



ANALYSIS

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| Title 1. Short Title and commencement | 2. Regulations prohibiting unauthorised broadcasting from high seas |
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1996, No. 76

An Act to amend the Radiocommunications Act 1989

[26 July 1996]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Radiocommunications Amendment Act 1996, and shall be read together with and deemed part of the Radiocommunications Act 1989 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of August 1996.

2. Regulations prohibiting unauthorised broadcasting from high seas—The principal Act is hereby amended by inserting, after section 134, the following section:

“134A. (1) The Governor-General may from time to time, by Order in Council, make regulations prohibiting broadcasting contrary to international regulations from a ship or installation on the high seas.

“(2) Regulations made under subsection (1) of this section may make a breach of the regulations an offence punishable on summary conviction in New Zealand if—

“(a) The ship is a New Zealand ship; or

“(b) The installation is registered in New Zealand; or

“(c) The person engaged in broadcasting is a New Zealand citizen or ordinarily resident in New Zealand; or

“(d) The broadcast can be received in New Zealand; or

“(e) Radiocommunication within the territorial limits of New Zealand is suffering interference.

“(3) Regulations made under subsection (1) of this section may prescribe fines, not exceeding \$20,000 in any case, for any breach of the regulations and provide for the detention of any ship or installation on which a breach of the regulations is alleged to have occurred or has occurred, pending the institution and determination of proceedings in respect of the breach and pending the recovery of any fine imposed in respect of the breach.

“(4) Notwithstanding anything in any other enactment, proceedings for the trial and punishment of any person charged with having committed an offence against regulations made under subsection (1) of this section shall not be instituted in any Court except with the consent of the Attorney-General and on the Attorney-General’s certificate that it is expedient that the proceedings should be instituted.

“(5) A person alleged to have committed an offence against regulations made under subsection (1) of this section may be arrested or a warrant for the person’s arrest may be issued and executed, and the person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the institution of proceedings for the offence has not been obtained; but no further or other proceedings shall be taken until that consent has been obtained.

“(6) In this section,—

“‘Broadcasting’ has the same meaning as it has in the Broadcasting Act 1989:

“‘New Zealand ship’ has the same meaning as it has in the Maritime Transport Act 1994:

“‘Ship’ has the same meaning as it has in the Maritime Transport Act 1994.”

Cf. United Nations Convention on the Law of the Sea, article 109