

Radiocommunications Amendment Regulations 2004

Pursuant to sections 116 and 134 of the Radiocommunications Act 1989, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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1 Title

- (1) These regulations are the Radiocommunications Amendment Regulations 2004.

- (2) In these regulations, the Radiocommunications Regulations 2001¹ are called “the principal regulations”.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Transfer, suspension, or revocation

Regulation 15(1) of the principal regulations is amended by revoking paragraph (a), and substituting the following paragraph:—

- “(a) a radio licence either—
“(i) by notice in writing to the licensee; or
“(ii) by notice in the *Gazette*.”.

4 New regulation 22A inserted

The principal regulations are amended by inserting, after regulation 22, the following regulation:

“22A Chief executive may authorise persons to act on his or her behalf in relation to issue of certificates of competency

- “(1) The chief executive may, by notice in writing to a person, appoint the person to act on the chief executive’s behalf in relation to the issue of certificates of competency under regulation 24 if the person is authorised to conduct examinations under regulation 28(3).
- “(2) The appointment—
“(a) may be made on any terms and conditions that the chief executive thinks fit; and
“(b) may be revoked at will by notice in writing to the appointee.
- “(3) No appointment in accordance with this regulation—
“(a) affects or prevents the performance of any function or the exercise of any power by the chief executive; or
“(b) affects the responsibility of the chief executive for the actions of any appointee acting under the appointment;
or

¹ SR 2001/240

“(c) is affected by any change in the person holding office as the chief executive.”

5 Applications

Regulation 23 of the principal regulations is amended by revoking subclauses (3) and (4), and substituting the following subclauses:

- “(3) Every application must be sent or delivered to either—
- “(a) a person appointed under regulation 22A at the address specified by the person for that purpose; or
 - “(b) the chief executive at the address specified by the chief executive for that purpose.
- “(4) A person referred to in subclause (3)(a) or (b) may require the applicant to provide further information, or proof of information, to assist the person in considering the application.”

6 Issue of certificate of competency

Regulation 24 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:

- “(1) The chief executive or a person appointed under regulation 22A may, in respect of an application and on the payment of the prescribed fee,—
- “(a) issue a certificate of competency to any person who—
 - “(i) has successfully completed an examination prescribed by these regulations; or
 - “(ii) meets, in the opinion of the chief executive, the requirements for the issue of a certificate; or
 - “(b) decline to issue a certificate of competency.”

7 Validity

Regulation 26 of the principal regulations is amended by adding the words “by the chief executive”.

8 Disclosure of information on Register

Regulation 46 of the principal regulations is amended by inserting, after paragraph (b), the following paragraphs:

- “(ba) a person who is authorised by the chief executive to search any protected record on the Register for the purpose of assisting the chief executive to take into account the matter referred to in regulation 12(b), if the owner of the management right, the rightholder, or the holder of the radio licence, as the case may be, gives their consent to the search; or
- “(bb) an approved radio engineer who is authorised by the chief executive to search any protected record on the Register for the purpose of assisting the chief executive in the exercise of the chief executive’s powers or the performance of the chief executive’s functions under regulations 7 to 15; or”.

9 Schedule 1 amended

Schedule 1 of the principal regulations is amended by revoking clause 8, and substituting the following clause:

“8 Callsigns

- “(1) If a radio licence requires the use of a callsign, the callsign of the person operating the radio transmitter in accordance with the radio licence must be—
 - “(a) the callsign shown on the radio licence; or
 - “(b) the callsign shown on the certificate of competency of the person who is operating the radio transmitter; or
 - “(c) a temporary callsign that the operator is authorised to use in accordance with subclause (2).
- “(2) The chief executive may, by notice in the *Gazette*, authorise a person or a class of persons to use a temporary callsign for the period, and in accordance with the terms and conditions, specified in the notice.”

10 Schedule 3 amended

Schedule 3 of the principal regulations is amended by revoking paragraph (e).

11 Schedule 4 amended

Schedule 4 of the principal regulations is amended by revoking clauses 4 and 5, and substituting the following clause:

“4 General amateur operator’s certificate

To qualify for a general amateur operator’s certificate for operation on all scheduled amateur frequencies, a candidate must pass a written examination approved by the chief executive for the purpose that demonstrates a theoretical knowledge of—

- “(a) the legal framework of New Zealand radiocommunications, including—
 - “(i) the International Radio Regulations of the International Telecommunication Union; and
 - “(ii) the Act; and
 - “(iii) these regulations; and
 - “(iv) the New Zealand amateur radio licence conditions and frequency allocations; and
- “(b) the methods of radiocommunication, including radiotelephony, radiotelegraphy, and data and image; and
- “(c) radio system theory, including theory relating to transmitters, receivers, antennas and propagation, and measurements; and
- “(d) electromagnetic radiation; and
- “(e) electromagnetic compatibility; and
- “(f) avoidance and resolution of radio frequency interference.”

12 Transitional provision for holders of limited amateur operator’s certificate

Every person who, immediately before the commencement of these regulations, is the holder of a limited amateur operator’s certificate must be treated, on and after the commencement of these regulations, as being a holder of a general amateur operator’s certificate.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after the date of their notification in the Gazette, amend the Radiocommunications Regulations 2001.

The amendments—

- permit the chief executive to transfer, suspend, or revoke radio licences by notice in writing to the licensee or by notice in the Gazette; and
- permit the chief executive to authorise certain persons to issue certificates of competency on his or her behalf; and
- remove the requirement for amateur operators to pass a Morse operating test. This, in effect, removes the distinction between general amateur operator's certificates and limited amateur operator's certificates. Accordingly, these regulations abolish limited amateur operator's certificates and treat previous holders of these certificates as holders of general amateur operator's certificates; and
- update the requirements of examinations that a candidate for a general amateur operator's certificate must pass; and
- permit information that is protected under section 28 of the Radiocommunications Act 1989 to be disclosed to certain persons in connection with the granting of radio licences; and
- provide for the use of temporary callsigns.

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