



THE TELECOMMUNICATIONS (INTERNATIONAL SERVICES) REGULATIONS 1989

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 10th day of July 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 5 of the Telecommunications Act 1987, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ul style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Application of regulations 4. Registration 5. Terms and conditions of registration | | <ul style="list-style-type: none"> 6. Waiver of conditions 7. Disclosure 8. Fees 9. Revocation of registration |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Telecommunications (International Services) Regulations 1989.
(2) These regulations shall come into force on the 14th day of August 1989.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Leased circuit” means any part of the capacity of a telecommunications link provided by an overseas operator (including, where agreed, the whole of such capacity), that is

dedicated pursuant to an agreement with that overseas operator for the use of any other person, and includes any part of the capacity in 2 or more telecommunication links where that capacity is connected:

“Overseas operator” means a person operating facilities for the purpose of providing telecommunications services from a territory outside New Zealand:

“Packet telecommunications services” means services in which data or voice telecommunications are transferred through a network in units or packets which include information to control the progress of the packet through the network:

“Registered operator” means a person registered under these regulations:

“Secretary” means the Secretary of Commerce:

“Telephone telecommunications services” means services in which voice signals are transmitted over a network designed for such purposes:

“Telex telecommunications services” means services in which textual messages based on individual transmission of alphanumeric characters are transmitted over a network designed for such purposes:

“Traffic” means telecommunications generated by the provision of public switched telecommunications services such as public telephone, telex, and packet telecommunications services to or from territories outside New Zealand:

“Transit traffic” means traffic that originates in New Zealand and is transmitted through an overseas operator to a territory other than the territory in which the overseas operator is based.

3. Application of regulations—These regulations shall apply to any person who establishes, operates, or maintains facilities in New Zealand for the purpose of providing to other persons in New Zealand, pursuant to an agreement or arrangement between that person and an overseas operator,—

(a) Public switched telecommunications services, such as public telephone, telex or packet telecommunications services; or

(b) Leased circuits,—

to or from territories outside New Zealand.

4. Registration—(1) The Secretary shall register in accordance with these regulations any person to whom these regulations apply and who makes application for registration pursuant to and in accordance with these regulations.

(2) Every person to whom these regulations apply shall make an application for registration to the Secretary in such form and including such information as the Secretary may require.

(3) Every application under subclause (2) of this regulation shall be accompanied by a fee of \$1,000.

(4) The Secretary shall, as soon as practicable after a person has been registered, cause notice of that registration to be published in the *Gazette*.

5. Terms and conditions of registration—Subject to regulation 6 of these regulations, any person registered under these regulations shall comply with the following terms and conditions:

- (a) In respect of any agreement or arrangement entered into with an overseas operator, the registered operator shall ensure that the agreement or arrangement provides—
- (i) That the registered operator shall pay a fee to that overseas operator for terminating traffic, or for transit traffic, or for leased circuits, at the same rates and in accordance with the same accounting methods and divisions as are applied to any other agreement or arrangement which the overseas operator has with any other registered operator; and
 - (ii) That the registered operator's share of total traffic to New Zealand from that overseas operator shall be in similar proportion to that registered operator's share of total traffic from New Zealand to that overseas operator; and
 - (iii) That the registered operator shall transmit transit traffic through that overseas operator in a proportion no greater than that proportion of total transit traffic from New Zealand which is transmitted through that overseas operator:
- (b) The registered operator shall comply with such international telecommunications agreements and conventions to which New Zealand is a party as the Secretary shall notify from time to time:
- (c) The registered operator shall furnish to the Secretary such statements, reports, and agreements with overseas operators as the Secretary may require:
- (d) The registered operator shall pay all fees payable under these regulations.

6. Waiver of conditions—(1) Notwithstanding anything in these regulations, the Secretary may waive all or any of the terms and conditions contained in regulation 5 (a) to (c) of these regulations in relation to a registered operator upon application by that registered operator.

(2) In determining whether or not to grant a waiver under this regulation the Secretary shall have regard to—

- (a) The promotion of a competitive market in international telecommunications services in New Zealand; and
- (b) The interests of users of such services in New Zealand.

(3) A determination to waive any term or condition granted pursuant to subclause (1) of this regulation shall have effect for such period as the Secretary thinks fit.

7. Disclosure—The Secretary may disclose any agreements with overseas operators submitted under regulation 4 (2) or regulation 5 (c) of these regulations to other registered operators.

8. Fees—Every registered operator shall pay a fee of \$20,000 (inclusive of goods and services tax) upon registration under these regulations, and thereafter an annual registration fee of \$20,000.

9. Revocation of registration—The Secretary may revoke registration granted under regulation 4 of these regulations where the Secretary is satisfied that the registered operator has not complied with any term or condition of registration.

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 14 August 1989, provide for the registration of any person establishing, operating, or maintaining facilities in New Zealand for the purpose of providing international public or leased line telecommunications services.

Regulation 2 is the interpretation provision.

Regulation 3 is the application provision.

Regulation 4 deals with the procedure for registration.

Regulation 5 provides for the terms and conditions of registration.

Regulation 6 permits the Secretary, in certain circumstances, to waive all or any of the terms and conditions, except for the payment of the appropriate fees.

Regulation 7 permits the Secretary to disclose any agreements with overseas operators submitted by a registered operator under these regulations to any other registered operator.

Regulation 8 provides that an annual registration fee of \$20,000 (inclusive of goods and services tax) is payable under the regulations.

Regulation 9 permits the Secretary to revoke registration where the Secretary is satisfied that the registered operator has not complied with any term or condition of registration.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 July 1989.

These regulations are administered in the Ministry of Commerce.