



Radiocommunications Amendment Regulations 2003

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 23rd day of June 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 115, 116, 134, and 135 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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Regulations

1 Title

- (1) These regulations are the Radiocommunications Amendment Regulations 2003.
- (2) In these regulations, the Radiocommunications Regulations 2001¹ are called “the principal regulations”.

¹ SR 2001/240

2 Commencement

These regulations come into force on 1 July 2003.

3 Interpretation

Regulation 3 of the principal regulations is amended by revoking the definition of **e.r.p.**.

4 Applications

The principal regulations are amended by revoking regulation 7(2), and substituting the following subclause:

- “(2) An application for a point to multipoint radio licence may include an application for 1 or more point to multipoint radio licences.”

5 Grant of radio licence

- (1) Regulation 8 of the principal regulations is amended by omitting the words “and on the payment of the prescribed fee” in both places where they appear.
- (2) Regulation 8 of the principal regulations is amended by inserting, after subclause (1), the following subclause:

“(1A) The chief executive may grant 1 or more radio licences in connection with an application under regulation 7(2) or decline to do so.”

6 Grant of exemption from requirement for radio licence

Regulation 10 of the principal regulations is amended by omitting the words “and on the payment of the prescribed fee” in both places where they appear.

7 Applications

Regulation 17(2) of the principal regulations is revoked.

8 Grant of licence to supply radio transmitters

Regulation 18 of the principal regulations is amended by omitting the words “and on the payment of the prescribed fee” in both places where they appear.

9 Applications

Regulation 23(2) of the principal regulations is amended by omitting the words “the fee prescribed for the application”, and substituting the words “a fee for the application of \$25 (inclusive of goods and services tax)”.

10 Recount of marks awarded

Regulation 30(2) of the principal regulations is revoked.

11 New regulations 38 to 40 substituted

The principal regulations are amended by revoking regulations 38 to 41, and substituting the following regulations:

“38 Fees payable to chief executive for radio licences

“(1) The licensee under a radio licence must pay to the chief executive an initial licence fee on the commencement date of the licence as set out in the second column of Part 1 of Schedule 6.

“(2) The licensee under a radio licence must pay to the chief executive a fee annually, within the period of 1 month immediately before each anniversary of the commencement date of the licence, as set out in the third column of Part 1 of Schedule 6.

“(3) The applicant for a radio licence that is not granted must pay to the chief executive a fee for the application for the radio licence on the date that the applicant is notified that the application has been declined as set out in the fourth column of Part 1 of Schedule 6.

“(4) The chief executive may reduce a fee payable under subclause (1) or subclause (2) in proportion to the period of the right to transmit radio waves under the licence (rounded up to the nearest month) if the right to transmit radio waves expires earlier than 12 months after—

“(a) the commencement date of the licence (if a fee is payable under subclause (1)); or

“(b) the date by which the fee must be paid (if a fee is payable under subclause (2)).

39 Fees payable to chief executive for spectrum licences

“(1) This regulation applies to the following licences:

“(a) spectrum licences created under section 48(1)(a) or (b) of the Act;

“(b) licences that—

“(i) were created under section 48(a) or (b) of the Act (as in force immediately before the commencement of the Radiocommunications Amendment Act 2000); and

“(ii) are deemed, under section 59 of the Radiocommunications Amendment Act 2000, to be spectrum licences.

“(2) The rightholder under a licence to which this regulation applies must pay to the chief executive a fee on the date of registration of the licence.

“(3) The rightholder under a licence to which this regulation applies must pay to the chief executive a fee annually, within the period of 1 month immediately before each anniversary of the date of registration of the licence.

“(4) The fees payable under subclause (2) are calculated by multiplying the amount set out in the second column of Part 2 of Schedule 6 opposite the specification of the maximum power (e.i.r.p.) permitted under the licence by the number of frequencies or frequency bands specified in the licence.

“(5) The fees payable under subclause (3) are calculated by multiplying the amount set out in the third column of Part 2 of Schedule 6 opposite the specification of the maximum power (e.i.r.p.) permitted under the licence by the number of frequencies or frequency bands specified in the licence.

“(6) The chief executive may reduce a fee payable in proportion to the period of the right to transmit radio waves under the licence (rounded up to the nearest month) if the right to transmit radio waves expires earlier than 12 months after—

“(a) the date of registration of the licence (if a fee is payable under subclause (2)); or

“(b) the date by which the fee must be paid (if a fee is payable under subclause (3)).

“40 Fees payable to Registrar

The fees payable to the Registrar for each matter specified in the first column of Part 3 of Schedule 6 are the fees specified in the second column of that Part.”

12 Radiocommunication within territorial limits

Regulation 48(1)(a) of the principal regulations is amended by omitting the expression “; or”, and substituting the word “; and”.

13 New Schedule 6 substituted

The principal regulations are amended by revoking Schedule 6, and substituting the Schedule 6 set out in Schedule 1 of these regulations.

14 Schedule 7 amended

- (1) Schedule 7 of the principal regulations is amended by inserting, after the item “Form 25—Consent by manager to transfer of spectrum licence”, the item “Form 26—Request to refer matter to arbitration”.
- (2) Schedule 7 of the principal regulations is amended by omitting from forms 1, 3 to 6, 8, 10 to 16, 18, 20, and 21 the words “and must be accompanied by the prescribed fee”.
- (3) Schedule 7 of the principal regulations is amended by omitting from form 9 the words “and accompanied by the prescribed fee”.
- (4) Schedule 7 of the principal regulations is amended by adding the form set out in Schedule 2 of these regulations.

15 Transitional provision

- (1) Subclause (2) applies to a person who, before the commencement of these regulations, has paid a fee under regulation 38(1) of the principal regulations (as in force immediately before the commencement of these regulations) but has not yet paid a fee under regulation 38(2)(a) of the principal regulations (as in force immediately before the commencement of these regulations).
- (2) The person must, instead of paying the fee under regulation 38(1) of the principal regulations (as substituted by these

- regulations), pay the fee under regulation 38(2)(a) of the principal regulations (as in force immediately before the commencement of these regulations).
- (3) Regulations 38(4) and 39(5) of the principal regulations (as in force immediately before the commencement of these regulations) continue to apply to the fees payable before the commencement of these regulations under regulations 38 and 39 of the principal regulations.
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Schedule 1

r 13

New Schedule 6 substituted in principal regulations

Schedule 6

rr 38–40

Fees

Part 1

Fees payable to chief executive for radio licences

Radio licence class	Initial licence fee (\$)	Annual fee (\$)	Fee for declined applica- tions (\$)
1 Land mobile service—			
Two-frequency (repeater), with bandwidth more than 12.5 kHz,—			
(a) multiple repeaters on a common channel throughout New Zealand	3,300	3,000	300
(b) single repeater with more than 5 watts e.i.r.p.	550	250	300
(c) single repeater with 5 watts e.i.r.p. or less	400	100	300
Two-frequency (repeater), with bandwidth 12.5 kHz or less,—			
(d) multiple repeaters on a common channel throughout New Zealand	1,800	1,500	300
(e) single repeater with more than 5 watts e.i.r.p.	550	250	300
(f) single repeater with 5 watts e.i.r.p. or less	400	100	300
Single frequency, with bandwidth more than 25 kHz,—			
(g) multiple apparatus on a common frequency throughout New Zealand	3,250	3,000	250
(h) other (per radio transmitter)	295	45	250
Single frequency, with bandwidth more than 12.5 kHz but less than or equal to 25 kHz,—			
(i) multiple apparatus on a common frequency throughout New Zealand	2,250	2,000	250
(j) other (per radio transmitter)	295	45	250
Single frequency, with bandwidth 12.5 kHz or less,—			
(k) multiple apparatus on a common frequency throughout New Zealand	1,250	1,000	250
(l) other (per radio transmitter)	275	25	250
Paging—			
(m) multiple installations on a common frequency throughout New Zealand	3,250	3,000	250
(n) with more than 25 watts e.i.r.p.	750	500	250
(o) with more than 5 watts e.i.r.p. but less than or equal to 25 watts e.i.r.p.	450	200	250
(p) with 5 watts e.i.r.p. or less	304	54	250
2 Maritime and aeronautical mobile service—			
(a) ship or aircraft	65	45	20

Schedule 6—continued
Part 1—continued

Radio licence class	Initial licence fee (\$)	Annual fee (\$)	Fee for declined applica- tions (\$)
(b) mobile	65	45	20
(c) coast	545	45	500
(d) repeater	1,135	135	1,000
3 Fixed service—			
Point to point—			
(a) frequency less than 1 GHz, with bandwidth 12.5 kHz or less	736	36	700
(b) frequency less than 1 GHz, with bandwidth more than 12.5 kHz but less than or equal to 50 kHz	745	45	700
(c) frequency less than 1 GHz, with bandwidth more than 50 kHz	775	75	700
(d) frequency 1 GHz or more, but less than 14 GHz	600	200	400
(e) frequency 14 GHz or more	275	75	200
Point to multipoint (per link)—			
(f) unidirectional link—			
(i) for the first licence in an applica- tion	1,000	250	750
(ii) for each subsequent licence in an application	250	250	Nil
(g) bidirectional link—			
(i) for the first licence in an applica- tion	800	50	750
(ii) for each subsequent licence in an application	50	50	Nil
4 Amateur service—			
(a) amateur (beacon and repeater)	Nil	Nil	Nil
(b) amateur (operator)	70	35	35
5 Radiodetermination service	250	200	50
6 Satellite service—			
(a) fixed satellite (per transponder accessed)	2,000	500	1,500
(b) mobile satellite, per apparatus (including fixed stations operating in mobile satel- lite service)	1,680	180	1,500
(c) receive only satellite	2,500	1,000	1,500
(d) VSAT network	2,000	500	1,500
7 Telemetry/telecommand	127	27	100
8 Broadcasting service—			
Sound broadcasting HF-AM operating with an e.i.r.p. of—			
(a) less than 30 dBW	1,090	90	1,000
(b) 30 dBW or more, but less than 36 dBW	1,405	405	1,000
(c) 36 dBW or more, but less than 42 dBW	1,810	810	1,000
(d) 42 dBW or more, but less than 45 dBW	2,620	1,620	1,000
(e) 45 dBW or more	3,000	2,000	1,000
Sound broadcasting VHF-FM operating with an e.i.r.p. of—			
(f) less than 10 dBW	563	63	500

Schedule 6—continued
Part 1—continued

Radio licence class	Initial licence fee (\$)	Annual fee (\$)	Fee for declined applications (\$)
(g) 10 dBW or more, but less than 20 dBW	700	200	500
(h) 20 dBW or more, but less than 30 dBW	900	400	500
(i) 30 dBW or more, but less than 40 dBW	2,500	2,000	500
(j) 40 dBW or more	4,500	4,000	500
Television broadcasting VHF operating with an e.i.r.p. of—			
(k) less than 10 dBW	1,045	45	1,000
(l) 10 dBW or more, but less than 30 dBW	2,000	1,000	1,000
(m) 30 dBW or more, but less than 36 dBW	5,000	4,000	1,000
(n) 36 dBW or more	16,000	15,000	1,000
Television broadcasting UHF operating with an e.i.r.p. of—			
(o) less than 10 dBW	445	45	400
(p) 10 dBW or more, but less than 30 dBW	490	90	400
(q) 30 dBW or more, but less than 40 dBW	600	200	400
(r) 40 dBW or more, but less than 50 dBW	900	500	400
(s) 50 dBW or more	2,400	2,000	400
9 Miscellaneous	145	45	100

Part 2

Fees payable to chief executive for spectrum licences

Maximum power (e.i.r.p.)	Initial amount (\$)	Annual amount (\$)
MF—AM sound broadcasting—		
(1) less than 30 dBW	1,200	200
(2) 30 dBW or more, but less than 36 dBW	1,900	900
(3) 36 dBW or more, but less than 40 dBW	3,000	2,000
(4) 40 dBW or more	5,000	4,000
VHF—FM sound broadcasting—		
(5) less than 10 dBW	563	63
(6) 10 dBW or more, but less than 20 dBW	700	200
(7) 20 dBW or more, but less than 30 dBW	900	400
(8) 30 dBW or more, but less than 40 dBW	2,500	2,000
(9) 40 dBW or more	4,500	4,000
UHF television broadcasting—		
(10) less than 10 dBW	445	45
(11) 10 dBW or more, but less than 30 dBW	490	90
(12) 30 dBW or more, but less than 40 dBW	600	200
(13) 40 dBW or more, but less than 50 dBW	900	500
(14) 50 dBW or more	2,400	2,000
VHF television broadcasting—		
(15) less than 10 dBW	1,045	45
(16) 10 dBW or more, but less than 30 dBW	2,000	1,000
(17) 30 dBW or more, but less than 46 dBW	5,000	4,000
(18) 46 dBW or more	17,000	16,000

Schedule 6—continued
Part 2—continued

	Initial amount (\$)	Annual amount (\$)
Maximum power (e.i.r.p.)		
Other services—		
(19) less than 10 dBW	Nil	50
(20) 10 dBW or more, but less than 20 dBW	Nil	100
(21) 20 dBW or more, but less than 30 dBW	Nil	200
(22) 30 dBW or more	Nil	300

Part 3
Fees payable to Registrar

	Fee (\$)
<i>Fees for lodging instruments or documents for registration or otherwise (payable in respect of each management right or each spectrum licence)</i>	
1 Notice of transfer of management rights	25
2 Registration of spectrum licence—	
(a) basic amount	25
(b) additional amount for each frequency or frequency band above 1	25
3 Application to be registered as manager or rightholder by operation of law	25
4 Application for correction of the Register	25

r 14(4)

Schedule 2
New form added to Schedule 7 of
principal regulations

Form 26

Request to refer matter to arbitration

Section 108(6) and (7), Radiocommunications Act 1989

To the chief executive of the Ministry of Economic Development I, *[full name]*, being the rightholder for spectrum licence number *[specify reference number]* (or the holder of radio licence number *[specify reference number]* or the owner of the radionavigation or safety receiver described as *[specify description of receiver]*), request under section 108(6) (or section 108(7)) of the Radiocommunications Act 1989 that the chief executive of the Ministry of Economic Development refer the matter described below to arbitration under section 109 of that Act.

- 1 The respondent's name is *[specify full name of respondent]*.
- 2 The respondent is the rightholder for spectrum licence number *[specify reference number]* (or the holder of radio licence number *[specify reference number]*).
- 3 A notice under section 108(1) of the Radiocommunications Act 1989 was served on the respondent on *[specify date]*. A copy of the notice is attached to this form.
- *4 The action specified in the notice has not been taken within 10 working days of the notice being properly given.
- *5 I continue to believe that the respondent's transmissions have caused or contributed to, or are causing or contributing to, harmful interference in my protection area.
- *6 I continue to believe that the action that is specified in the notice is justified.
- 7 The matters that the chief executive of the Ministry of Economic Development must be satisfied of in section 109(1)(a) to (c) and (f) of the Radiocommunications Act 1989 are satisfied because *[specify sufficient information to satisfy the chief executive of the Ministry of Economic Development of the matters specified in section 109(1)(a) to (c) and (f) of the Radiocommunications Act 1989. Supporting documentation should be attached if appropriate]*.

Form 26—*continued*

8 The respondent and I have not agreed on a method of reaching an agreement to deal with the harmful interference or to refer the matter to arbitration.

or

8 The respondent and I agreed on a method of reaching an agreement to deal with the harmful interference under section 108(5)(c) of the Radiocommunications Act 1989, but no agreement was reached within 20 working days of the notice being properly given.

*9 The chief executive of the Ministry of Economic Development has made the following directions under section 108(3) of the Radiocommunications Act 1989: [*briefly describe the directions*].

10 My address for service is [*specify address*].

*Delete if inapplicable.

Date:

Signed by [*name of claimant*]

.....

in the presence of:

Witness:

Occupation:

Address:

Note: This request must be accompanied by a copy of the notice given under section 108(1) of the Radiocommunications Act 1989. This request (together with any supporting documentation) should be sent, as soon as practicable, to the respondent by the claimant.

Marie Shroff,
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 1 July 2003, amend the Radiocommunications Regulations 2001 (“the principal regulations”).

The amendments—

- replace the fee that was payable for an application for a radio licence and the fee that was payable on the commencement date of the licence with a new fee that is payable on that date; and
- provide for a fee that is payable for unsuccessful applications for radio licences; and
- replace Schedule 6 of the principal regulations (which relates to certain fees that are payable to the chief executive of the Ministry of Economic Development and the Registrar of Radio Frequencies); and
- amend regulation 48 of the principal regulations (which relates to radiocommunications within territorial limits) to make it clear that a person who uses a radio transmitter on any merchant ship or aircraft of any nationality or registration, or on any foreign ship of war or military aircraft, within the territorial limits of New Zealand must comply with any instructions given to the operator of the radio transmitter by the chief executive; and
- add a new form concerning requests to refer matters to arbitration under section 109 of the Radiocommunications Act 1989; and
- make consequential changes to various other provisions of the principal regulations.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 26 June 2003.

These regulations are administered in the Ministry of Economic Development.
