

Dr. D. Robertson - Commissioner
Productivity Commission
LB2 Collins St. East
Melbourne VIC 8003
Australia

March 15, 2002

Dear Dr. Robertson,

This is in response to your invitation for comment on the Draft Report on "Radio Communications." Please, regard this as a new Submission to the Inquiry.

Perhaps the first point to be raised is that the amateur radio frequencies that are the subject of the discussion are not "owned" by Australia. They are international frequencies used by radio amateurs worldwide. Of course, the Australian Government has the legal right to "hog-tie" its amateur radio community as it sees fit. It might even make it illegal if, as implied in the Report, it considers Australian amateur radio operators a risk to national security. However, it is not my role to argue the case for Australian hams. Amateur radio will progress in the rest of the world, with or without Australia's participation. My comments concern the obvious discrimination in the Draft Report against WinLink 2000.

In this context I am interested in the statement in the Report that reads "*Amateur radio operators in Australia are unable to use the WinLink system because they are prohibited from connecting to the public switched telecommunications network under s. 11 of the amateur license conditions determination.*" Why is it that WinLink may not be used, while at the same time hundreds of Australian Amateurs are connecting their amateur radios to the Internet via the Internet Radio Linking Project "IRLP?" IRLP is a comprehensive worldwide network. It can be accessed by unlicensed users and has the potential for third-party traffic. I've heard it there. The only difference is that those on IRLP use voice communications whereas WinLink uses a digital format. The official different treatment for WinLink and IRLP, respectively, smacks of blatant discrimination.

I regret that I also have to take issue with the statement in the Report that reads "*the WinLink system has the potential to generate significant additional traffic, resulting in congestion in the amateur bands.*" This statement is totally incorrect. First, the purpose of WinLink using the Internet is to prevent congestion, not to cause it; Second, WinLink operation is limited to a maximum of two frequencies per band by each participating station. Therefore, it is hardly an issue of congestion; Third, those who need to use it near Australian shores are using WinLink, anyway. However, now they have to do so by accessing more remote stations; and Fourth, based on our previous station there, our estimates are that a maximum of 80 messages per 24 hours would be channeled via an Australian WinLink station. Again, this is not additional traffic. Therefore, would *certainly not* overwhelm the amateur radio bands.

The WinLink Development Team is particularly offended by the gratuitous statement that WinLink messages *"could be generated by unlicensed users, violating the ITU regulation that amateur operators be licensed. This increased traffic may affect the ability of other amateurs to access these bands, thereby undermining the original purposes of amateur bands (such as experimentation and innovation)."* Obviously, the Authors of the Draft Report did not do their homework. *EVERY* user who logs onto Winlink 2000 has maximum 30 day "probation" period. Should the station not be found in a government database, this station will be automatically and programmatically locked from the system unless it can provide a physical copy of their license by email, mail or fax. If they do not, they are locked out of the system until they show valid proof of a proper license. In addition, available password protection provides the Amateur from someone else "pirating" a legitimate callsign. Finally, the Winlink 2000 login banner shown below is presented to *EVERY* new user of the Winlink 2000 system:

—
Welcome to Winlink 2000.

You are registered as a new user with 30 minutes of daily usage time. HF users are on '30 day probation' until we can validate your call sign and HF operator privileges. Be prepared to provide proof of license if electronic validation is not possible.

Please read the Winlink 2000 Disclaimer found on <http://www.Winlink.org/guidelines.htm> or bulletin WL2K.DISC in the AirMail Global Catalog under category WL2K_HELP. By using the Winlink 2000 system, you agree with, understand, and hold the developers and system operators of the Winlink 2000 system harmless per the conditions set forth within the Disclaimer.

We appreciate your participation and enjoy the system! Questions should be directed to K4CJX@winlink.org. The WinLink Development Team

The Winlink Development Team is, therefore, interested why such an unsubstantiated allegation is made in the Draft Report. We know of *NO* other Amateur service which requires such validation or mandatory proof of license.

A further concern is the ambiguity that accidentally or deliberately is incorporated in the Draft Report. It states *"a WinLink system may be regarded as a network unit under the Telecommunications Act 1997. If so, whoever was responsible for running the system would be required by law to obtain a carrier license from the ACA, pay carrier license fees (\$10 000 a year) and contribute to funding the universal service obligation."* Either, the Report should state that, in accordance with Australian law, it is or that it isn't. An authoritative report has no place for "could, should, may or may not." If applicable, then it should be applied universally. An Australian WinLink station is no different from the Internet Radio Linking Project nor Australian club BBSs utilizing "wormholes" with direct Internet network connections. The same question applies to the commercial station, SailMail (Brunei Radio) as well as several other Australian based stations. These are also "networks." Are these others in Amateur radio or commercial marine charged these

network fees?

The Report makes an issue about “third-party traffic”, that is, amateurs in one country transferring third party traffic with amateurs in another country) must be authorized by international treaties between the relevant countries. *“This can be a time-consuming process if a treaty does not already exist. Australia currently has treaties with only five countries: the United States, Canada, the Solomon Islands, Israel and Honduras (ACA 2001b).”* Therefore, third-party traffic with the United States is allowed if ever it would be needed. We had thought that the extensive material that has been provided to the Inquiry had made all of operations very clear. It still appears that WinLink 2000 operations are still not understood.

The Report continues *“although WinLink may enhance maritime safety, it is not a safety-of-life service. It is a ‘store and forward’ data system and thus a poor substitute for instantaneous communications (Phillip Collins and Associates, sub. 58). In most instances, vessels in distress rely on voice transmissions via radio. In addition, it is recommended that all vessels carry emergency position-indicating radio beacons for emergencies. They are small, self-contained, battery operated radio transmitters that provide position information via satellite to emergency authorities for at least 48 hours (ACA 2001k).”* Winlink 2000 continues to work with Voice Networks, as well as, with the US Coast Guard and other government agencies to locate missing vessels. Reports about the latest missing vessel that was found, with WinLink participation, have appeared in several publications. This section of the Draft Report demonstrates that the authors of the Report do not understand, and what is more serious, did *not* bother to determine what is correct. Hundreds of people have written the Productivity Commission about the benefits of security provided by WinLink. Apparently, the effort of these people were in vain? We gain the impression that the evidence was never ever viewed. Only the two negative submissions were quoted, and none of the hundreds of people with actual experiential points of view, not guesses from a desk in Australia.

Finally, the Draft Report states: *“WinLink is only available to yachts with a registered amateur on board. Other commercial email services are available to all yacht owners with a legitimate vessel call sign. Based on these arguments, the Commission does not intend to recommend changes to the amateur radio operator license conditions to allow the use of WinLink 2000.”* All that we can say about this is that it is incomprehensible that the Productivity Commission has decided against amateur radio operators in favor of minor commercial interests. It does not pass, what we would refer to, as the “smell test”. There is the famous legal maxim that applies here. Paraphrasing, “ignorance of the facts is not a valid excuse for making an incorrect decision”. Maybe an inquiry into the Productivity Commission’s “inquiry” would bring out the clarifications to which the public at-large is entitled. Apparently, very little if any of the information that was provided to the Productivity Commission was utilized in their decision-making process. It reads as if the decision was made before any information was provided or submissions received. It should be an embarrassment to those who were invited to participate. Lastly, WinLink will not decline to provide its service to the several hundreds of Australian radio amateurs who currently use the system. They have an obvious need for it

and it is their responsibility to weigh the benefits of the service against the legal constraints in Australia.

Yours truly,

Steve Waterman (k4cjsx)

For the Winlink Development Team and the many Winlink users who made Submissions

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