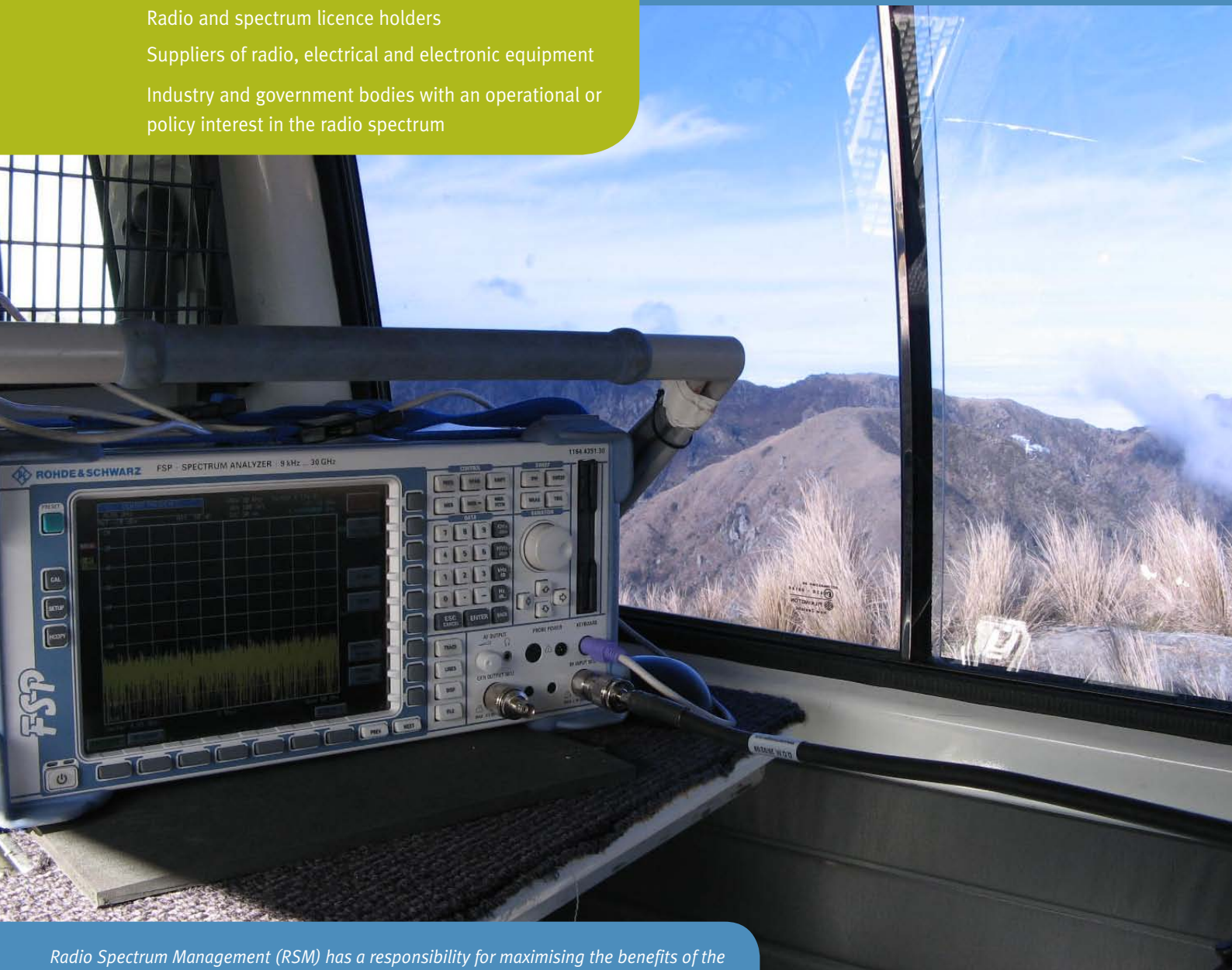


COMPLIANCE GUIDE

FOR USERS OF THE RADIO SPECTRUM
FOR SUPPLIERS OF ELECTRICAL & RADIO PRODUCTS

WHO SHOULD READ IT?

- Radio and spectrum licence holders
- Suppliers of radio, electrical and electronic equipment
- Industry and government bodies with an operational or policy interest in the radio spectrum



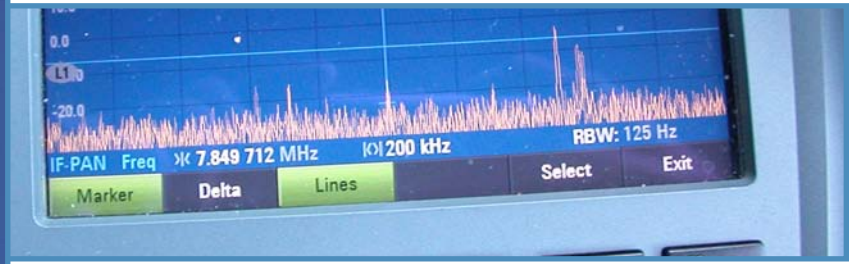
Radio Spectrum Management (RSM) has a responsibility for maximising the benefits of the radio spectrum by ensuring that licensing and product compliance requirements are met.

Please consider the environment before printing.

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DISCLAIMER

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Introduction

WHAT DOES RSM DO?

RSM administers the radio spectrum under the Radiocommunications Act 1989 (the Act), and Regulations and Gazette Notices made under that Act.

We are responsible for the following functions:

- › granting radio licences, registering management rights and spectrum licences
- › investigating interference complaints
- › conducting compliance audit programmes to maximise the value of the spectrum resource.

As part of the Ministry of Economic Development (MED), we facilitate access to the radio spectrum resource to support efficient, reliable and responsive telecommunications and broadcast services.

WHAT IS THIS GUIDE?

RSM has produced this Compliance Guide to give radio spectrum users information about:

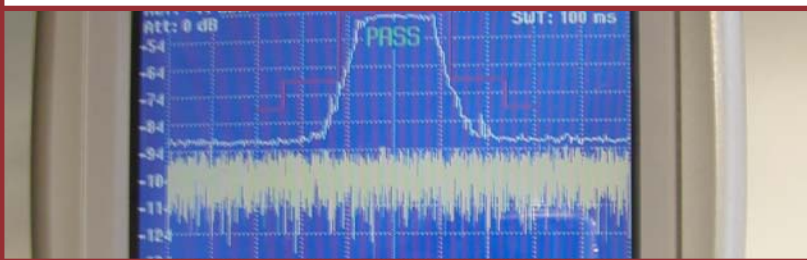
- › compliance requirements
- › compliance audits
- › enforcement.

Use of the information in this Compliance Guide will help you comply with requirements, prevent enforcement actions, and contribute to a clean and useful radio spectrum.

» Handy hints

The information in this Compliance Guide is current as at 17 August 2009 and is intended to be used together with the [RSM website](#).

No information in this Compliance Guide overrides or replaces any requirement specified by the Radiocommunications Act 1989, the Radiocommunications Regulations 2001, or Gazetted Notices made available on the website.



Background to RSM's Compliance Programme

MINIMISING INTERFERENCE

The technology to transmit and receive radio waves (radiocommunications) affects almost every aspect of business and personal life. Cellphones, TV broadcasting, wireless networking, as well as navigation and emergency services all use the radio spectrum. It has become an important economic resource, but its usefulness is diminished by pollution. This is commonly known as “radio frequency interference” (RFI). Apart from natural phenomenon such as thunderstorms there are two main sources:

- › **Electrical products** – also known as “unintentional radiators”. All electrical and electronic products generate a certain amount of “noise” in the radio spectrum. Minimising this noise is commonly known as “electromagnetic compatibility”, or EMC. International EMC technical standards define acceptable levels of this form of RFI. Electrical product RFI is managed through the product compliance framework.
- › **Radio products** – also known as “intentional radiators”. Radio waves may be generated for a variety of purposes, including uses such as microwave ovens, but are generally intended for communications. For the multitude of radiocommunications uses and users to co-exist within the finite radio spectrum, a comprehensive national and international framework of standards, engineering and licensing has been developed. This framework is designed to prevent RFI such as co-channel, adjacent channel, intermodulation

and desensitisation that occur between radio services. Radiocommunications RFI is managed through a frequency licensing framework. Radio transmitters may also generate unwanted emissions, which are managed through the product compliance framework.

FOSTERING BUSINESS GROWTH BY MAINTAINING A CLEAN SPECTRUM

Managing RFI within technically and economically justifiable limits is the primary objective of RSM. As a business unit of the Ministry of Economic Development (MED), RSM fosters economic development for all New Zealanders by making sure the spectrum is clean and maximising its use by ensuring that licensing and product compliance requirements are met.

» Handy hints

RSM's compliance programme is based on:

- › *Radiocommunications Act 1989*
- › *Radiocommunications Regulations 2001*
- › *Radiocommunications Notices and Codes of Practice prescribed in the New Zealand Gazette.*

In this Compliance Guide they are referred to collectively as “statutory requirements”.



RSM'S COMPLIANCE STRATEGY

To support our compliance strategy, RSM has established a dedicated compliance and enforcement team to ensure issues are quickly identified and consistently managed. The role of this team includes:

- › promoting greater industry and public awareness of product compliance requirements, especially in the context of our mutual recognition arrangements with Australia
- › managing audits of manufacturers, importers, and retailers of electrical, electronic and radio products to ensure that they are complying with standards, labelling, and product declaration requirements
- › managing audits of radio transmitters to ensure that transmissions are in accordance with the terms, conditions and restrictions of a licence
- › coordinating follow-up to non-compliance, including the issue of Warning notices and Infringement notices, or prosecution proceedings as appropriate.

›› Handy hints

RSM's compliance programme has four key components:

- › *increasing public awareness of the need for compliance*
- › *proactively auditing product compliance*
- › *proactively auditing licence compliance*
- › *investigating suspected non-compliance and interference cases.*



Product Compliance

WHO MUST COMPLY?

Anyone who makes or supplies electrical, electronic, or radio products to the New Zealand market must ensure their products comply with the established framework. RSM's product standard framework is based on the principle of supplier self-declaration. Suppliers must take responsibility for the products they place on the market, whether they are imported or domestically produced.

FRAMEWORK

RSM's product compliance framework applies to all electrical and electronic products, and most radio transmitters. The key components of the framework are:

- › evidence of conformity with prescribed standards
- › Supplier's Declaration of Conformity (SDoC)
- › product labelling with a compliance mark
- › product labelling with supplier identification (e.g., Supplier Code Number (SCN)).

» Handy hints

Who is a supplier?

- › a New Zealand manufacturer who makes products for supply in New Zealand
- › an importer of products intended for supply in New Zealand
- › a retailer or trader
- › an authorised agent, resident in New Zealand, acting on behalf of a supplier to New Zealand

Retailers should confirm with their suppliers that the mandatory requirements of the framework have been met before offering products for sale.

LEGISLATIVE AND REGULATORY REQUIREMENTS

Mandatory requirements for electrical, electronic, and radio products are prescribed in Gazette Notices. The notices relevant to product compliance are:

- › Compliance Notice – levels of conformity, compliance folders and product labelling
- › EMC Standards Notice – electrical and electronic product technical standards



- › Radio Standards Notice – radiocommunication transmitter technical standards
- › Mutual Recognition Notices – mutual recognition with other countries of test reports, standards, and product labelling
- › Prohibited Equipment Notices – equipment prohibited from supply and use in New Zealand
- › Code of Practice Notices.

These are summarised below, however the actual Notices should be consulted for the definitive requirements.

Electrical & electronic products

Conformity & compliance requirements

The conformity requirements for electrical and electronic products depend on the potential RFI (Radio Frequency Interference) risk of products. There are 3 risk levels:

Level 1 – Low risk products such as resistive elements (heaters), simple switches, and standard light bulbs. The compliance requirements are:

- › product must comply with a Gazetted standard
- › supplier may label with the compliance mark, supplier identification and create a compliance folder containing a product description and an SDoC.

Level 2 – Medium risk products such as household appliances, whiteware, TVs, VCRs, DVD players, power tools, and personal computers. The compliance requirements are:

- › product must comply with a Gazetted standard
- › supplier must label with the compliance mark and supplier identification
- › supplier must create a compliance folder containing an SDoC, a product description and evidence of product compliance.

Level 3 – High risk products such as industrial, scientific and medical equipment (e.g. diathermy machines and radio frequency plastic welders). The compliance requirements are:

- › product must comply with a Gazetted standard
- › supplier must label with the compliance mark and supplier identification
- › supplier must create a compliance folder containing an SDoC, a product description, and an accredited testing body report.

» Handy hints

If Level 1 products have been labelled with a compliance mark, a compliance folder is required.

Level 3 products must be tested by an accredited testing body. A list of New Zealand laboratories is available from [International Accreditation New Zealand](#).



> PRODUCT COMPLIANCE

Exemptions

A product is exempt from the SDoC and labelling requirements (but still must comply with Gazetted standards) if it:

- > has a power consumption not exceeding 6 nano-watts
- > is a spare part
- > is a motor vehicle
- > is military equipment or weapons systems of the New Zealand Defence Force or other cooperating country.

» Handy hint

Some products are illegal to supply or use in New Zealand as prescribed in the Prohibited Equipment Notices.

Radio products

Conformity & compliance requirements

As with electrical products, the conformity requirements for radio products depend on the potential RFI risk of products. There are 3 risk levels:

Level A1 – Low risk products such as garage door openers, baby monitors, wireless-enabled devices, radio controlled toys, and other Short Range Devices (SRD). The compliance requirements are:

- > product must comply with a Gazetted standard

- > supplier must label with a New Zealand SCN
- > supplier must create a compliance folder containing a product description and an SDoC.

Level A2 – Medium risk products such as cordless telephones. The compliance requirements are:

- > product must comply with a Gazetted standard
- > supplier must label with a New Zealand SCN
- > supplier must create a compliance folder containing an SDoC, a product description, and evidence of product compliance.

Level A3 – High risk products such as Citizen Band (CB) radios, Emergency Position Indicating Radio Beacons (EPIRBs), paging systems, and mobile radios. The compliance requirements are:

- > product must comply with a Gazetted standard
- > supplier must label with a New Zealand SCN
- > supplier must create a compliance folder containing an SDoC, a product description, and an accredited testing body report.

» Handy hint

Level A3 products must be tested by an accredited testing body. A list of New Zealand laboratories is available from [International Accreditation New Zealand](#).



Exemptions

A product is exempt from the SDoC and labelling requirements (but still must comply with Gazetted standards) if it:

- › is a Short Range Device (SRD) radio transmitter installed in a vehicle at the time of manufacture
- › is a military radio transmitter of the New Zealand Defence Force or other cooperating country.

›› Handy hints

Mutual recognition with Australia for some radio product categories applies in regard to standards and product labelling. Refer to the Mutual Recognition: Australia and the Radio Standards Notices for details.

Some products are illegal to supply or use in New Zealand as prescribed in the Prohibited Equipment Notices.

THE 6 STEPS TO COMPLIANCE

Step 1: Ensure products meet an appropriate standard

Product standards referred to in the Gazette Notices can be obtained from [Standards New Zealand](#).

The supplier accepts total responsibility for product conformity and needs to make a commercial decision on the level of testing required.

Evidence of Compliance:

- › must show the relevant standards prescribed by RSM that the product has been tested against
- › must show a statement that the product meets the standard(s) to which it has been tested
- › can be from a New Zealand or an overseas test laboratory and must be in English.

›› Handy hint

*All electrical, electronic and radio products **MUST** comply with a relevant standard prescribed by RSM.*



Step 2: Apply for a Supplier Code Number (SCN)

The most widely used and recognised compliance mark is the “C-tick”, a trans-Tasman mark for electrical and electronic products. EMC products marked in New Zealand with a C-tick can be supplied in Australia without further regulatory impediment. A reciprocal arrangement applies to products from Australia supplied into New Zealand.

By applying for a Supplier Code Number (SCN), a supplier gains the right to use the C-tick. The SCN consists of a letter (“Z” if issued to a New Zealand supplier and “N” if issued by the [Australian Communications and Media Authority \(ACMA\)](#) to an Australian supplier) and a unique numerical identifier. It is used on products to identify the supplier holding the compliance folder. Applications for SCNs are available from the [RSM website](#).

C-tick



Handy hints

The C-tick **MUST NOT** be placed on radio products declared to level A (A1, A2 or A3) supplied into New Zealand.

However if the product is marketed in both Australia and New Zealand, and requires the C-tick to satisfy Australian compliance labelling, RSM will not require removal of the mark in New Zealand.

Alternative to the C-tick: RCM



There is also the Regulatory Compliance Mark (RCM) which is an alternative to the C-tick. An RCM mark indicates compliance with all relevant requirements imposed by Standard AS/NZS 4417 including electrical safety (visit [Energy Safety](#) for more information). Registration for use of the RCM is made through [Standards Australia](#).

Alternative to the C-tick: A-tick



The Australian A-tick is applied to telecommunication products meeting the requirements for the C-tick.



Step 3: Complete a Supplier's Declaration of Conformity (SDoC)

The Supplier's Declaration of Conformity (SDoC) is the document signed by the New Zealand supplier or New Zealand agent of an overseas manufacturer to certify that a product meets applicable standards.

An SDoC can be obtained at any time from the [RSM website](#).

- › each product, or significant variation of an existing product, requires an SDoC
- › the SDoC must be signed by a person who has authority to do so for the company or organisation
- › the signatory should have sighted the evidence that supports the SDoC and be satisfied of the grounds for compliance
- › the signed SDoC must be made available upon RSM's request.

If changes to a compliant model are not technically significant (for example, cosmetic only, or do not alter the radiofrequency emission characteristics of the basic model), then the supplier may presume compliance.

The supplier may place variants of a basic device on the market under one SDoC.

The compliance records must include:

- › a signed statement that identifies the variants
- › describes the changes made to the basic model, and
- › the rationale for marketing the device and variants under a single SDoC.

Step 4: Prepare a product description

A product description of the marketed product positively identifies its use, brand name, and model number (at a minimum). The following can help easily identify the product:

- › clear photograph of the product
- › block diagram
- › circuit diagram
- › promotional material
- › service manual
- › operating manual or user guide
- › list of modular pieces or accessories packaged with the product
- › installation manual.

A technical description may also be supplied and includes:

- › performance specifications
- › other information such as printed circuit board revision, software revision or hardware revision.



Step 5: Create a compliance folder

A compliance folder is a collection of documents assembled by the supplier to support the compliance declaration. A compliance folder contains:

- › a product description
- › a signed SDoC
- › a test report or other documented evidence of conformity.

Step 6: Label the product

A label indicates that the product complies with the applicable standards and establishes a traceable link between a product and the supplier responsible for placing it on the market.

The compliance label should be a permanent feature placed on the external surface of the product as near as possible to the model identification.

For electrical, electronic and some radio products, a label consists of:

- › a C-tick with supplier identification; or
- › the RCM with supplier identification
- › a unique supplier identification includes:
 - the Supplier Code Number (SCN) issued by RSM (or the ACMA if the compliance records were prepared in Australia)

- the supplier's registered name and address
- the supplier's registered company number
- the supplier's registered G.S.T. number
- the supplier's registered trademark.

For most radio products, a label consists of:

- › The New Zealand Supplier Code Number (SCN) only.

›› Handy hint

Note that for most radio products supplied in New Zealand, the New Zealand SCN is the required identification, and the C-tick is not used.



FAQs about labelling

Where can I get a copy of the C-tick?

Compliance marks can be downloaded for free from either the [RSM](#) or the [ACMA](#) website.

What can I do if it is not practical to apply the compliance label(s) on the product?

The supplier must use an alternative labelling method which may be:

- › to the outer surface of the packaging or
- › to the instructions for use or
- › to the guarantee or certificates or
- › by showing it on an integral display.

Can I use the C-tick to advertise my products?

RSM encourages manufacturers, importers, and retailers to use the C-tick on advertisements, packaging, displays, warranty forms, instruction leaflets and websites to show that the products comply with the New Zealand EMC regime. Using the C-tick will help consumers select products that pose minimal risk to the radio spectrum.

PRODUCT AUDITS

Why have audits?

Regular EMC audits and inspections of products and suppliers are RSM's proactive way of maintaining the compliance framework, and promoting voluntary compliance. This minimises the likelihood of interference, as well as the costs associated with legal compliance action.

Proactive auditing provides RSM with the opportunity to:

- › ensure that EMC compliance conditions are met
- › promote sound design and engineering of electrical, electronic, and radio products
- › strengthen relationships with the electrical, electronic, and radio product industries
- › maintain the value and usability of the radio frequency spectrum in New Zealand.

Who can be audited?

- › electrical, electronic and radio product importers and manufacturers
- › electrical, electronic and radio product retailers and traders
- › electrical, electronic and radio product agents.



What are the selection criteria?

- › subject of a complaint
- › suppliers of products targeted by compliance risks
- › suppliers of products targeted by interference risks.

The audit process

If you are selected for a compliance folder audit RSM will provide a written notice to you 10 working days before the proposed date of the audit. A Radio Inspector will contact you to arrange a time. Notification may not be given before product labelling audits.

During the audit the Radio Inspector would expect:

- › correct product labelling
- › a correctly completed and signed SDoC
- › a product description that clearly identifies the product
- › a test report or other documented evidence that confirms compliance to the correct standard
- › a product variant statement (if relevant).

Further evidence of satisfactory compliance (e.g. product samples) may be required to verify product compliance.

Outcome of audits

RSM will advise the outcome when all elements of the audit have been considered.

If the audit is deemed unsatisfactory, RSM will advise of the problem requiring remedy and compliance action may include issuing an Infringement notice or prosecution. See the Enforcement section of this Compliance Guide for more information.

APPENDICES

Application for Supplier Code Number (SCN)

Supplier's Declaration of Conformity (SDoC)



Licence Compliance

WHO MUST COMPLY?

Any person, company, or organisation transmitting radio waves may only do so pursuant to the terms and conditions of a licence.

There are three main categories of licences:

- › radio licences
- › spectrum licences
- › general user licences (which are either radio licences or spectrum licences but authorise general rather than specific licensee use).

Details about different types of licences can be found on the [RSM website](#).

Currently the majority of mobile and fixed radiocommunications services are licensed as radio licences. The remainder of radiocommunications and broadcasting services are typically licensed under the spectrum rights framework.

» Handy hint

All licensees must comply with the licence conditions and regulatory framework.

Radio licence holders

Some radio licences are subject to an annual fee. Licences specify the essential technical aspects of permitted transmissions.

Spectrum licence holders

There are three types of spectrum licences:

- › **Type A** – licence to transmit radio waves and to have no harmful interference. This is the most common type of licence
- › **Type B** – licence to transmit radio waves
- › **Type C** – licence to have no harmful interference.

Spectrum licences generally do not specify the equipment or transmission methods used but instead they define an “emission envelope” within which the licence holder is free to operate.

Management right holders

A management right relates to a block of radio frequencies. The owner may grant spectrum licences to frequencies within the block. Management rights do not themselves confer the right to make any transmissions; licences must still be obtained. Management Rights are held by the Crown and Private Managers.



FRAMEWORK

Licence terms, conditions and restrictions

Each licence sets out the requirements under which the licence holder must operate. These keep the radio spectrum clean and usable by limiting interference with other licence holders.

LEGISLATIVE AND REGULATORY REQUIREMENTS

Anyone operating a transmitter not covered by an appropriate licence or which is non-compliant with the licence requirements is offending against the Act. The legal entitlement to transmit begins only when the licence has been granted.

The licensee (or installing agent) should check the details shown on the licence against the actual installation to ensure that they are at all times complying with the terms, conditions and restrictions applicable to that licence.

Failure to pay any required licence fees may result in RSM revoking a radio licence. Licence fee payments may be made online in SMART.

» Handy hints

The Register of Radio Frequencies is the electronic database of licensed frequencies used in New Zealand. Approved radio engineers and certifiers (ARE, ARC) can create and certify licences in real time to update the Register. Licensees are responsible for keeping their records correct in SMART.

Should you no longer need your licence, you can cancel it online in SMART.



LICENCE AUDITS

Why have audits?

Radio licence audits and transmitter site audits are RSM's proactive way of maintaining the integrity of the Register of Radio Frequencies and promoting voluntary compliance. This helps minimise the likelihood of interference and the costs associated with legal compliance actions.

» Handy hints

Proactive auditing provides RSM the opportunity to:

- › *ensure that the transmission is authorised by a licence*
- › *ensure that licence requirements are met*
- › *promote sound management and engineering of radio licences and transmission sites*
- › *strengthen relationships with the radio industry*
- › *maintain the value and usability of the radio frequency spectrum in New Zealand.*

Who can be audited?

Anyone transmitting radio waves can be audited, including:

- › radio licence holders
- › spectrum licence holders
- › users of equipment covered by General User Licences.

What are the selection criteria?

General

RSM will generally target licences and services where non-compliance is considered to be most likely to affect the accuracy of the Register and endanger the planning of future licences as well as increasing the risk of interference to existing services. Other criteria used to target specific audits are:

- › monitoring or other information indicates an unlicensed operation
- › an interference investigation indicates operation of unlicensed or faulty equipment
- › a previous record of non-compliance with licence conditions or interference history exists
- › a complaint is received
- › other audits are selected at random to maintain a level of assurance in the compliance level of all services.



High risk licences

Licences regarded as “High Risk” have an increased potential to cause interference to other radio services.

There are a number of factors that may result in a licence or a class of licence being considered high risk. These factors may include, but are not limited to, high power, coverage area, previous non-compliance, previous interference issues, etc. An increased number of these high risk transmitters will be audited.

At risk sites

Radio sites which have large numbers of communication services have been identified as being at a greater risk of suffering interference. Increased numbers of transmitters operating at these sites may be audited where interference has been an issue.

The audit process

Where practicable audits will be made using radiated (over-the-air) measurements.

If the permission of a land or property owner is necessary to gain access to the property where the transmitters are located, the Radio Inspector will either arrange that permission directly or will ask the licensee to do so.

If a risk to radiocommunications has been identified, then the Radio Inspector may decide to conduct an immediate audit. These spot audits are designed to mitigate interference to the radio spectrum, while optimising use of RSM compliance resources and maintaining the integrity of the compliance framework.

Where harmful interference is occurring or is considered likely, the Radio Inspector may at the time of the investigation, request the licensee to cease the transmission immediately. Subsequent action will follow enforcement procedures.

If a coupled measurement is needed, the Radio Inspector may ask you to take equipment off air during the audit. No equipment will be disconnected unless the licensee or agent consents to this requirement.

Checklist

✓ **If you are asked to provide access for an audit, your checklist should include:**

- Do you have a current licence?
- Is the transmitter located at the stipulated licensed location?
- Are all licence conditions complied with, including frequency, power, bandwidth, emission type, antenna polarisation, radiation pattern, antenna directivity (if applicable) and number of sets?
- Is site access available?
- Are there any safety issues to be considered?
- Have any other affected parties (site owner, co-users) been notified?



Outcome of audits

RSM will advise the outcome when all elements of the audit have been considered.

If the audit is deemed unsatisfactory, RSM will advise of the problem requiring remedy. Compliance action may include issuing an Infringement notice or prosecution.

See the Enforcement section of this Compliance Guide for more information.



Enforcement

ASSESSMENT

The RSM Compliance Officer evaluates evidence of non-compliance observed by Radio Inspectors during audits and interference investigations.

A determination is made based on that evidence, as to whether a Warning notice or an Infringement notice is the most appropriate action. A variety of factors are considered for their effect on the radiocommunications environment, including:

- › effect on safety services
- › impact on the licensing system
- › impact on radiocommunication users
- › impact on businesses involved
- › whether the non-compliance results from a fault or from manufacturer/supplier/installer/user action
- › whether there is a previous history or continuation of offending
- › the level of cooperation during investigation and efforts made to resolve any issues.

To maintain consistency precedent cases are also considered.

The Compliance Officer will also consider what action(s) may be necessary to correct the non-compliance. The responsible party will be advised in writing of the action required to correct the non-compliance, either by means of the Notice, or an associated letter.

›› Handy hint

When setting the date for correcting a problem the Compliance Officer considers the impact of non-compliance on radio users and associated industry, as well as the resourcing issues involved in the required action. If you cannot meet the timing set for corrective action, contact the Compliance Officer as soon as possible so that the situation may be reviewed.



WARNING NOTICES

A Warning notice will outline:

- › the offence observed
- › the corrective action required
- › a date by which corrective action must be taken.

The notice may be accompanied by a Declaration of Compliance form, to be used to confirm to RSM that the required corrective action has been completed. This must be signed and returned to RSM by the required date, unless prior arrangements have been made with the Compliance Officer regarding extension of the correction period.

A follow-up audit may be made to monitor and maintain the integrity of the declaration process. If corrective action is not taken within the specified timeframe, RSM will take further action such as issuing an Infringement notice or prosecution.

INFRINGEMENT NOTICES

An Infringement notice will be issued in the form specified in the Regulations, and will outline:

- › the relevant infringement offence
- › your rights and obligations
- › the amount of the Infringement fee
- › the address for payment of the Infringement fee.

Paying an Infringement fee will not exempt you from carrying out any corrective action.

Carrying out required corrective action will not exempt you from paying an Infringement fee. Continuing to commit an offence may result in further notices or prosecution.

›› Handy hint

Infringement notices do not require a preliminary warning.

While an Infringement notice may follow from an unresolved Warning notice, there is no requirement to give a Warning notice first.

If the impact assessment by the Compliance Officer indicates that the effect of the non-compliant situation is sufficiently serious, or a previous history of non-compliance exists, an Infringement notice may be issued directly following an investigation.

Some breaches of the Radiocommunications Act are not covered by the Infringement Offence provisions, and RSM may pursue a prosecution for these. One such breach is the recording, reproduction or use of radiocommunications intended for other persons.



Infringement Offences and Fees

Infringement notices are accompanied by Infringement fees. The notice applies to the observed instance of non-compliance and corrective action will still be necessary within the timeframe specified by RSM to avoid issuance of further notices or prosecution for continued offences.

Notices include an explanation of the recipient's responsibilities and rights so should be read carefully and advice sought if necessary.

The following are applicable offences and related fees (per infringement) under the Regulations:

INFRINGEMENT OFFENCE

Installing, using, selling, distributing or manufacturing products:

- *without a Supplier's Declaration of Conformity (SDoC) or exemption from the requirement to make a declaration of conformity, or*
- *that don't comply with a prescribed standard, or*
- *that don't comply with a prescribed code of practice, or*
- *that are prohibited, or*
- *recalled by the Minister*

INDIVIDUALS: \$250 **BODY CORPORATE*:** \$1,250

INFRINGEMENT OFFENCE

Using a radio transmitter other than in accordance with a radio licence, a general user licence or an exemption granted by the chief executive under the regulations, or a registered spectrum licence.

INDIVIDUALS: \$250 **BODY CORPORATE*:** \$1,250

INFRINGEMENT OFFENCE

Failing to comply with a notice or requirement of the chief executive.

INDIVIDUALS: \$350 **BODY CORPORATE*:** \$1,700

INFRINGEMENT OFFENCE

False declaration and/or labelling.

INDIVIDUALS: \$350 **BODY CORPORATE*:** \$1,700

* Bodies Corporate include (but are not limited to) organisations such as companies, incorporated societies and charitable trust boards.



FURTHER ACTIONS

Product offences

Where an offence relates to products that do not comply with an applicable standard or code of practice, or which have been declared to be prohibited equipment, corrective actions may include:

- › ceasing the use, sale, distribution or manufacture of the product
- › recalling the product
- › refunding the price of the product to any purchaser.

» Handy hint

The offender is responsible for the costs of all corrective actions.

Prosecutions

RSM may take prosecution action instead of issuing an Infringement notice when this is considered necessary for deterrent effect or when an Infringement notice has not achieved correction of a non-compliance situation.

Every person who commits an offence shall be liable on summary conviction to a fine not exceeding:

- › \$30,000 in the case of an individual
- › \$200,000 in the case of a company or other body corporate.

A successful prosecution can also lead to the forfeiture of equipment that is used in commission of an offence.

If RSM decides to pursue a court prosecution, a search warrant may be applied for and executed to obtain evidence, which may include removing equipment or documents.


» Handy hint

A further fine of an amount not exceeding \$1,000 for every day or part of a day during which the offence has continued may also be imposed.

ADDITIONAL RESOURCES

In this booklet we refer to a number of other publications and resources which you should also consult for comprehensive and detailed information.

| Resource | Available From |
|---|---|
| Radiocommunications Act 1989 | Free online at www.legislation.govt.nz or purchase from bookstores that supply government publications |
| Radiocommunications Regulations 2001 | Free online at www.legislation.govt.nz or purchase from bookstores that supply government publications |
| Gazette Notices | RSM website www.rsm.govt.nz |
| Radio Frequency Interference (RFI) Investigation and Resolution Guide | Free online at www.rsm.govt.nz |
| Television and Radio Interference – Your guide to better reception (PIB 9A) | Free online at www.rsm.govt.nz |
| Standards New Zealand | www.standards.co.nz |
| Standards Australia | www.standards.org.au |
| International Accreditation New Zealand | www.ianz.govt.nz |
| RSM website for information about the components of this Compliance Guide, the radio spectrum, licensing, spectrum policy and planning and more | www.rsm.govt.nz/cms/compliance/licence-compliance |
| Australian Communications and Media Authority (ACMA) website for information about Australian requirements | www.acma.gov.au |
| Energy Safety | www.energysafety.govt.nz |
| SMART (Spectrum Management And Registration Technology) | www.rsm.govt.nz/smart-web/smart/page/-smart/WelcomePage.wdk |



Your efforts to comply with the requirements will help New Zealand achieve maximum benefit from the radio spectrum.

RADIO SPECTRUM MANAGEMENT (RSM)

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