the Overview – Amateur Class Licence and support arrangements, I provide the following comments, observations and questions:

94. In Call sign assignment, the 2<sup>nd</sup> paragraph appears to impose a limit on the number of call signs an amateur can be assigned. I'd suggest caution needs to be exercised with regard to both individuals and clubs, some of which operate (sometimes extensive) numbers of repeaters and/ or beacons. Perhaps this needs to be modified or clarified such that post-implementation of the Class Licence that 'assigned licence callsigns' are not considered in the total for calculation purposes. It should also be specified and clarified that this relates ONLY to amateur call signs assigned (many amateurs may have assigned callsigns in other services which appear against their 'client number' which could inadvertently be included in any such summation total with the manner in which this limitation is currently written.

Thank you for the opportunity to respond. Should the ACMA wish to seek clarification on any of the items raised above, I can be contacted by way of the contact details currently registered with the ACMA.

Kind Regards,

Cameron McKay