

5th February 2015

Mr. L. Starling
Radio Spectrum Management
P.O. Box 2847
WELLINGTON



Dear Len,

Radio Communications Act 1989: Review

The Radio Frequency Users Association have already made two submissions to The Radio Communications Act 1989 Review, but each of these have been directed to the particular questions asked in the Ministry's Review.

Since then we have had a further meeting to consider the Act and the following comments are the outcome of that meeting.

The Radio Frequency Users Association agrees that the Act is operating reasonably well in terms of allowing spectrum for various users, however there are a number of issues that need addressing. We have observed over the past few years that the Ministry's operational performance has been eroded to a level that it is threatening the efficient use of spectrum thus subsequently constraining commercial growth.

This we believe is due largely to a lack of suitably qualified Ministry staff and the advent of externalising the engineering processes. Any licence crafted by an ARE or ARC seems to be simply approved without query. This has distanced RSM further from the operation of Land Mobile Spectrum Management. This in turn means that the Ministry has not kept pace with the demands on Spectrum due to the advent of new Digital technologies that are now available. These moves have introduced confusion, misunderstanding and a lack of appreciation of the true status of Land Mobile Bands.

The issues our members have identified include;

1. A variety of licensing issues such as conventional repeaters installed in trunking bands and transmitters installed without a licence - in many cases these are only discovered after lengthy and costly detection of interference.
2. Multiple frequencies and sites on single licenses, but equipment not necessarily installed. This, not only has a revenue impact for RSM, but also precludes the use of channels by others. - and escalates to lengthy and costly engineering exercises to slot new commercial frequencies amongst the licences that are not used which unnecessarily pollute the Bands in use.
3. Congestion on VHF frequency bands meaning some public utilities are unable to design and implement wide area multi-site networks, resulting in an economic impact as well as Health and Safety issues that subsequently arise.

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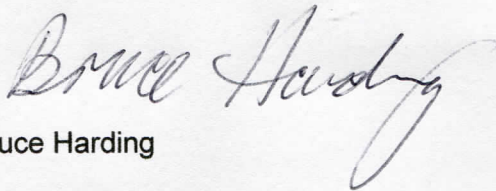
4. Out of date information on the level of licencing and occupancy within landmobile frequency bands, meaning that the needs of spectrum users are not understood and effective planning is not possible.
5. Little or no monitoring of frequency bands to detect unlicensed operation, operation outside of licence specifications, actual use of spectrum etc.
6. No provision for intensive coverage required by hand-held radios. These services typically require multiple channels at low altitude sites to obtain building penetration and therefore may not require the same protection as high altitude sites.
7. No provision for portable repeaters. These are presently licenced at appropriate high altitude sites, but never installed there. Invariably the portable repeater is utilised at multiple low altitude sites at irregular intervals, but the frequencies are unavailable for any other licensee anywhere.
8. Lack of compensation when frequencies taken for other purposes, i.e. removal of the top 0.5MHz of the A Band for broadcasting. We appreciate that the Security of Tenure policy now provides a level of protection for licensees, but modern equipment has a life expectancy far exceeding 5 years. This does not provide a robust environment for investment in new systems. There are two parts to this:
 - A. We consider that the costs associated with moving landmobile users should be reimbursed by the parties benefiting from the cleared spectrum.
 - B. That the 5 year protection is not nearly long enough for Industry to invest confidently in new systems. 5 years does not protect either the provider/industry or the working customer enough longevity for the future to implement new radio network investments. We are not aware of any other industry in New Zealand which has to operate in such a commercially restricted environment due to lack of longevity of licence.
9. Issues surrounding the licensing of simplex channels have never been resolved. Meetings were held with Ministry staff several years ago, but agreed outcomes were never implemented.
10. Radio dealers installing channels in radios without approval of licence holders. Obtaining an exclusive radio licence for an area no longer seems to provide any protection from other users setting up and using the frequency.
11. There is a variety of types of equipment being imported into New Zealand and much of it does not meet New Zealand standards. With the introduction of self-declaration it does leave the door wide open for those unscrupulous operators/importers to offer any product to the New Zealand market with the attitude of catch me if you can! We have seen GPS error correction product causing horrific interference via non approved linear amplifiers running on suspect licences in the land mobile sector. We do question the future with this approach. In our view, the Ministry appears too slow to react to a very fast moving technological market.

12. The fee schedule has some serious anomalies. While we recognise that fees are supposed to be related to costs only, it seems strange that low power landmobile repeaters are more expensive than high powered repeaters! The result is that all licenses are now issued as high power, which, of course, must be taken into account by engineers planning new licenses. This is another example of distortions occurring in spectrum management
13. Over collection of radio licensing fees, resulting in growth of the Memorandum Account.

In our view, effective management of the spectrum falling under the Administrative Licensing Regime would ensure more efficient use of the spectrum, free up spectrum, increase revenue and provide sound data for future planning. We suspect that this is unlikely under the existing RSM structure, so therefore suggest that a Crown Owned Authority may provide a better solution for providing effective spectrum management. With the present over collection of fees, there should be no financial barrier to this happening.

We would appreciate the opportunity to meet with you and further explain our concerns.

Yours Faithfully.



Bruce Harding

Chairman

RFUANZ