

**Australian Government****Department of Infrastructure,
Transport, Regional Development,
Communications, Sport and the Arts**

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Dear Mr Bruce Kendall

Thank you for your correspondence of 8 June 2025 to the Hon Anika Wells MP, Minister for Communications and Minister for Sport, requesting the department's advice about claims made by the Radio Amateur Society of Australia (RASA) regarding the 5 MHz band in its news release of 16 February 2025. The Minister has asked me to reply on her behalf. As the Australian Communications and Media Authority (ACMA) led the Australian delegation to the 2015 World Radiocommunication Conference (WRC-15), I have consulted the ACMA in preparing this response.

In your correspondence, you identify the central claim made by the RASA as being that The Wireless Institute of Australia (WIA) "made a deal" with the Department of Defence (Defence) and the ACMA at WRC-15, "which included denying all Australian Amateurs access to the 5 MHz band."

Members of the Australian delegation at World Radiocommunication Conferences represent Australia and support established Australian positions. Australian positions that are taken at these meetings are consulted on thoroughly with interested stakeholders via the domestic preparatory process, but the Australian Government holds the ultimate authority to determine Australian positions on all matters.

At WRC-15, Mr Hughes' was the Chair of the relevant sub-working group (SWG) on the agenda item in question (5 MHz amateur allocations). Chairs of SWGs are expected to be impartial and are not meant to advocate in support of any particular position. Mr Hughes approached Australian delegates to negotiate a way forward on this agenda item, given that Australia's opposition to an allocation was delaying progress at the meeting. In doing so, Mr Hughes did not contribute to (or agree to the outcomes of) any discussions concerning the Australian position on this agenda item as they progressed at the conference.

During preparations for WRC-15, Defence expressed concern that amateur use of the band could materially degrade the operation of key strategic capabilities. However, in the face of pressure from other administrations at WRC-15 wishing to use the band for amateur services, the Australian delegation was permitted to adopt a compromise position to not oppose the allocation, on the agreement that Defence's interests in the band would continue to be protected domestically.

This compromise by Australia allowed the issue to progress to an outcome in which the conference agreed to allocate the band to the amateur service on a secondary basis. This outcome at the international level was reflected in the International Telecommunication Union (ITU) Radio Regulations (RRs). Under the ITU RRs, member states retain significant flexibility to determine the domestic use of the radiofrequency spectrum and their associated regulatory frameworks.

In May 2020 the ACMA released a consultation paper titled "Possible use of the 5351-5366.5 kHz band by the amateur service". In this paper, the ACMA discussed sharing issues between existing and potential amateur uses of the band and solicited comments on options for potential amateur use of the band. After considering responses to this consultation and in light of concerns from Defence, in December 2020 the ACMA released a decision paper in which it explained the basis for its decision to not support amateur service use of the band.

In this context, I wish to take this opportunity to clarify the statement quoted by RASA from correspondence it received from the Department of Infrastructure, Regional Development, Communications and the Arts dated 2 April 2024. The compromise position permitted to be adopted by the Australian delegation to WRC-15 allowed the issue to progress to an outcome at the international level. While ITU allocations are a relevant consideration in domestic planning, the ACMA must consider a range of domestic interests when making licensing arrangements.

In deciding to not support amateur service use of the band at the domestic level, the ACMA was guided by the objects of the Radiocommunications Act 1992 and balanced the existing uses of the band against the impacts of introducing use by the amateur service. In doing so, the ACMA considered public submissions, as well as non-public submissions from Defence, to its consultation paper.

Thank you for taking the time to write and I trust that this information will be of assistance.

Yours sincerely



Andrew Irwin
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Markets, Competition and Spectrum

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