

Proposed amateur radio qualification and assessor accreditation arrangements

Consultation paper

AUGUST 2023

SUBMITTED BY BRUCE R KENDALL VK3WL/9V1WL.

Proposed new amateur radio qualification framework

Introduction

Candidates who successfully pass a recognised amateur radio examination will be required to apply to us for an ACMA recognition certificate. The certificate issued will correspond to the type of examination taken and to the existing 3 types of amateur radio qualifications – Foundation, Standard and Advanced:

- > **ACMA recognition certificate (Foundation)** can be obtained following successful completion of the amateur radio foundation examination. This examination provides an introduction to amateur radio. It is the simplest and most suitable for those looking to become involved in amateur radio.
- > **ACMA recognition certificate (Standard)** can be obtained following successful completion of the amateur radio standard examination. This examination increases in difficulty from the foundation level and is suitable for persons who have an intermediate knowledge of amateur radiocommunications.
- > **ACMA recognition certificate (Advanced)** can be obtained following successful completion of the amateur radio advanced examination. This examination is the highest level a candidate can obtain for amateur radio and is suitable for persons with complex knowledge of amateur radiocommunications.

The 3 levels of qualification reflect the difficulty in the subject matter. Different licence conditions will apply to a person under the amateur class licence, depending on their qualification level. A person with an ACMA recognition certificate (Advanced), for example, will be able to operate on more frequencies than a person with another kind of certificate.

Examinations

The ACMA will maintain a list of accredited assessors on our website, which can be used by potential candidates to contact assessors and request an examination.

Under the new arrangements, accredited assessors will be responsible for:

- > arranging a time and location for the examination to take place
- > conducting examinations in accordance with the Accreditation Rules and Accredited Assessor Guidelines
- > providing a copy of the examination, results and correspondence, relating to the examination to the ACMA, following completion of the examination
- > communicating the results of the examination to the candidate.

Consistent with current arrangements, candidates must achieve a mark of 70% or higher in the examination to successfully pass the qualification. If a candidate scores below the threshold of 70%, the candidate will need to re-sit the examination to be given the relevant ACMA recognition certificate.

Accredited assessors with Specialist Assessor Accreditation can conduct and assess special examinations for people with a disability or in a situation that prevents them from participating in a general examination.

Remote examinations will also be permitted in certain circumstances, for example when a candidate lives more than 50 km away from an assessor or when a candidate has an impairment that prevents them from attending the assessment in person.

The foundation examination consists of a practical and theoretical examination, consistent with the foundation syllabus. The Standard and Advanced qualification require theory and regulations examinations. A practical component may also be required for the standard or advanced examination if an accredited assessor deems it necessary – for example, if the candidate has not previously undertaken a practical assessment.

Issuing ACMA recognition certificates

Those who have successfully passed an amateur radio examination conducted by an accredited assessor will be able to apply to us for an ACMA recognition certificate.

As amateur operators will be required to use a call sign during transmission under the amateur class licence, those applying for an ACMA recognition certificate may also apply to the ACMA to be assigned a call sign if they do not already have a call sign assigned.

Under the new framework, to be included in the amateur class licence, we intend to assess applications for ACMA recognition certificates with consideration to the following criteria:

- > whether the applicant has provided the necessary information in accordance with the prescribed application form
- > whether the applicant has paid the application fee
- > the type of certificate requested by the applicant
- > whether the applicant has passed the corresponding amateur radio examination (for example, the results of the examination)
- > whether that examination was undertaken by an accredited assessor
- > whether the accredited assessor has made any recommendation to the ACMA about the applicant
- > whether the applicant had previously failed an amateur radio examination and if so, ensuring the applicant was provided a different examination paper when resitting the examination
- > whether the applicant has previously obtained an international qualification in amateur radio
- > any other matter the ACMA considers relevant.

We intend to assess applications for an ACMA recognition certificate within 10 business days of receiving a complete application.

Following assessment, we decide whether to issue or to refuse the application for an ACMA recognition certificate. If a decision is made to refuse an application, we will notify the applicant in writing and provide reasons for our decision. We have developed a reconsideration process, which is outlined in greater detail in the new qualification framework at **Attachment A**.

Question 1

Do you have any comments on the proposed qualification framework, outlined in **Attachment A**?

The current three tier qualifications system is, in my view, inefficient. The gap between Standard and Advanced is relatively small. I wish to see retention of the Foundation and Advanced licences, and abolition of the Standard qualification.

If this were to occur, I would not support an automatic upgrade of those with a Standard licence being 'grandfathered' to Advanced. i.e., Extant Standard licensees would remain so unless they upgrade to Advanced by passing the required exams.

The current call sign structure has no provision to identify the class of licence the user has, which results in operators using frequency bands they are not authorised to use. The only way to determine this is to interrogate the ACMA RRL data base, which is often inconvenient or impossible at time.

There should be only one, universal, regulations exam. Regulations are universal and there is no need for a sub-sectioned regulations exam for Foundation licence candidates. The current situation means Foundation licence holders can operate without demonstrating the same level of regulatory knowledge as others. It is akin to P-plate drivers only having to pass a cut down version of the road rules to get a driving licence. A situation the community would not accept.

Question 2

Do you support the development and implementation of a wholly online system for examinations and qualifications in the future?

Yes, providing it is administered by two, not one, examiner.

Proposed accreditation rules

Introduction

We are proposing to make the draft Accreditation Rules in **Attachment B**.

The Accreditation Rules include the:

- > kinds of accreditation that may be granted
- > qualifications and requirements for applicants seeking to be accredited
- > accreditation process
- > conditions of accreditation
- > process to withdraw accreditation.

The Accreditation Rules are intended to maintain the current level of service continuity and integrity for amateur radio examinations by continuing to use the experience of qualified assessors to conduct and mark amateur radio examinations. This is also expected to reduce administrative costs for amateurs, while ensuring consistency with our international obligations.

While the Accreditation Rules are a new addition to the regulatory framework for amateur radio, they essentially maintain the status quo by administering the delivery of examinations in broadly the same manner as the current Deed (i.e., assessors will now volunteer for the ACMA instead of the AMC).

Current AMC assessors will not need to apply for re-accreditation. Once the Accreditation Rules are made, if the ACMA decides to give accreditation to a current AMC assessor, a notice of accreditation will be given to that person.¹ Those given a notice of accreditation under the Accreditation Rules are subject to the conditions of their accreditation, including compliance with the ACMA's Accredited Assessor Guidelines. Once a person has been given a notice of accreditation, they will be authorised to conduct and assess amateur radio examinations, consistent with their accreditation. If an existing AMC assessor does not wish to continue being an assessor under the ACMA's arrangements, they may opt out by providing notice to the AMC and the ACMA before the Accreditation Rules are made, or afterwards by providing notice to the ACMA.

We intend to make the Accreditation Rules prior to the expiry of the Deed.

We propose to commence all parts of the Accreditation Rules, except for those sections relating to application as an assessor, during December 2023 and prior to the commencement of the amateur class licence. This is to ensure that we can give accreditation to those who are already listed as General and Specialist Assessors (i.e., current AMC assessors) ahead of the amateur class licence commencement. This is to allow us time to onboard them, in order to ensure assessors are ready to provide examinations under the ACMA qualification framework from February 2024.

We propose that the section of the Accreditation Rules that relates to application as an assessor (and enables new applicants to apply to the ACMA for accreditation), should commence on the day the amateur class licence commences.

¹ The list of all current AMC assessors that may be given a notice of accreditation under the Accreditation Rules will be available to be viewed, on prior request, at an ACMA office, from the time the Accreditation Rules commence. A partial list will be available on the ACMA website.

Types of accreditation

Under the Accreditation Rules there are 2 types of accreditation:

- > General Assessor Accreditation (General assessors)
- > Specialist Assessor Accreditation (Specialist assessors).

Both general and specialist assessors can deliver face-to-face and remote examinations. Specialist assessors can also conduct and assess special assessments for candidates with a disability or situation that prevents them from participating in a general assessment.

Qualifications and requirements for applicants seeking accreditation

Consistent with the current arrangements, both General and Specialist assessors will need to:

- > Hold an ACMA recognition certificate (Advanced) or an Advanced Amateur Radio Operator Certificate of Proficiency.
- > Comply with state and territory legislation about working with children or vulnerable people (which may require the assessor to undergo a Working with Children and/or Working with Vulnerable People check).

Specialist assessors will also need to hold formal teaching or education-based qualifications granted by an Australian education institution.

Accreditation process

Applicants for accreditation will need to complete a form published on the ACMA website.

Under the draft Accreditation Rules, when considering an application, we would need to consider:

- > the object of the Act
- > the applicant's experience in conducting an approved examination or other similar examination
- > the applicant's qualifications
- > whether the ACMA has withdrawn accreditation from the applicant during the 5 years before the application was made
- > whether that person was on the AMC's list of Authorised Assessors on the day before the Accreditation Rules commenced
- > if the person was not on the AMC's list of Authorised Assessors on that day, whether that person had been removed from the AMC's list before that day
- > whether the person holds a current Working with Children or Vulnerable Persons Check in the state or territory where that person is ordinarily resident, or where that person intends to conduct or assess amateur radio examinations
- > any other matters the ACMA considers relevant.

If we decide to grant accreditation, we will provide a notice of accreditation to the applicant. If the ACMA decides to refuse to grant a notice of accreditation, we will notify the applicant in writing, and provide the reasons for our decision.

A person who obtains a kind of accreditation under the Accreditation Rules is known as an 'accredited assessor'.

Conditions of accreditation

Under the draft Accreditation Rules, General assessors and Specialist assessors would not be able to receive or obtain any financial reward for conducting amateur radio examinations.

Examinations may be conducted or assessed in relation to either a foundation, standard or advanced qualification under the class licence and would have to be consistent with the ACMA's Accredited Assessor Guidelines and any other relevant ACMA policies.

General assessors cannot conduct a special assessment.

Accredited assessors would also be required to abide with record keeping provisions as described in the Accreditation Rules, including keeping records of:

- > any written communication between the accredited assessor and the candidate
- > any personal information collected for the purpose of conducting an amateur radio examination
- > a copy of each examination undertaken, including examinations that were not completed
- > the notification of the results of an examination (whether successful or not) to the candidate.

All records must be provided to the ACMA within 15 business days of the examination being completed.

We intend to streamline the process for examinations and record keeping by using digital tools. Accredited assessors will be able to upload the information listed above, and provide it to the ACMA in a digital format.

Withdrawal of accreditation

The ACMA may withdraw accreditation if:

- > the accreditation is no longer in accordance with the Accreditation Rules
- > a person has contravened a condition of the accreditation.

We must provide a notice to the person setting out the reasons for withdrawing their accreditation.

The ACMA must provide a written notice to a person who it is considering withdrawing their accreditation and provide at least 14 days for them to respond.

In considering whether to withdraw an assessor's accreditation, we may consider the following matters:

- > whether the accredited assessor has conducted or assessed examinations within the last 2 years
- > if the accredited assessor has, on more than one occasion, incorrectly awarded a person a result of at least 70% or above in relation to an amateur radio examination
- > breach of a condition of their accreditation²

² Examples: ceasing to meet the criteria to be an accredited assessor, undertaking activities that are not consistent with the ACMA's Accredited Assessor Guidelines, failing to provide information requested or failing to provide regular reports of examinations undertaken to the ACMA.

- > any other matter the ACMA considers relevant in assessing whether to withdraw an assessor's accreditation.

Question 3

Do you have any comments on the draft Accreditation Rules at **Attachment B**, including the kinds of accreditation, qualifications and requirements of accredited assessors, process for applying and withdrawing accreditation, and conditions of accreditation?

I am glad to see that ACMA requires examiners to hold an Advanced qualification.

Accredited Assessor Guidelines

We have prepared a draft set of guidelines, referred to as the Accredited Assessor Guidelines. The Accredited Assessor Guidelines include:

- > information on how to apply for accreditation
- > operational guidance on how to conduct amateur radio examinations
- > information on the ACMA withdrawing accreditation
- > conduct guidelines
- > social media guidelines.

A draft of the Accredited Assessor Guidelines can be found at **Attachment C**.

Where possible, we have tried to mirror the AMC Assessor Guidelines to ensure consistency for both amateur operators and accredited assessors.

General guidelines

An examination consists of 2 components:

1. A practical component that must be successfully completed (success is to be assessed by the assessor). This will be required when a candidate has not previously completed a practical assessment.
2. A written component – a multiple choice theoretical examination.

Examinations would not be conducted in a private residence, unless the examination is a remote examination (e.g., conducted online).

It is our view that examinations should only be conducted at venues with appropriate public liability insurance. Examples of appropriate venues might include local council meeting rooms, radio club/associations or a local community hall.

Accredited assessors would not be allowed to conduct or assess examinations for immediate family members.

Conduct guidelines

Accredited assessors should conduct themselves in an impartial and unbiased manner.

Accredited assessors are not representatives of the ACMA or the Australian Government, and must not act in a way that gives the impression that they are.

Accredited assessors must act in a professional and respectful manner and comply with the law at all times.

Accredited assessors should not misuse their accreditation – for example, by using their accreditation for any other purpose than to conduct and assess an amateur radio examination.

Examination papers

Accredited assessors can only use examination materials provided by the ACMA. They will be able to generate examinations from pre-determined question pools developed by the ACMA.³

Accredited assessors will have access to the question pool and will be able to notify the ACMA if there are any issues relating to specific questions.

When handling exam papers or material, any modifications, copying or sharing of papers with someone other than the ACMA would not be permitted by the Accredited Assessor Guidelines. Examination material can be downloaded by accredited assessors, or they can ask for us to email the material to them. Once printed by the accredited assessor, the materials need to be securely stored in a safe location at all times.

Practical assessment

The ACMA will provide accredited assessors with the relevant material to conduct a practical assessment.

Foundation level candidates must undertake a practical assessment. An accredited assessor may require standard and advanced level candidates to undergo a practical assessment if they have not previously undertaken a practical assessment.

Accredited assessors may waive the practical assessment (and sign off the assessment sheet) for an active amateur radio operator who the accredited assessor deems to have suitable practical operating experience. If the assessor is unsure whether to waive this requirement, they should seek advice from a Specialist assessor or the ACMA.

Re-sitting assessments

We have developed guidance where a candidate is 're-sitting' an examination. It is not appropriate for a re-sit candidate to undertake the same examination questions as their previous attempt(s). Accredited assessors would have to notify the ACMA of the candidate's name and details before they re-sit the examination. The assessor should also advise us of the examination paper is being used for a re-sit examination. 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.

Remote and special assessments

We are proposing that the current AMC arrangements for remote assessments continue. A remote assessment can be conducted by an accredited assessor when the candidate is unable to attend the assessment in person due to long distances, having to quarantine, or if they are unable to attend in person due to an impairment or disability.

Special assessments can be conducted by specialist assessors. We recommend that a special assessment be conducted for a candidate that has a disability, or who is in a situation that would prevent them from participating in a normal assessment.

³ If this examination generation is not possible from the outset of the new arrangements in February 2024, the ACMA will make suitable examination paper available to accredited assessors.

If an accredited assessor is unsure of which method of assessment to be used, we recommend that they seek advice from a Specialist assessor or the ACMA.

Further information on how examinations may be conducted is in the draft Accredited Assessor Guidelines.

Preparation before, during and after the examination

Accredited assessors would have to notify candidates of the date, time and venue for their scheduled examination.

Similar to the AMC arrangements, a minimum of one accredited assessor would be available for every 5 candidates.

Prior to an examination taking place, an accredited assessor would have to verify the candidate's identity⁴ and exclude candidates from the examination if they cannot sufficiently verify their identity based on the candidate's appearance and details provided. Assessors would also be required to print examination papers and ensure that the examination's date, time and location are displayed on the paper.

Other details regarding appropriate use of stationery, mobile devices, examination commencement times and required conduct during and after the course of the examination can be found in the draft Accredited Assessor Guidelines.

Withdrawal of accreditation

Under the Accreditation Rules, accredited assessors would have to comply with the Accredited Assessor Guidelines. Any non-conformance with the guidelines by an accredited assessor may result in their accreditation being withdrawn.

An assessor who has previously had their accreditation withdrawn by the ACMA or the AMC may only be re-accredited at the ACMA's discretion.

Service levels

The draft Accredited Assessor Guidelines contain the following expected service levels:

- > Accredited assessors would have to assess a completed examination paper and notify the candidate of their results within 10 business days of the examination taking place
- > Successful candidates are encouraged to submit their application for an ACMA Recognition Certificate and call sign (if required) within 90 days of receiving the results of their examination.
- > Accredited assessors would have to upload and provide all relevant documentation to the ACMA within 15 business days of the examination taking place, including:
 - > all correspondence with the candidate
 - > the examination completed by the candidate
 - > the candidate's results.

⁴ Acceptable forms of identification may include driver's licence, passport, Medicare card, student ID and parent/guardian ID.

Question 4

Do you have any comments on the Accredited Assessor Guidelines at **Attachment C**?

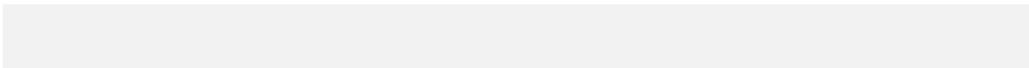
I write as a diploma qualified tertiary qualified and dual-sector university experienced teacher with additional relevant qualifications.

The requirement to not be able to conduct exams from a private home is folly. What does it achieve?

Of more concern is the ridiculous requirement to only need one examiner, and not two. Anecdotal evidence from conversations heard 'on the air' with Advanced licence holders licenced in recent years is that some demonstrably do not have the knowledge expected to pass the Advanced assessments. This rightly leads to speculation about the conditions they were examined under, and was there any assistance from the assessor?

The conditions under which Amateur Radio exams have been conducted in recent times, and ACMA is proposing to maintain, do not pass the most basic scrutiny when compared to the rigour of accepted educational examination standards.

I urge ACMA to change the guidelines such that two examiners are always required.



Operational processes to support proposed arrangements

Examination processes

We are looking to make some adjustments to the examination process to make it easier for accredited assessors and implement some of the feedback we have received thus far.

We intend to make access to the examination papers available for accredited assessors digitally, but not replace the examination process with an online examination system.

However, we are proposing to develop an online accredited assessor portal that will allow assessors to apply for accreditation, download examination papers from a question bank and provide copies of completed examination papers to the ACMA.

We consider the use of a question bank and randomly generated examination papers⁵ will reduce the likelihood of cheating and address concerns raised in previous consultations about the potential for collusion when multiple candidates undertake an examination at the same venue.

The ACMA is not proposing to make the question bank available publicly.

Accredited assessors will also be able to download the relevant answer sheets that correspond to the examination, to assist with marking the completed examination.

Following completion of the examination and notification of results, accredited assessors can provide this information to us by uploading it to the assessor portal.

We will continue to ensure all relevant privacy implications are addressed when moving to digital formats.

As part of the move to more digital formats, we will not reimburse accredited assessors for any costs associated with undertaking an amateur radio examination (e.g., printing costs).

Recognition of Prior Learning (RPL)

Currently, the AMC administers an assessment process called 'Recognition of Prior Learning' (RPL). If an applicant for a CoP already holds an international amateur radio qualification, as an alternative to sitting an examination to be eligible for an amateur CoP, they can apply for RPL.

The AMC recognises prior learning where it decides a person holds qualifications that are equivalent to or higher than the qualification being applied for. This allows amateurs to obtain a full or partial exemption to certain parts of the examination process. For example, following an RPL assessment, the AMC may determine that an amateur can be issued a CoP without sitting an examination. Alternatively, the AMC may determine an applicant has sufficient knowledge of the practical and theoretical

⁵ If this examination generation is not possible from the outset of the new arrangements in February 2024, the ACMA will make suitable examination papers available to accredited assessors and will update the requirements of the Accredited Assessor Guidelines accordingly.

aspects of amateur radio, but would still need to undertake the Australian Regulations aspect of the examination to be issued a CoP.

Since many overseas jurisdictions do not have the same comparative amateur radio qualification levels or licence types, the process requires that the RPL assessor has the specialist knowledge needed to determine whether an applicant is appropriately skilled. The current RPL process is often time intensive. This is because the assessment can involve:

- > detailed consideration of the applicants' qualifications with reference to each aspect of the relevant syllabus (either foundation, standard or advanced)
- > liaison with the relevant amateur radio regulator from the country that the qualification was issued from
- > correspondence with the applicant to obtain translated materials proving their understanding of the existing syllabus
- > an interview with the applicant to test their existing knowledge of amateur radio.

As a result of the more protracted nature of these assessments, it currently costs more to apply for RPL than sitting an exam. In practice, this means RPL applications are infrequent,⁶ as many overseas qualified amateurs seeking to operate longer-term in Australia undertake the equivalent examination before applying for an amateur CoP because this process costs less than completing an RPL assessment.

Under the amateur radio class licensing framework, overseas visiting amateurs holding recognised qualifications and licences specified in [Table C](#) of the ACMA's Tables of Equivalent Qualifications and Licences will be able to operate amateur stations in accordance with the corresponding Australian qualification and use the call sign issued by the overseas jurisdiction. Overseas qualified amateurs taking up residency in Australia would cease to be authorised by the proposed class licence for longer than 365 continuous days until they have obtained an Australian qualification and call sign to operate under the proposed class licence.

RPL assessments from some jurisdictions are simpler than others. For example, Australia's participation in the Conference of Postal and Telecommunications Administration's (CEPT) Recommendation T/R 61-02 (Harmonised Amateur Radio Certificates)⁷ (HAREC) means that assessing the equivalency of overseas amateurs from HAREC-participating countries is generally a much simpler process. This is because CEPT reviews relevant national examinations to ensure they correspond to the CEPT examination standard before that country is able to participate.

However, many other overseas jurisdictions do not have the same comparative amateur radio qualification levels or licence types, which means more work is needed to determine equivalency or not.

Australia is not obligated to provide an RPL process for amateur radio. For example, countries such as the US do not have an equivalent process to allow an amateur to obtain RPL and avoid undertaking an examination to become a qualified amateur operator. However, we currently facilitate RPL; an alternative pathway to sitting an examination (which will be at no charge under the accredited assessors model).

Our priority is to ensure the prompt commencement of the accreditation scheme to provide the best continuity for the amateur radio service. As such, we propose to offer an RPL process in a similar manner as provided by the AMC.

⁶ For example, the AMC received only 7 RPL applications in the past 12 months.

⁷ [T/R 61-02 \(cept.org\)](#)

Further detail about how the ACMA will manage RPL can be found in the new qualification framework at **Attachment A**.

The proposed new fees for RPL from February 2024 are set out in the 'Fees' section below. The proposed RPL fee varies based on whether the application is for a HAREC or non-HAREC RPL. This is because it takes less time to consider and process an RPL from a HAREC licensee.

The current approach for HAREC licensees taking up residency in Australia is that, before they have been in Australia for more than 365 days, they must undertake and pass an Australian amateur examination or RPL assessment and then apply to for the relevant CoP and a call sign.

CEPT Recommendation T/R 61-02 (HAREC) recommends that:

- > 'administrations participating in this [HAREC] system agree, subject to their national laws and regulations to issue national licences corresponding to the CEPT examination standard to forging nationals who possess a HAREC issued by an Administration participating in this system who stay in their country for a period longer than three months'
- > 'that any person who has obtained a HAREC in any country participating in this system, has the right on return to [their] own country to obtain a licences there without having to pass a further examination'.

An alternative approach for HAREC licensees taking up residency in Australia is that, under the new arrangements, we could recognise HAREC licences as 'a recognised qualification (Advanced type)'. This would then allow them to operate under the amateur class licence after they have been in Australia for more than 365 continuous days.

Under this alternative approach, 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).

Other overseas reciprocal licensing and qualification arrangements will need to be revisited to ensure their accuracy and relevance. Given our current focus on ensuring the smooth operation of new arrangements from February 2024, this is something we consider is best undertaken when a review of the syllabi is undertaken, since any major changes to the syllabi may impact our reciprocal arrangements.

We welcome comment on the RPL process, any suggestions for future improvements to the RPL assessment process, and any comments on the proposed alternative approach to HAREC licences.

Call sign arrangements

Under the new arrangements we will remain responsible for issuing call signs. Once a candidate has received confirmation of successful examination results, they can apply for an ACMA recognition certificate and an available call sign.

During September 2022, we sought views on a number of matters relating to call sign assignment, undertaking regular checks on call signs, options for a register and its privacy implications. Further information about our policy position in relation to these matters can be found at **Attachment D**.

Insurance

Similar to current arrangements in place under the AMC, the ACMA will not require accredited assessors to hold any kind of insurance. However, if an accredited assessor does wish to be insured, it is their own responsibility and at their own cost.

As amateur radio is a hobby, our view is that requiring assessors to provide their own insurance would be prohibitively expensive. The ACMA has previously made the Radiocommunications Accreditation (General) Rules 2021, which allows us to accredit people to issue frequency assignment certificates and interference impact certificates under the Act. There is a condition on the accreditation specified in those Rules that requires accredited persons to be covered by an insurance policy – the insurance policy must indemnify the accredited person for any loss or damage up to \$2 million as a result of the person negligently issuing a certificate or otherwise acting as an accredited person.

The draft Accreditation Rules do not require an accredited assessor to retain a public liability insurance policy. We also consider that examination activities are likely to carry a relatively low risk to assessors and applicants. However, all assessors and applicants are responsible for making their own decisions about examination activities.

Therefore, we are proposing that assessors undertake assessments in certain venues which would help cover public liability concerns. More information about permitted venues for examinations is outlined in the draft Accredited Assessor Guidelines (at **Attachment C**).

Question 5

Do you have any comments on the RPL process outlined in **Attachment A**, or any comments or suggestions about how the RPL process could be improved?

Genuine RPL should only be conducted by those with acceptable professional education experience AND qualifications. It is not a simple task and requires academic rigour. In my view, and I have done this when employed at RMIT University, a person with a Certificate III in radio/RF technology or higher should be given RPL for the theory component of an Advanced qualification. There must be RF skills and knowledge evidenced in the qualification submitted for RPL, not just electrical. Beyond this, there should only be a requirement for a regulations assessment.

Question 6

Do you have any comments on the proposal to recognise Harmonised Amateur Radio Examination Certificates as a 'recognised qualification (Advanced type)'?

The holder of a HAREC Amateur Radio qualification should be granted the equivalent Australia licence sans any need to pass a local regulations or any other assessment as it was until only a few years ago when both ACMA and AMC were duped, by a splinter group, into requiring a local regulations exam and a further oral assessment. Nowhere else in the World does such a requirement exist to my knowledge. Prior to this, the recognition of foreign AR qualifications sans any other assessments worked just fine. Begging the question: Why the need for the unnecessary change? Vested interests, perhaps?

I understand that as part of the HAREC recognition agreement that Australia is a signatory to, there is a clause to the effect that no further assessment is required. Given this, ACMA should not require the further assessments currently imposed. Australia needs to either accept HAREC qualifications sans any other assessment or

reject them. The current situation is akin to being 'a little bit pregnant', having an each-way bet.

I gained my Singapore AR licence (9V1WL) purely on the basis that I hold an Australian AR qualification, sans the need for any further assessments. Bear in mind that Singapore is one of the most regulated countries in the World with very high standards, universally. Yet I was not, nor are current applicants, required to jump through the burning-hoops applicants with foreign AR qualifications must in Australia.

If it is OK for a suitably qualified person with a foreign AR licence to operate in Australia for 12 months, why then make them sit an Australian regulations exam? Surely, if the Australian regulations are so unique (which is not the case), all foreign AR operators should have to pass a regulations exam before they begin to transmit, not 12 months after they have been exercising their privileges in Australia. The current situation 'puts the cart before the horse'.

What is important for an extant foreign licenced radio amateur is to know where to obtain a copy of the Australian regulations, how to interpret them, and their obligation to adhere to them. This is the modus operandi in other countries. Again, I cite my tertiary teaching and assessing experience and ask ACMA how, by subjecting such a person to what is in effect a memory test, mandating the passing of an Australian regulations exam makes their operations safer, given they have already demonstrated possession of skills and knowledge acceptable in other jurisdictions?

As a commercial pilot I can fly an aircraft into any country in the World with an appropriate flight plan clearance. I do not need to pass aviation regulations exams for every country I fly into. I am however expected to comply with the local regulations in the country whose airspace I'm operating in. This works successfully piloting an aeroplane full of passengers around the World so I fail to see why the same can't apply to AR as it did previously and successfully until only a few years ago.

AR regulations globally have at least 70% commonality and originate from the ITU/IARU, with jurisdictions adding to these where local situations demand. I revert to the Singapore situation, a country with a population density we will never see in Australia, where radio amateurs must use type approved transmitters and have each one noted on their licence by model and serial number. This is part of its regulatory regime. Yet their IMDA does not require amateurs with an acceptable foreign qualification to sit a local regulations exam.

Question 7

Are there any other matters we have not addressed in this consultation package that you believe should be addressed as part of the implementation of the new qualification framework?

Given examiners cannot recoup costs under the proposed model, who pays for liability insurance?

Fees

We intend to cost recover our costs for issuing ACMA recognition certificates, assessing applications for RPL and issuing call signs, under the new arrangements.

The proposed charges for each activity will be consistent with the time it is expected for staff to consider and assess each process.⁸

A full outline of the fees for the activities are outlined the draft 2023-24 Fees Cost Recovery Implementation Statement (CRIS), which is open for consultation in parallel to this consultation, and available on the ACMA website [link to webpage when created].

An overview of the proposed fees and charges amounts are outlined below for convenience:

- > ACMA recognition certificate application – \$45.20.
- > Recognition of prior learning assessment application – ranging from \$75.35 to \$188.35, based on application type.
- > Call sign application – ranging from \$30.15 to \$52.75, based on application type.

These proposed charge amounts are similar to the current AMC prices for these services.

The ACMA welcomes comments from interested stakeholders on the proposed new fees in the draft 2023–24 Fees CRIS [link to webpage when created].

Question 8

Do you have any comments on the proposed fees for amateur qualification and call sign services outlined in the draft 2023–24 Fees Cost Recovery Implementation Statement?

If genuine RPL (not recognition of a foreign AR qualifications) is to take place, the examiner providing the RPL service should be able to be compensated at APS pay rates for the time taken to perform this task. Experience informs me that this is not a 'five minute' exercise.

⁸ This amount has been calculated from the Radiocommunications (Charges) Determination 2022, which determines that the hourly rate charge of \$226 per hour.

Changes to the proposed amateur class licence and non-renewal instrument

The Accreditation Rules are part of the broader changes we are proposing to make for amateur service arrangements. Stakeholders would be aware that, in September 2022, we consulted on a draft of the amateur class licence. We have considered the submissions made during this consultation and have finalised some arrangements to be implemented with the amateur class licence. **Attachment D** provides an overview of these supporting arrangements.

If made, the amateur class licence would authorise the operation of amateur stations on frequencies set out in the amateur class licence. We intend the amateur class licence to replace amateur licences for advanced, standard and foundation amateur stations.

We intend to make the new qualification framework, Accreditation Rules and the amateur class licence in December 2023, at which time relevant parts of the Accreditation Rules will commence. We plan for the final part of the Accreditation Rules, qualification framework and amateur class licence to commence in February 2024.

Because of the proposed Accreditation Rules, we need to make some additional changes to the draft amateur class licence. The changes will include the insertion of definitions and provisions about the new ACMA recognition certificates referred to above.

The 3 types of recognition certificate are: advanced, standard and foundation. A new schedule in the amateur class licence includes the application process for obtaining such a certificate, and the reconsideration and review process should an application be refused. These changes will allow us to give a recognition certificate to a candidate who has successfully completed the relevant competency requirements at the foundation, standard or advanced level, and subsequently applied to the ACMA for a recognition certificate.

We will also remove all references to 'Call Sign Entity' in the amateur class licence. This is because we will be fulfilling this role under the new arrangements. We will also specify that call signs can be assigned for a time period and can be renewed. This will be relevant for certain call signs, including 'special event call signs', which are attributable to certain amateur radio events.

We also need to make some minor changes to the draft amateur class licence based on submitter comments to the September 2022 consultation process. The minor changes include:

- > a correction to the definition of pY
- > a correction to the date of a World Radio Conference
- > the inclusion of a provision about the use of amateur stations in emergency services operations and training
- > restrictions on connection to a public telecommunications network
- > the inclusion of a footnote about the use of the AX call sign on specified dates

- > a correction to the definition of IEC 62232
- > correction of typographical and grammatical errors.

At the same time the amateur class licence is implemented we plan to make a new legislative instrument that would prevent any existing non-assigned amateur licences from being renewed further.⁹ This is because non-assigned amateur apparatus licences will not be required once the amateur class licence commences.

Question 9

Do you have any comments on the proposed consequential amendments to the draft amateur class licence to incorporate the new qualification and accredited assessor frameworks?

Question 10

Do you have any comments on the proposal to make a new legislative instrument, at the same time as the proposed amateur class licence is made, that would prevent any existing non-assigned amateur licences from being renewed further?

⁹ Under subsection 103A(5) of the Act.

Changes to other legislative instruments

To support the new accredited assessor and qualification arrangements we need to make consequential amendments to some other legislative instruments.

These amendments will provide continuity of arrangements, by continuing to ensure only persons holding the appropriate amateur qualifications are authorised to operate amateur radio stations.

The requirement for a person to be a qualified operator when operating the 5 types of amateur station arrangements is currently contained in the Radiocommunications (Qualified Operators) Determination 2016 (Qualified Operators Determination). The Amateur LCD also includes a condition requiring that a person operating an amateur beacon station or an amateur repeater station must be a qualified person.

The transition to the amateur class licence means these arrangements are no longer appropriate. Instead, we propose that the qualification requirements for beacon and repeater stations will be contained solely within the Amateur LCD. Qualification requirements will be contained with the amateur class licence for foundation, standard and advanced stations.

Amateur LCD

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 (meaning they have certain specified qualifications).

We propose to retain references to all amateur stations 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.

Qualified Operators Determination

We propose to remove from the Qualified Operators Determination the requirement for a person to be a qualified operator when operating any of the 5 types of amateur stations under a transmitter licence. The requirement for a person to have certain qualifications when operating an amateur beacon station or an amateur repeater station will be included in the Amateur LCD.

Radiocommunications (Charges) Determination 2022

We propose to amend the Radiocommunications (Charges) Determination 2022 to implement the fees for issuing ACMA recognition certificates, assessing applications for recognition of prior learning and issuing call signs, as well as removing any redundant fees. Also, the existing fees in items 4.1.1 to 4.1.3 of Table 1 of Part 4 to the Charges Determination will be amended to specify fees for instances where we conduct examinations for the issue of ACMA recognition certificates.

Question 11

Do you have any comments on the proposed consequential amendments to the Radiocommunications Licence Conditions (Amateur Licence) Determination 2015, the Radiocommunications (Qualified Operators) Determination 2016, or the Radiocommunications (Charges) Determination 2022 to support the transition to the amateur class licence and incorporate the new qualification framework?

The Amateur LCD is an often-misunderstood document. There is a widely held view that the LCD stands alone, whereas in fact it is subordinate to the Radio Communication Act. This leads many to think that because something is not listed in the LCD that it doesn't apply to the Amateur Radio Service, which is not the case.

e.g., Bad language.

I understand that the RadCom Act covers things such as inappropriate language and a raft of other matters that do apply to AR operators and AR stations but are not specifically mentioned in the LCD.

Before the LCD existed, there was the PMG Handbook for Radio Amateurs (I may have the title incorrect), a grey covered (approx. A5) book containing the regulations applying to the AR Service. This book was an excellent publication and spelt out in detail the pertinent regulations in clear language. The LCD does not do this. It can be, and is, ambiguously interpreted, and is incomplete in that it does not adequately cover all the relevant regulations applicable to the ARS, instead relying on the reader to refer to the RadCom Act document, which few ever do.

A publication modelled on the "PMG Handbook for Radio Amateurs" would be easy to produce and would provide a better study tool and reference document for the ARS, hopefully reducing some of the inappropriate on-air behaviour and operating practices. Copies of the PMG Handbook for Radio Amateurs exist in collections, and I expect within Australian Government archives. I expect the WIA also has access to a copy. Obtaining such would provide a sample to write a current version of same to replace the inadequate current LCD document.

Invitation to comment

Making a submission

The ACMA invites comments on the issues set out in this consultation paper.

- > [Online submissions](#) can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.
- > Submissions by post can be sent to:
 - The Manager
 - Spectrum Licensing Policy Section
 - Australian Communications and Media Authority
 - PO Box 13112 Law Courts
 - Melbourne VIC 8010

The closing date for submissions is **COB, 25 September 2023**.

Consultation enquiries can be emailed to SLPSConsultations@acma.gov.au.

Publication of submissions

We publish submissions on our website, including personal information (such as names and contact details), except for information that you have claimed (and we have accepted) is confidential.

Confidential information will not be published or otherwise released unless required or authorised by law.

Privacy

View information about our policy on the [publication of submissions](#), including collection of personal information during consultation and how we handle that information.

Information on the *Privacy Act 1988*, how to access or correct personal information, how to make a privacy complaint and how we will deal with any complaints, is available in our [privacy policy](#).