

5 December 2014

Review of the Radiocommunications Act 1989
Radio Spectrum Management, Policy and Planning
Ministry of Business, Innovation and Employment
PO Box 2847
Wellington 6140



CROSS-SUBMISSIONS TO REVIEW OF RADIOCOMMUNICATIONS ACT

Thank you for the opportunity to make cross submissions on the review of the Radiocommunications Act. We also thank you for the extension to 8 December 2014 to make such cross submission.

It is our intention to make a full and more detailed cross-submission after this deadline, however there are a number of comments which we wish to support and there are others where we wish to strongly record our different views.

We make this interim submission so that you receive our preliminary comments in time for their inclusion in your briefing paper to the Minister.

TeamTalk

We note the most significant departures in our views on the attached table.

Communications Networks Management Ltd

We agree with Mr Goodall's submission and suggest that the Act needs to be amended to make it an offence to do any act that would allow transmission by an unauthorised person.

It is a widespread problem where unskilled people without in-depth knowledge of the radio industry are programming channels, without any risk of penalty to themselves, into equipment that subsequently causes harmful interference to other people. As the radio industry is essentially unregulated we believe that the person perpetrating this bad practice should be penalised rather than the person who is the recipient of this bad, and in some cases unethical, practice.

Orion NZ Ltd

We support the Orion submission.

Note

In regard to tenure of radio licences and the provisions for five-year notification of proposed termination: if licences are to be revoked we think some consideration should be given to the idea of an annually new renewable licence but each renewal giving the licensee the right to use that licence for at least a further five years. We note Orion's comment that the useful life of equipment is greater than five years and we would support a longer period that might possibly be related to the relevant tax depreciation rates.

Telco 2

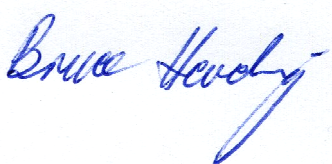
We note the most significant departures in our views on the attached table

Wayne Wedderspoon

We do not support his view that services licensed under the Administrative Radio Licensing Regime should be transitioned to the Management Rights Regime. The Management Rights regime, while providing security for large-scale network operators, has also been shown to create flexibility for them as technological changes occur. We believe the security required by network operators in the Administrative Licensing regime can be provided by other means than Management Rights. Further, to make changes in already heavily used frequency bands would be unnecessarily disruptive and expensive.

We note the most significant departures in our views on the attached table but otherwise support his response to question 12, 25, and 70.

Yours faithfully

A handwritten signature in blue ink that reads "Bruce Harding". The signature is written in a cursive style with a long, sweeping tail on the letter 'g'.

Bruce Harding
Chairman
Radio Frequency Users Association New Zealand

Cross-submission Response Comments where RFUANZ does not agree with Submitter

<u>Submitter</u>	<u>Question</u>	<u>Comment</u>
TeamTalk	12	First in time is an important question of equity and fairness. So long as those first in time are using equipment to the required standards and employing acceptable industry practice, their rights must take precedence. If the solution to a problem requires those in first in time expending money to help the person second in time, then the person second in time should pay.
TeamTalk	13	It is difficult to see how a radio engineer could consider potential future users of spectrum if they do not know what these potential future users are, or the parameters of the future proposal. This also touches on the rights of first in time relating to question 12.
TeamTalk	25	We consider an injunction or other cease and desist mechanism is appropriate particularly in the case where a new licence, even if it is appropriately engineered, adversely affects an existing service, then these provisions are essential for continuation of the existing service while the solution is sought.
TeamTalk	78	<p>We strongly <u>disagree</u> with TeamTalk in that our view is that each transmitter should be licensed separately and that this license should be for a single separate site only.</p> <p>The current situation of multiple transmitters and transmitter locations on a single licence is causing distortion in the marketplace and in the data available to MBIE and understating the current demand for fresh Schedule 6 frequencies. It also makes engineering of new licenses by licensing engineers more difficult. (refer also to the submission by Brian Davis)</p> <p>Initially an All New Zealand license of a single channel could be used in multiple locations by the licensee only- no other licensee could use that channel elsewhere in New Zealand. The new arrangement that seems to have crept in, allows a licensee to pay for one All New Zealand licence but at the same time another licensee can license the channel elsewhere so long as it does not interfere with the All New Zealand licence. This situation has arisen essentially to give a price discount to the All New Zealand licensee.</p> <p>The All New Zealand license is at best an aberration. It should either be abolished or revert to the original intent of being a licence whereby only the licensee can licence that channel anywhere in New Zealand but with the appropriate license fee proportionate to the number of transmitters.</p>

<u>Submitter</u>	<u>Question</u>	<u>Comment</u>
Teamtalk	79	<p>We strongly disagree with TeamTalk's view.</p> <p>The National Operator simply licences the channels they need at the outset and thereby they can have certainty as required.</p> <p>We don't think the current arrangement provides any more security by having multiple locations on the licence.</p> <p>We consider TeamTalk is probably being motivated by the discount received rather than good sound spectrum administration.</p>
Telco 2	12	We believe the principle of first in time should be retained in the Act.
Telco 2	13	We differ to their response refer to question 13 under TeamTalk.
Telco 2	78	<p>We do not agree with this response.</p> <p>All classes of licences should be for transmission from a single transmit location.</p>
Wayne Wedderspoon	77	<p>We disagree that the transitional provisions should be repealed.</p> <p>In fact we think that the Sixth Schedule provisions need to be extended</p>
Wayne Wedderspoon	78	We believe that licences should be from a single transmit a location.