

Improving security of tenure for radio licences - 9 April 2008

Media statement from Hon David Cunliffe, Minister for Communications and Information Technology.

The government has introduced new measures to strengthen security of tenure arrangements for radio licence holders, Communications and Information Technology Minister David Cunliffe announced today.

“A number of amendments to the radio regulations have been made to improve security of tenure arrangements for radio licensees and to provide greater clarity and surety for licence holders.

“The changes relate to circumstances when it is necessary to revoke a licence or move it to a different frequency to promote greater efficiency in the use of radio spectrum or to accommodate new technologies,” said Mr Cunliffe.

The regulations now include a provision for licensees to be given five years’ notice of any intention by government to discontinue their licences.

“In some cases the government may need to discontinue a licence within a five year period. For these circumstances, we have approved a transition policy. This requires the Ministry of Economic Development to consult with licensees and to provide, where possible, a replacement licence that conforms as closely as possible to the original.

The policy also contains a provision for compensation in cases of exceptional financial hardship caused by shifting to another frequency.

The changes announced today follow consultation with radio licence holders in 2007.

Background

The power to revoke, suspend or modify radio licences rests with the Chief Executive of the Ministry of Economic Development, as licensing authority.

Licences may be revoked without notice for reasons that include lack of use, a breach of licence conditions, a breach of the Radiocommunications Act or Radio Regulations, or a failure to pay licence fees and charges.

Licences may also be revoked for reasons of public interest, including: mitigation of interference, conversion of a radio licence band to a management right, band replanning, public safety and national security, and to meet international treaty obligations.

The five-year period of notice, and the transition policy for licences where less than five years’ notice is given, applies only to licences revoked for reasons of public interest.