

## **Radiocommunications Amendment Regulations 2005**

Pursuant to sections 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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- 1 Title**
- (1) These regulations are the Radiocommunications Amendment Regulations 2005.

- (2) In these regulations, the Radiocommunications Regulations 2001<sup>1</sup> are called “the principal regulations”.

## **2 Commencement**

- (1) These regulations (except regulation 7) come into force on 1 July 2005.
- (2) Regulation 7 comes into force on 1 December 2005.

## **3 Matters chief executive must take account of**

Regulation 12 of the principal regulations is amended by adding, as subclauses (2) and (3), the following subclauses:

- “(2) For the purpose of assisting the chief executive to take into account the matter referred to in subclause (1)(b), the applicant for a radio licence must, when applying for that licence, either—
- “(a) supply a certificate from an authorised person referred to in regulation 46(ba) or (bb); or
  - “(b) pay to the chief executive the engineering certification fee set out in the third column of Schedule 6 (so that the chief executive can commission engineering work with a view to obtaining a certificate from an authorised person referred to in regulation 46(ba) or (bb)).
- “(3) The certificate referred to in subsection (2) must certify that, in the opinion of the authorised person, the radiocommunication service for which the radio licence is required is technically compatible with existing radio licences and spectrum licences.”

## **4 Applications**

Regulation 23(2) of the principal regulations is revoked.

## **5 Issue of certificate of competency**

Regulation 24(1) of the principal regulations is amended by omitting the words “and on the payment of the prescribed fee”.

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<sup>1</sup> SR 2001/240

**6 New regulations 38 and 39 substituted**

The principal regulations are amended by revoking regulations 38 to 40, 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 the annual administration fee set out in the fourth column of Schedule 6—

“(a) by the commencement date of the licence; and

“(b) annually, within the period of 1 month immediately before each anniversary of the commencement date of the licence.

“(2) The chief executive may waive a fee payable under subclause (1) in proportion to the period that the licence is current (rounded up to the nearest month) if the licence expires or is revoked earlier than 12 months after the date by which the fee must be paid.

**“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 the annual administration fee set out in the fourth column of Schedule 6—

“(a) by the commencement date of the licence; and

“(b) annually, within the period of 1 month immediately before each anniversary of the commencement date of the licence.

“(3) The chief executive may waive a fee payable under subclause (2) in proportion to the period that the licence is current (rounded up to the nearest month) if the licence expires or is

cancelled earlier than 12 months after the date by which the fee must be paid.”

**7 New regulation 44A inserted**

The principal regulations are amended by inserting, after regulation 44, the following regulation:

**“44A Discount for payment using online service**

1A person paying an annual administration fee by the due date by credit card or direct debit using an online service is entitled to a 10% discount on the amount of the fee that would otherwise be payable.

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**Example**

The holder of a radio licence (for a multiple repeater with bandwidth of 12.5 kHz), which has an anniversary of 1 March 2006, pays the annual administration fee by credit card over the Ministry of Economic Development's website on 13 February 2006. The correct amount payable is \$1,170 (\$1,300 less 10%).

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“(2) In this regulation, **online service** means a service provided by, or on behalf of, the chief executive that allows payment of the fees under these regulations to be made by means of the Internet.”

**8 New Schedule 6 substituted**

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

**9 Schedule 7 amended**

- (1) Schedule 7 of the principal regulations is amended by omitting from forms 2 and 7 the words “and must be accompanied by the prescribed fee”.
- (2) Schedule 7 of the principal regulations is amended by omitting from form 19 the words “The application must be accompanied by the prescribed fee.”
- (3) Schedule 7 of the principal regulations is amended by omitting from form 22 the words “and must be accompanied by the prescribed fee. No fee is payable if the correction is necessary

because of a mistake made by the Registrar or by any of the Registrar's officers”.

#### **10 Transitional provisions**

- (1) If a licensee of a radio licence has paid a fee under regulation 38(1) of the principal regulations (as in force immediately before the commencement of this regulation), the licensee is not liable to pay the fee under regulation 38(1)(a) of the principal regulations as substituted by regulation 6 of these regulations for that licence.
- (2) If a rightholder of a spectrum licence has paid a fee under regulation 39(2) of the principal regulations (as in force immediately before the commencement of this regulation), the rightholder is not liable to pay the fee under regulation 39(2)(a) of the principal regulations as substituted by regulation 6 of these regulations for that licence.
- (3) Sections 38(4) and 39(6) of the principal regulations (as in force immediately before the commencement of this regulation) continue to apply to fees payable before the commencement of these regulations.

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#### **Schedule**

r 8

#### **New Schedule 6 substituted in principal regulations**

#### **Schedule 6**

rr 12, 38, 39

#### **Fees payable to chief executive for radio and spectrum licences (GST inclusive)**

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual administration fee (\$)</b>
	<b>Land mobile services (radio licences only)</b>		

Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual administration fee (\$)</b>
	<i>Repeaters (two frequency)</i>		
LR1	Multiple repeaters on a common channel throughout New Zealand with bandwidth 12.5 kHz or less	400	1,300
LR2	Multiple repeaters on a common channel throughout New Zealand with bandwidth more than 12.5 kHz	400	2,500
LR3	Single repeater with 7 dBW (5 watts) e.i.r.p. or less	400	150

Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual administration fee (\$)</b>
LR4	Single repeater with more than 7 dBW (5 watts) e.i.r.p.  <i>Simplex (single frequency)</i>	400	250
LS1	Multiple radio transmitters on a common frequency throughout New Zealand with bandwidth 12.5 kHz or less	400	800
LS2	Multiple radio transmitters on a common frequency throughout New Zealand with bandwidth more than 12.5 kHz, but less than or equal to 25 kHz	400	1,500

Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual ad- ministration fee (\$)</b>
LS3	Multiple radio transmitters on a common frequency throughout New Zealand with bandwidth more than 25 kHz	400	2,000
LS4	Other radio transmitters (per licence)	400	100
	<i>Paging</i>		
LP1	Multiple radio transmitters on a common frequency throughout New Zealand	400	2,500
LP2	Radio transmitters with less than or equal to 7 dBW (5 watts) e.i.r.p.	400	100



Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual administration fee (\$)</b>
LP3	Radio transmitters with more than 7 dBW (5 watts) e.i.r.p., but less than or equal to 14 dBW (25 watts) e.i.r.p.	400	200
LP4	Radio transmitters with more than 14 dBW (25 watts) e.i.r.p.	400	400
	<b>Fixed services (radio licences only—fee per radio transmitter)</b>		
FP1	Point-to-point—frequency less than or equal to 1 GHz	400	75
FP2	Point-to-point—frequency more than 1 GHz	400	200

Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual ad- ministration fee (\$)</b>
FM1	Point-to- multipoint and multi-point- to-point	400*	100
* Includes the first 4 transmitters. Each additional transmitter incurs an engineering certification fee of \$50.			
<b>Broadcasting services (radio and spectrum licences)</b>			
<i>Sound broadcasting less than 30 MHz (MF or HF)</i>			
BA1	Radio transmitters with less than 30 dBW e.i.r.p.	850	200
BA2	Radio transmitters with 30 dBW e.i.r.p. or more, but less than 36 dBW e.i.r.p.	850	900

Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual administration fee (\$)</b>
BA3	Radio transmitters with 36 dBW e.i.r.p. or more, but less than 40 dBW e.i.r.p.	850	1,800
BA4	Radio transmitters with 40 dBW e.i.r.p. or more	850	3,500
	<i>Sound broadcasting more than 30 MHz (VHF or UHF)</i>		
BF1	Radio transmitters with less than 10 dBW e.i.r.p.	1,100	200
BF2	Radio transmitters with 10 dBW e.i.r.p. or more, but less than 20 dBW e.i.r.p.	1,100	300

Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual ad- ministration fee (\$)</b>
BF3	Radio transmitters with 20 dBW e.i.r.p. or more, but less than 30 dBW e.i.r.p.	1,100	500
BF4	Radio transmitters with 30 dBW e.i.r.p. or more, but less than 40 dBW e.i.r.p.	1,100	1,700
BF5	Radio transmitters with 40 dBW e.i.r.p. or more	1,100	3,000
	<i>Television broadcasting less than 300 MHz (VHF)</i>		
BV1	Radio transmitters with less than 10 dBW e.i.r.p.	2,000	100

Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual administration fee (\$)</b>
BV2	Radio transmitters with 10 dBW e.i.r.p. or more, but less than 30 dBW e.i.r.p.	2,000	900
BV3	Radio transmitters with 30 dBW e.i.r.p. or more, but less than 50 dBW e.i.r.p.	2,000	3,300
BV4	Radio transmitters with 50 dBW e.i.r.p. or more	2,000	18,000
	<i>Television broadcasting more than 300 MHz (UHF)</i>		
BU1	Radio transmitters with less than 10 dBW e.i.r.p.	900	100

Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual ad- ministration fee (\$)</b>
BU2	Radio transmitters with 10 dBW e.i.r.p. or more, but less than 30 dBW e.i.r.p.	900	150
BU3	Radio transmitters with 30 dBW e.i.r.p. or more, but less than 40 dBW e.i.r.p.	900	250
BU4	Radio transmitters with 40 dBW e.i.r.p. or more, but less than 50 dBW e.i.r.p.	900	500
BU5	Radio transmitters with 50 dBW e.i.r.p. or more	900	1,500
	<b>Other services (radio and spectrum licences)</b>		

Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual administration fee (\$)</b>
	<i>Maritime and aeronautical (radio licences only)</i>		
OM1	Ship, aircraft, or mobile	Nil	100
OM2	Land (including maritime coast stations)	350	100
OM3	Repeater (two-frequency)	400	200
	<i>Amateur (radio and spectrum licences)</i>		
OA1	Beacon, repeater, or fixed link	300	50
	<i>Radiodetermination (radio licences only)</i>		
OR1	Radiodetermination (including radiolocation and radionavigation)	400	200

Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual ad- ministration fee (\$)</b>
	<i>Satellite (radio licences only)</i>		
OS1	Fixed satellite service (per transponder accessed)	550	200
OS2	Other satellite services (not shared with fixed services)	550	150
OS3	Other satellite services (shared with fixed services)	550	1,200
	<i>Telemetry or telecommand (radio licences only)</i>		
OT1	Telemetry or telecommand (including space telecommand)	200	50
	<i>Reception protection (radio licences only)</i>		



Schedule 6—*continued*

<b>Class of licence code</b>	<b>Class of radio or spectrum licence</b>	<b>Engineering certification fee (\$)</b>	<b>Annual administration fee (\$)</b>
OP1	Co-channel reception protection from terrestrial transmissions	550	1,400
	<i>Miscellaneous (radio and spectrum licences)</i>		
OZ1	Radio transmitters less than 20 dBW (100 watts) e.i.r.p.	200	100
OZ2	Radio transmitters 20 dBW (100 watts) e.i.r.p. or more, but less than 30 dBW (1 000 watts)e.i.r.p.	200	200
OZ3	Radio transmitters 30 dBW (1 000 watts) e.i.r.p. or more	200	300

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 1 July 2005 (except regulation 7), amend the Radiocommunications Regulations 2001.

Regulation 7 comes into force on 1 December 2005.

Regulation 3 reflects a policy change to enable an applicant for a radio licence to provide a certificate from the applicant's own engineering certifier about the technical compatibility of the applicant's application with existing licences. Alternatively, they can pay a fee, and if the application is technically compatible with other licences, Ministry of Economic Development staff will provide such a certificate.

Regulations 4 and 5 remove the current requirement in regulations 23 and 24 of the principal regulations for an application for a certificate of competency to be accompanied by a fee of \$25.

Regulation 6 substitutes new regulations 38 and 39 into the principal regulations and revokes regulation 40. The new regulations set out the matters for which fees are payable under the Radiocommunications Act 1989 and the amounts of those fees. Regulation 8 substitutes a new fees schedule.

Regulation 7 inserts new regulation 44A into the principal regulations, which reduces an annual administration fee by 10% if it is paid on time using an online service.

Regulation 9 makes consequential amendments to Schedule 7 and regulation 10 provides for transitional arrangements.

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