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## THE WIRELESS INSTITUTE OF AUSTRALIA

ABN 56 004 920 745

National Society of Radio Amateurs  
(A Company Limited by Guarantee)

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NSW Department of Lands  
Land Administration and Management  
Property and Spatial Information  
PO Box 2185  
Dangar  
NSW 2309

### **RE: Rental Agreements for Crown Land Communications Tower Sites**

Dear Mr. Watkins

The Lands Department has recently contacted the Wireless Institute of Australia (the WIA) and several NSW amateur radio clubs informing them of changes to the arrangements under which amateur radio communications facilities are permitted to be located on Crown land.

These amateur radio clubs maintain communications facilities located in favorable radio coverage locations, often on remote hilltops, some being on NSW Crown land. Amateur radio clubs range in size from small rural and regional clubs, which may have up to 30 or so members, to larger clubs with many hundreds of members in urban areas.

The WIA represents the interests of Australian amateur radio operators and Australian amateur radio clubs. There are currently over 16,000 ACMA licensed amateur radio operators and over 100 WIA affiliated amateur radio clubs in Australia, and that number is growing steadily.

The WIA itself does not operate any communications facilities on Crown land. However, some individual amateur radio clubs do have such facilities and as their representative we are responding collectively on their behalf.

The history of such site occupation varies widely. Some sites may be occupied under a permissive occupancy as a Primary User or as a third-party. In some cases an employee of the Primary User would have been a member of the club and a "gentlemen's agreement" made to provide some space for amateur radio equipment and permission fix an antenna onto the tower, with little or no formal status.

Amateur radio clubs are identified as a Site User in clause 2.3 of the IPART review Rental Arrangements for Crown Land Communication Tower Sites, October 2005.

A WIA-administered "Club Insurance Policy" provides public liability cover for WIA-affiliated clubs which extends to club activities and club facilities including communications facilities on Crown land.

Most communications facilities consist of VHF and UHF radio repeater systems. Radio repeaters vastly extend the communications range of a radio amateur's equipment, particularly valuable when communicating between stations separated by long distances, or when communicating with mobile vehicles.

For many years radio amateurs have provided back-up emergency communications services to government agencies such as the Rural Fire Service, Police, State Emergency Services (SES) and the many non-government agencies that assist in disaster relief. Radio amateurs also provide essential communications services to community activities and fund-raising activities such as the "canoe challenge" and car rallies.

During emergency and assistance activities radio amateurs provide their time, their expertise and their equipment freely, at no cost to the community. Much of this voluntary activity relies upon operation through the communications facilities located on Crown land.

The WIA has reviewed the Licence Agreement which appears to have been drafted in a form primarily suitable for large commercial telecommunications and media organizations, and we are concerned that the agreement does not adequately address the needs or reflect the current arrangements in place for small community based amateur radio clubs.

In particular, the WIA believes the indicated charges and fees will severely disadvantage amateur radio clubs in rural areas to the point where they will no longer be able to provide and maintain the communications facilities.

The ORANA Region Amateur Radio Club Inc. is typical of a small rural amateur radio club maintaining communications facilities at several sites. The club has only 10-15 members who pay a nominal membership fee of \$20 per year. Clearly, a licence fee of \$367 per site subject to automatic CPI increase and five yearly reviews would significantly disadvantage this rural community club, and severely limit their activities and their ability to offer community communications support.

We are also concerned that, in cases where the Amateur Radio equipment is located in the facilities of a Primary User, under the terms of the agreement the Primary User is able to request payment of a fee from the third-party occupier who is already paying licence fees directly to the Dpt. In effect the amateur radio club could end up paying twice.

We request your Department commences a formal review of the proposed arrangements to be applied to amateur radio communications sites, based on the fact that amateur radio clubs are not telecommunications services, but rather are not-for-profit organizations providing valuable voluntary community service, and are strategic community assets.

We acknowledge the Licence Agreement does provide improved tenure for occupiers, and for larger financially secure amateur radio clubs that may be attractive. However, we believe community based amateur radio clubs, especially small clubs in rural areas, should have the option of being exempt from paying licence fees.

Yours sincerely

Philip Wait  
Director  
The Wireless Institute of Australia

20<sup>th</sup> August, 2008.